The Forty-ninth Meeting of the Council was held in the Solar Room, 170 Queen's Gate at 10:00 a.m. on Friday, 23rd March 2007, when there were present:

The Lord Kerr of Kinlochard (Chairman), Professor D.K.H. Begg, Mrs. P. Couttie, Sir Peter Gershon, Mr. B. Gidoomal, Dr. G.G. Gray, Ms. C. Griffiths, Professor Dame Julia Higgins, Professor R.I. Kitney, Dr. M.P. Knight, Professor Sir Peter Knight, Mr. J. Newsum, Ms. K. Owen, Professor S.K. Smith, Dr. D.J. Wilbraham, the Baroness Wilcox, the Rector, the Deputy Rector and the President of the Imperial College Union, together with the Clerk to the Court and Council.

In attendance: The Assistant Clerk to the Court and Council.

MINUTES

Council – 24th November 2006

1. The Minutes of the Forty-eighth Meeting of the Council, held on 24th November 2006, were taken as read, confirmed and signed.

MATTERS ARISING

The Supplemental Charter and Statutes (Minutes 22 - 25 refer)

2. The Clerk updated Governors on progress with the approval of the College’s proposed Supplemental Charter and Statutes. He reported that everything was proceeding according to plan and the Privy Council Office had not received any Petitions against the grant of the Charter when the Gazetting period ended on 21 March. It was hoped that the Charter would be granted at a meeting of the Privy Council on 4 April.

Secession from the University of London

3. The Rector said that the arrangements for secession were proceeding well and that everything was in place for the College to leave the University on its Centenary, 8 July 2007.

4. Mr Gidoomal asked whether the break from the University of London would affect the Imperial College Union (ICU), particularly in relation to the new requirements on students’ unions set out in the recent Charities Act.
5. The President of the ICU, Mr. Collins, said that the University of London Union provided access to some additional clubs and societies for Imperial students, arranged sporting fixtures and also provided a body for national representation on student issues. One of the ICU’s main concerns in the negotiations on the College leaving the University had been to ensure that these arrangements could either continue or be replaced at the College. He was pleased to be able to confirm that the ICU had managed to secure Imperial’s continued participation in the University of London Union’s sporting leagues and cup fixtures. Finally, he said, following a very close vote, the ICU had agreed to join the National Union of Students (NUS), which would now provide it with access to national representation.

6. Turning to the impact of the Charities Act, Mr. Collins noted that it required students’ unions to register with the Charity Commission separately from their parent universities. However, the ICU was unique amongst students’ unions, in that the College’s Statutes stated that it should “for all purposes be treated solely as an integral part of the College”, whereas all other unions were clearly distinct from their parent institutions. This unique position meant that the Union’s governance arrangements had to be thought through carefully to ensure that they remained consistent both with primary legislation and with the College’s Charter. He said that the Chairman, the Rector, the Clerk and he had been considering these issues and were trying to determine the best way forward. To this end, both the College and the Union, supported by the NUS, had separately sought Counsel’s opinion on the ICU’s status and whether it would be required to register with the Charity Commission. Almost inevitably, the two opinions differed in some key respects and the Union and the College were now working with the two Counsels to resolve these differences. Once this had been achieved, the way forward would be much clearer and he expected that it would be possible to present the Union’s new governance structure, and the resulting amendments to the ICU’s Constitution and Memorandum of Understanding with the College, for approval at the next Council meeting in July.

7. The Clerk added that there were, in fact, two strands in the College’s discussions with the Union. The first, which Mr Collins had just described, concerned its current and future legal status, the governance model it would need as a result and the question of whether or not it would be required to register with the Charity Commission. The second strand was concerned with improving the support given to the Union on finance, HR, IT and estates issues and work on this was proceeding in parallel. The Chairman commented that he was convinced that the provision of increased support would be in the interests of both the Union and the College; and he congratulated Mr. Collins on his successful handling of the negotiations with the University of London Union.

CHAIRMAN’S BUSINESS

Oral Report on the Work of the Search Committee for the Next Rector

8. The Chairman reported that the Search Committee had now met three times and its work was proceeding apace. A firm of head hunters had been appointed and appropriate advertisements placed in the national media. Although staff were well represented on the Search Committee, with both Professor Sir Ara Darzi and Professor Kitney serving as members, College staff and students had also been encouraged to put their views forward. The Committee had received over 80 suggestions for candidates from these various sources and it was very encouraging that many excellent individuals had expressed interest in the position. The Committee’s problem was not in having enough good candidates, but rather in trying
to reduce this number to more manageable levels.

9. The Chairman then said that the Committee was still in a relatively open phase of its business. However, once it had agreed a shortlist and started to interview potential candidates, its business would necessarily become confidential and he would not be able to report on progress except in the most general terms. Concluding his Report, he said that the search was proceeding well and he was confident that he would be in a position to make a recommendation to Council in June or early July so that a public announcement could be made before the College’s Centenary.

To Ratify the Suspension of Academic Regulations by Chairman’s Action (Paper A)

10. The Chairman presented Paper A, confirming that he had agreed to a suspension of the College’s Academic Regulations to allow a student in the Faculty of Medicine to repeat the first year of his course for a second time.

Resolved: That the suspension of Paragraph 13.7.2 of the Academic Regulations made by Chairman’s Action on behalf of the Council on 3 December 2006 be approved.

RECTOR’S BUSINESS

Staff Matters (Paper B)

11. The Rector formally presented Paper B, which was received for information.

Oral Report by the Rector

12. The Rector said that he was pleased to report that Professor John Wood, currently Chief Executive of the Council for the Central Laboratory of the Research Councils, had been appointed as the next Principal of the Faculty of Engineering and would join Imperial in late Summer, officially succeeding Professor Dame Julia Higgins as the Faculty Principal at the start of the 2007-08 session. The Rector then remarked that there had been an unprecedented increase in the recruitment of senior academics in advance of the Research Assessment Exercise (RAE) census date. There had also been a significant increase in the number of staff being submitted or submitting themselves for promotion - up 40% on previous years.

13. Moving on, the Rector announced that the College had received the Best of British Supporter of Industry Award, which was intended to honour organisations that proactively engage with industry and provide it with the resources and support that make a demonstrable difference. Imperial had been the only academic institution on the shortlist for this Award. In addition to this, he said, young researchers from Imperial had won two awards at the Biotechnology Young Entrepreneurs Scheme in December. The College team had developed a business plan for a fictional company, based on technology which used short DNA sequences called aptamers to perform rapid microbial diagnostics.

14. Another College recipient of an award was Dr Darlington Okonko, who had won the annual Samuel A Levine Young Clinical Investigator Award for his research into the causes and treatments of anaemia in patients with chronic heart failure. An international team of experts had also judged the biomedical research conducted at the Hammersmith Hospitals NHS Trust, St Mary’s NHS Trust and the College to be...
amongst the very best in the country. The two Hospitals had been granted the status of a comprehensive Biomedical Research Centre. Such centres would be leaders in translating scientific research into benefits for patients, with Imperial’s academic clinicians working with their NHS colleagues to take research from the bench to the bedside.

15. The Rector then reported that Emeritus Professor Malcolm Green had been made a Knight Bachelor for services to medicine in the New Year’s Honours List, while Professor Jeffrey Waage had received an OBE for services to science.

16. Turning to other matters, the Rector said that HRH Prince Charles and HRH the Duchess of Cornwall had recently visited the Imperial College London Diabetes Centre, based in Abu Dhabi. The United Arab Emirates (UAE) had the second highest prevalence of diabetes in the world with more than 20% of those aged 20 to 79 with the condition, while a similar percentage of the population was prone to the disease. Allied to the Centre was the Diabetes Knowledge Action Campaign, a public health awareness campaign aimed at fighting diabetes in the UAE which focused on informing people about diabetes prevention and symptoms and how changes to lifestyle could help.

17. He was also pleased to announce that Jeremy and Hannelore Grantham had recently agreed a generous donation of £12.8M over 10 years to establish the Grantham Institute for Climate Change to be based at the College. This was the largest private donation given to climate change in the UK and would contribute to the world’s response to climate change by stimulating a research drive to develop mitigation techniques, and by impacting directly on public and private policy. The College had also joined forces with Royal Dutch Shell to present the Shell Imperial Grand Challenge Programme on Clean Fossil Fuels, which would focus on developing processes that would enhance extraction of difficult hydrocarbons with minimal release of greenhouse gases. The Programme would examine processes from the extraction stage through to downstream delivery of energy and chemicals to the consumer.

18. Turning to the College’s proposed Academic Health Science Centre (AHSC), he said another key step forward had recently been taken. He reminded members that the Hammersmith Hospitals NHS Trust, the College and the St. Mary’s Hospital NHS Trust had together been exploring a proposal to create an AHSC and that its creation would be subject to a successful public consultation on the merging of the two Trusts. The Principal of the Faculty of Medicine, Professor Smith, who was leading the College’s initiative, would report in more detail later in the meeting.

19. The Rector then reported that a new MRC Centre for Outbreak Analysis and Modelling was to be set up. The £6M Centre, which would be funded jointly by the MRC and the College, would analyse new outbreaks of existing diseases, such as polio, and those infections which might pose a serious threat in the future, such as H5N1 avian flu. The Centre would work closely with governments and health organisations across the world to help them plan and devise policies for dealing with potential future pandemics. The College together with the Universities of Cambridge and Oxford had also been awarded a £6M grant from the Engineering and Physical Sciences Research Council (EPSRC) to enable physicists from all three institutions to explore the basic ideas and applications of quantum coherence, which came into play when systems approached the size of atoms or smaller. Finally, the Rector said that a new research chair was to be set up at Imperial, sponsored by the engineering company ABB under the Royal Academy of Engineering Research Chairs Scheme. Its focus would be on improving efficiency in currently installed process plants.
20. The Rector then updated members on the BP Biofuels bid. BP had finally decided to place the Energy Biosciences Institute at the University of California Berkeley, in partnership with the Lawrence Berkeley National Laboratory and the University of Illinois at Urbana-Champaign. Although the College’s bid had ultimately been unsuccessful, the process of preparing it had been a very useful one, which had provided a focus for College work in this area and had also established a number of useful external contacts. The College had therefore decided to continue to work in this field and had agreed to allocate £1M to ensure that momentum was maintained on this initiative. Ms. Owen asked if the College had received any feedback from BP on the reasons its bid had not been successful. The Rector replied that BP had not as yet provided any formal feedback to any of the institutions which had been invited to bid, although he noted that the political and other pressures on BP to place the Institute at an American university were well known.

College Centenary

21. Ending his Report, the Rector said that the Centenary celebrations were continuing, the most recent event being a Centenary Campaign cultivation dinner which he had hosted and which had been attended by 30 major donors. He was pleased to say that donations to the Student Opportunities Fund now exceeded £1M, while the preparations for the Centenary Ball were progressing on schedule. However, the main Centenary event would be the visit of HM The Queen on 9 July when the College’s first Honorary Degrees would be awarded. This would also be the first occasion on which the College’s new academic robes would be used. The Rector then reminded members that in 1853 Sir William Perkin had, at the age of 18, discovered the first aniline dye, mauveine. Sir William had studied at the Royal College of Chemistry, which later formed one of the founding constituent colleges of Imperial College. His discovery was hugely influential in that it showed that science and commerce could co-exist and was also largely responsible for the creation of the chemical dye industry across Europe. In choosing a design for its new robes, the College had decided to honour him and his part in the College’s history by using the colour mauveine on all its undergraduate and postgraduate gowns. The Rector added that the College was the only academic institution in the country which would be using this colour in its academic dress. The Council was then shown an example of a PhD gown.

22. Professor Dame Julia Higgins said that she had recently been discussing the Centenary Campaign with an alumnus of the College who had been approached as part of the Campaign. He had praised the professionalism of the approach, which he said had made him feel as if he was still very much a valued member of the College.

The Appointment of the College Secretary and the Clerk to the Court and Council

23. Introducing the next item, the Chairman said that Mr. Tony Mitcheson would be retiring from his position as the College Secretary and Clerk to the Court and Council in the Autumn. He reminded members that, under the College’s Statutes both of these appointments were made formally by the Council on the recommendation of the Rector. As Mr. Mitcheson would remain as the Clerk until December and therefore serve for three more Council meetings the Chairman did not feel that a formal resolution of this issue was required as yet. Nevertheless, he asked the Rector to set out the proposed approach.

24. The Rector said that he had been considering this for some time and that, in advance of Mr. Mitcheson’s retirement, some of his responsibilities as College Secretary, such as safety and disaster planning, were being reassigned within the College. This
would allow the current Director of Strategy and Planning, Dr. Rodney Eastwood, to take on the remaining College Secretary duties while retaining overall responsibility for strategy. Dr. Eastwood had been in the College for nearly 20 years, had an excellent understanding of its history and culture and was, the Rector said, an excellent candidate to succeed Mr. Mitcheson as College Secretary and Clerk to the Court and Council. The Chairman noted that Mr. Mitcheson’s retirement was a matter of regret for the Council; but that the succession plan had its informal approval.

Report on the Faculty of Engineering

25. The Principal of the Faculty of Engineering, Professor Dame Julia Higgins, gave an oral report on recent developments in her Faculty, concentrating on the EnVision 2010 initiative, which had been launched in January. EnVision 2010 focused on the way the Faculty educated engineering undergraduates and prepared them for their future careers. It aimed to build on the Faculty’s already excellent international reputation to improve and develop the staff and student experience and set a benchmark for excellence in engineering education across the world. The initiative had grown out of the Faculty’s consciousness that science and engineering subjects were declining in popularity at A level in the UK, while many engineering graduates were choosing to work in the City rather than use their training as engineers. In response the Faculty had developed the EnVision initiative to make engineering more attractive and relevant to the new generation of students; establish scholarships programmes to support the best students; develop new approaches to teaching and learning and reward excellent teachers; provide an inspiring physical environment within the College and provide a framework for undergraduate projects.

26. One of the main strands within EnVision was the desire to increase the amount of practical project work in engineering degree courses. An example of this was the Racing Green Project, which brought students together from across the Faculty to design, build and race a zero-emission fuel cell car. This Project, which involved students and staff from six departments in the Faculty, would also increase the exposure of undergraduate students to cutting edge fuel cell research. Envision would also help the Departments to meet the objectives of the Bologna process.

27. Baroness Wilcox asked if the Business School was also involved in the delivery of engineering education. Dame Julia Higgins said that, because the Business School did not have any undergraduate courses, it was not directly involved in EnVision 2010, which was particularly concerned with undergraduate education. However, she said, all engineering courses included a significant business component that was delivered by staff from the Business School. Continuing with her Report, Dame Julia then said that another project involved the designing of Paediatric Orthopaedic Devices suitable for, and sustainable in, developing countries. These would be designed and built by teams of 2nd year Bioengineering students as part of their course work. It was thought that this Project would appeal, in particular, to female engineering students as research showed that many of them were particularly motivated by a desire to make a difference to the world around them.

28. The next challenge, she continued, was to change the learning space and modes of teaching delivery within the Faculty to facilitate these new approaches and projects. As an example of this, she said that the Faculty was creating an exhibition space, suitable for various project demonstrations.

29. Ms. Owen asked how staff were responding to these changes, and in particular the incorporation of more experiential learning. Dame Julia Higgins said that most staff
welcomed the changes. However, it was important not to try and impose them from
the top, but rather to encourage staff to recognise, share and adopt best practice.

30. Sir Peter Gershon asked how the Faculty expected to perform in the next RAE.
Dame Julia said that she was very pleased with what she had seen so far of
departmental preparations. There were very few staff who would not be submitted,
and those who were being submitted were all of high quality. This showed that all
the Engineering Departments had significant strength in depth. She was, she said,
confident that the Faculty would do well in the RAE; indeed, she believed that the
changes to the assessment process whereby each researcher would now be rated
individually would benefit the College because most of its staff were operating at, or
close to, the leading edge.

31. Ms. Griffiths asked whether the Faculty's relationship with industry would change as
a result of the shift in focus towards more practical work in engineering degrees.
Dame Julia said that the Departments all had many links with industry and that in
general these would be strengthened by these changes as students would now
spend more time working in industry as part of their course. To this end, industry had
been involved in the development of the EnVision initiative and had been heavily
represented at its launch.

32. The President of the ICU, Mr. Collins, commended the initiative, saying that he had
been involved with it at its inception. He asked what the project timescales were.
Dame Julia said that funding had been secured for its first two years, but that she
expected it to continue for several more years beyond this. Mr. Collins asked if the
barriers to students undertaking cross-departmental projects would be removed as a
result of EnVision. Dame Julia said that Departments were considering the scope for
collaboration, but that differing departmental timetables could present problems.
One possible solution was to have the projects taking place during the summer
period. However, she said, these barriers were already breaking down; for instance,
the Racing Green Project involved staff and students from six different departments.

33. The Chairman noted that the initiative would have beneficial implications for the
College and its response to the Bologna process. He suggested that Council
members might welcome a briefing report on the latest Bologna directives and their
implications for the College; he asked the Clerk to arrange for such a report to be
presented at the Council's next meeting in July.

Report on the Faculty of Natural Sciences

34. For his Report on developments in the Faculty of Natural Sciences, Professor Sir
Peter Knight concentrated on the Grantham Institute for Climate Change. The
Faculty's Strategic Plan had, he said, already highlighted the need to increase the
ways in which science could improve the environment and respond to the challenge
of climate change and this had been given a huge boost with the £12.8M donation
from the Grantham Foundation for the Protection of the Environment to fund the new
Institute. There were over 100 academics already working on climate change issues
right across Imperial and the Institute would provide a central focus for coordinating
and consolidating this work. Its research strategy would, in particular, build upon
Imperial's expertise in the quantitative measuring and modelling of climate change
and its global consequences. This would allow the College to contribute towards the
strategic planning of the world's response, through the development of mitigation
technologies and by impacting on public and private policy. Sir Peter said the
Faculty was close to identifying a high-profile Director for the Centre, while work on
providing a location for the Centre in the middle of the South Kensington Campus
had already started. All of the Faculties and the Business School were fully engaged with, and supportive of, the Centre. The Centre had also excited interest both inside and outside the College and would also link with the work the College was undertaking on Biofuels, which the Rector had referred to earlier (although these would not include ethanol, which produced high levels of nitrous oxide, an even more dangerous greenhouse gas than CO₂). The Centre would also tie in with the work of the Energy Futures Lab in the Engineering Faculty.

35. Sir Peter then said that Jeremy and Hannelore Grantham had spoken to two American universities about making a donation to support research into climate change before coming to Imperial. However, the College had been the first institution at which they had spoken to the scientists who would be undertaking the research; at the other institutions they had only been introduced to fund-raisers. This underlined the importance of getting academics involved in fund-raising because they were more likely to enthuse donors.

36. Moving on, Sir Peter said that it looked as if Natural Sciences would do well in the next RAE. In particular, the changes being introduced in this RAE, to which Dame Julia had already alluded, were likely to benefit the College, because of its strength in depth. He therefore expected that the eventual outcome would see Natural Sciences in a stronger position than before.

37. Dr. Gray welcomed the news of the Grantham Foundation’s support for the Climate Change Centre and asked what the latter’s prospects were for receiving additional funding from other sources. Sir Peter replied that, given the global focus on the importance of climate change, he felt that the Centre would be able to secure its long term future; the Natural Environment Research Council (NERC) was already re-aligning its strategies to boost support for research into climate change, so he believed the Centre would be successful in obtaining additional funding from this source. It was also likely that the Centre’s focus would be attractive to industry and that it would also secure industrial research funding.

38. Mr. Newsum agreed that funding in this area was likely to increase, but he noted that, because of this interest, it would be a focus for other universities and organisations. He asked whether the Centre would be competing against or collaborating with such other organisations. Sir Peter replied that the Centre would seek to partner with other organisations where appropriate. For example, the Met Office was also conducting research in this area, concentrating in particular on the computer modelling of climate change. The Centre would not try to compete against the Met Office in this area, but would instead look at the potential impacts of climate change.

39. Sir Peter then commented that the Faculty was also working with the Facilities Management and Estates Major Projects Divisions to see how Imperial’s own use of energy could be made more eco-friendly and whether some of the technologies being developed in the College could help in this regard. The Chief Operating Officer, Dr. Martin Knight, confirmed that the Support Services were keen to develop initiatives in this area and, indeed, were incorporating environmental controls and measures in new and refurbished buildings. He doubted that the College could ever be carbon-neutral given the amount of power it needed, but it was working to use that power much more efficiently.
Report on the Tanaka Business School

40. Beginning his Report, Professor Begg said that it was clear from the other reports that interdisciplinary research within and between the Faculties was now fully embedded across the College; indeed, it was a particular strength for Imperial and one in which the Business School also played a full part. The School would be launching the Rajiv Gandhi Centre for Innovation and Entrepreneurship in October. The Centre, which was named in memory of Rajiv Gandhi, late Indian Prime Minister, Imperial alumnus and an enthusiast for innovation, was intended to make the most of the challenges and opportunities offered by the Indian market, one of the fastest growing economies in the world. The Centre would focus on entrepreneurship and would aim to create many hubs across India to link in with the main hub at South Kensington. Links had already been established with major companies in India and the UK and he hoped that many more would follow. Businesses in India were especially interested in technology transfer and Imperial’s experience in this area would be invaluable. It would also be increasingly important for multinational and other smaller companies to have investments in India or business relationships with that country and the links established through the Centre would assist British companies in this regard. This was, he said, a very exciting development for the Business School.

41. Turning to the RAE, Professor Begg said that the Business School had not done well in the previous exercise and that one of his major objectives had been to improve this situation. Since his appointment as Principal, about two-thirds of the staff of the School had changed and a particular priority of his had been to ensure that only high quality staff were recruited. The number of research grants obtained had increased dramatically and the School now received five times as many grants per member of staff as similar staff at Oxford and Cambridge. He was therefore confident that the School would do well in the RAE and would certainly improve its position considerably. Professor Kitney said that he had worked closely with the Business School on its appointments; although it was often a challenge to find the right recruits, he felt the School had been very successful in appointing some very high quality individuals.

Report on the Faculty of Medicine

42. For his Report, the Principal of the Faculty of Medicine, Professor Smith, concentrated on developments with the proposed Academic Health Sciences Centre. This was progressing well and the merger of the Hammersmith Hospitals NHS Trust and the St. Mary’s Hospital NHS Trust was proceeding on schedule. He had now been appointed as the Senior Responsible Owner (SRO) with a particular responsibility to ensure that the merger was completed on time. The public consultation period on the merger would commence in April, following which the Secretary of State for Health would have to give her approval for the merger to go ahead. As there was already very strong high level support in Government as well as in the NHS and the Department of Health for the College’s proposals, it was hoped that this would not be too difficult and that the merger could be completed by the Autumn. Following merger, the next step would be to establish the new Trust and apply for Foundation Trust status in October. The Trust would be a Section 5 Academic Foundation Trust, as this would allow the Department of Health to assign all of the Trust’s assets to Imperial, which would then be responsible for all matters to do with the Trust. This would be the first such Trust in the Country, although Oxford, King’s College London and University College London were now following Imperial’s example and investigating the possibilities for creating their own comparable centres.
43. Mrs. Couttie asked how the current Trusts viewed the College’s proposals. Professor Smith acknowledged that some members of the Trusts’ administrations had some difficulties with the proposals, not least because their own positions could be jeopardised. However, there was a general recognition of the significant benefits the AHSC would bring to both Trusts and there was very strong support from the NHS and from the clinicians at the Hospitals. He agreed that ensuring continuity of operations during a merger was a risk, but he assured the Council that the merger Steering Committee was aware of, and was managing, these risks.

44. Dr. Wilbraham asked who would own the new body. Professor Smith replied that the merged Trust would still be an NHS Trust and therefore answerable to the Department of Health. As he had already noted, once it gained Foundation Trust status, the Hospitals’ assets would be assigned to the Trust. Imperial would also be free to assign assets to the Trust, although it was not required to do so. The Trust would be limited by guarantee and, importantly, it would have no call on Imperial’s own funds or assets. Although the College was therefore free from financial risk, the reputational risk to the College if the AHSC failed was clearly significant. The Rector agreed, but said that, if it worked as was hoped, Imperial would also gain considerable benefits from being a pioneer in this field and bringing about a major and significant change to healthcare in this country.

45. Mr. Gidoomal said that he was well aware how local political issues could hamper progressive proposals such as this, since even a few complaints might cause the relevant Minister to delay a decision. He asked what was being done to ensure local support for the AHSC. Professor Smith replied that there were two main pillars to the AHSC proposals; the first was the ability to increase the internationally excellent research carried out at these campuses. The second was that this would bring about a fundamental change to the healthcare offered to patients at the Hospitals. Ultimately, he said, the target should be for these Hospitals to be recognised nationally and internationally for undertaking excellent research and translating this into excellent patient care. To this end the Steering Committee was engaging with the local community, the primary care trusts and local MPs to demonstrate the positive benefits the AHSC would have for them.

46. Sir Peter Gershon asked if the AHSC proposals were consonant with the review of medical provision in London being carried out by Professor Sir Ara Darzi. Professor Smith said he believed that the development of AHSC was likely to be very much in tune with Professor Darzi’s eventual proposals for London.

47. Dr. Gray noted that Professor Smith’s appointment as the SRO was key to the success of the Project and asked how long this appointment was for. Professor Smith replied that his present appointment was for the transitional period only. Once the Secretary of State for Health had made a decision, a new Trust Board would have to be appointed and a decision would be made at that point about his role in relation to the Board. He then reminded members that the decision to merge the two Trusts and develop an AHSC had already resulted in the College receiving an extra £20M of research funding as well as £7M for new MRI and PET scanners.

48. The President of the ICU, Mr. Collins, asked what impact the initiative would have on students. Professor Smith replied that the AHSC would have a major role to play in providing postgraduate medical education and that it would therefore have a positive impact for students.
SENATE REPORT (PAPER C)

49. The Rector presented Paper C, which was received for information.

FINANCE MANAGEMENT REPORT (PAPER D)

50. Introducing Paper D, Dr. Knight said that the Report covered the first half-year results. These showed that the College was well ahead of budget, with research income being particularly strong, and he especially welcomed the increase in research income in the Faculty of Natural Sciences. Student fee income was also better than expected, although this was becoming a regular feature each year. The College’s cash position was also good and he expected that Imperial would now break even by the end of the year rather than post a deficit as had originally been forecast. Although the College’s financial situation was thus ostensibly positive, he reminded the Council that it had agreed a deficit budget for the year so that the Faculties could recruit a higher number of excellent researchers in advance of the RAE. The fact that there was an underspend on staff salaries suggested that this recruitment was not progressing as quickly as it might. In his view there needed to be a change in the academic culture in relation to finance; with the College’s increasing success in attracting research funding, the introduction of full economic costing for research and the full implementation of student top-up fees, the College would increasingly have access to significant funds. Staff therefore needed to be encouraged to use these funds to invest in the College’s future, rather than simply spend any money as it came in. He said the big challenge for the next three years would therefore be to ensure that these additional funds were invested wisely.

51. Professor Sir Peter Knight accepted that a cultural change was needed, but said that many principal investigators had long been used to receiving messages about financial difficulties and the need to seek savings or restrict expenditure. To move to a culture of relative security and the ability to invest in the future was a complete change for them. Professor Dame Julia Higgins also agreed, but said it was important that staff understood the need to invest in better infrastructure. The advent of FEC meant that the College would, in future, be expected to fund long-term infrastructure improvements, and would no longer be able to rely on external funding schemes such as the SRIF initiatives.

52. Dame Julia went on to explain that there was an increasing time lag between the receipt of research funding and the appointment of research staff; this was, she said, a national problem and not isolated to the College. It was caused primarily by the present difficulty of finding and recruiting high quality researchers. Although all the Faculties were committed to bringing in staff in advance of the RAE, competition for the scarce staff resource meant that the recruitment process took time. Mr. Gidoomal asked if the housing shortage and high cost of accommodation in London had an impact on recruitment. Dr. Knight replied that the College had schemes, such as the shared equity scheme for top researchers and a mortgage guarantee scheme for more junior staff, that could mitigate these problems.

53. The Deputy Rector reminded members that research performance was measured by expenditure rather than by grant awards. Although the College’s order book was extremely healthy, it was imperative that researchers were recruited and work started on research projects in good time for the RAE. However, he agreed that the College could not compromise on quality and must continue to recruit only the best staff.

54. Dr. Wilbraham noted that the cash figures were very good and asked if this was likely to continue. Dr. Knight responded that the College was attracting an increasing
amount of research for which the funding was provided before the work commenced. This suggested that this better cash position was sustainable. Furthermore, he said, the College was now much better at managing its cash holdings to ensure a maximum return; indeed, in the last three years the College had obtained a £43M benefit simply from the better management of its cash.

**MAJOR PROJECTS (PAPER E)**

55. The Deputy Rector presented Paper E. Mr. Collins expressed his disappointment that the Library Refurbishment Project was likely to be delayed by planning issues with the local authority. Professor Borysiewicz replied that a small number of neighbours had objected to the College’s scheme, which had therefore been turned down. The College would now have to amend the plans and re-apply to the local authority. Although he believed the problems could be resolved, unfortunately this would, indeed, result in some slippage in the Project.

56. Sir Peter Gershon remarked that Imperial had a very large and continuing building programme. He asked if the College knew what its carbon footprint was and whether action was being taken to reduce and manage it. The Deputy Rector said that, before the footprint could be managed and reduced, the College would need much better data on power usage. Because of the varying ages of the buildings and plant across the South Kensington Campus, and issues of ownership at the medical campuses, it was not possible at present to determine the energy costs of every building occupied or used by the College. However, the Portfolio Review Board was taking this forward and was trying to improve its access to this sort of information. Mr. Gidoomal said that there was a clear process in the College for driving diversity issues and ensuring they were addressed. He asked if there was a similar process for driving environmental issues and ensuring that real progress was made. The Deputy Rector replied that this was the responsibility of the Management Board.

57. Mr. Newsum said that, while the College could take some action to reduce its carbon footprint, there was a limit to what it could do on its own. The real difference would come when there was better guidance available nationally, together with tangible requirements and targets to be met. Otherwise, the College might invest heavily in measures that could turn out to be redundant. The Deputy Rector agreed to an extent, but said the College was already implementing better environmental controls on its new buildings. The Chairman suggested that a report on work in this area should be presented to the Council at its next meeting.

Resolved: That Phase 2 of the Library Building Refurbishment Project be approved at a cost of £6.25M.

**GOVERNANCE FRAMEWORK FOR THE COLLEGE FUND (PAPER F)**

58. Dr. Knight introduced Paper F and said that the establishment of the College Fund had been discussed with the College’s Heads of Department/Division at the Rector’s Away Day in November. From these discussions, it had become clear that the independence of the Fund from the College’s operational management would be a critical factor in ensuring that academic staff could have confidence in, and make use of, the Fund. This had led to the development of the general principles set down in the Paper, the main one being that the Fund should be managed by a separate Board with equivalent status to the Rector’s Management Board. This Fund Board would have an external, independent Chairman and would be independent of Management, reporting direct to the Council. The Council had already set the
objective for the Fund, which was to achieve a 4% real return per annum based on an RPI measure of inflation and it would be the Fund Board’s prime responsibility to ensure that this objective was achieved.

59. Three options for the structure of the Fund were set out in the Paper, but, for the reasons stated, the Management Board had agreed that Option C was the most practicable one. The details of how the Fund would operate were still being worked through by the College’s professional advisors, and he would come back to the Council for final approval at its next meeting. However, he would like to seek members’ views on three particular questions:

a. Should the Chairman be a high profile individual from the City?

b. Should the Chairman be a member of the Council?

c. Should the Chairman and/or the other non-executive directors on the Fund Board receive some form of remuneration?

60. The Chairman thanked Dr. Knight for his Paper and said that the independent management of the Fund would also be important for the external credibility of the Fund, particularly if it was hoped to recruit high profile external members to serve on its Board. He accepted that Option C was the best and felt the appointment of the Chairman would be crucial to ensuring that this Option would be successfully implemented. He also agreed that a sufficiently heavyweight figure from the City should be sought. For this reason, however, he believed that it would be wrong to pay the Chairman and the external members, as he felt that such individuals would be more likely to agree to undertake this responsibility on a voluntary rather than on a paid basis.

61. Mr Newsum agreed and said that he also believed that there should be a direct link with the Council, either through the Chairman or one of the non-executive directors. Mrs. Couttie said that the Council should require a report on the performance of the Fund at each of its meetings. Sir Peter Gershon concurred, saying that the Council had a governance responsibility for the management of these funds and that, as the Fund Board was managing these assets on behalf of the Council, the link should be through the Chairman who should be a member of the Council. He also agreed with the Chairman's view that the Fund Chairman should not be paid.

62. Professor Begg said he thought there was a danger that, if the link back to the Council was too strong, this could compromise the independence of the Fund. He suggested that a useful analogy might be that of the Bank of England’s responsibility to the Exchequer for managing interest rates. In that case, the Governor of the Bank of England was only required to report back if the objectives were not being achieved. Mr. Newsum accepted the point on independence, but suggested that there would be value in having at least one of the non-executive directors on the Council. However, rather than trying to solve the problem now, he suggested that the College should give more thought to this particular issue before the presentation of concrete proposals at the Council’s next meeting. The Chairman agreed and said that the next step should be to identify a suitable individual to chair the Fund Board. Once this was done, his or her views on the appropriate governance structure should be sought before a final decision was made. Sir Peter Gershon asked if a Search Committee would be established to identify this person. The Chairman agreed, but suggested this Committee should be run by the Rector rather than by the Council.

63. Sir Peter Gershon then said that, as the independence of the Fund was particularly important for the academic staff, their views on whether Option C would be
acceptable would be important. Professor Kitney said that, although he had not canvassed other academics' opinions, he was in favour of Option C and believed that this would be the model preferred by most of his colleagues.

64. Before ending the discussion, the Chairman reminded members that, once assets had been transferred to the Fund, the Fund Board would be entirely free to decide what use to make of them, including disposing of them. In his view, this meant that the decision to transfer assets to the Fund would be a key one and that, once such a decision had been taken, the Council should not, at a later date, seek to impose any additional restrictions on the use or disposal of such assets. This meant that if there were any assets that the Council believed should not be disposed of for strategic reasons (for example, particular buildings in and around the South Kensington Campus), any such restrictions should be made clear at the point at which responsibility for their management was transferred to the Fund.

Resolved: (i) That the principles for the delegation of authority for the management of the College’s Investment Assets to a College Fund Board, established as a Council committee, as set out in Paper F, be approved.

(ii) That the model structure for the management of the College Fund, broadly as set out in Paper F, be adopted in principle.

(iii) That Option C, to retain direct legal ownership of the Investment Assets within the existing legal structure of the College, be adopted as the preferred option for development.

(iv) That an ad hoc committee of the Council be established to consider any fundamental issues that would significantly alter the principles or model set out in Paper F, prior to the submission of the final proposal for the governance structure of the College Fund at the next meeting of Council.

CLERK’S BUSINESS

Proposed University Ordinances (Paper G)

65. Introducing Paper G, the Clerk reminded members that, as a result of the changes made to the Supplemental Charter and the permitted de-regulation of the Statutes, a raft of new Ordinances would be required to take effect at the same time as the new Charter. New Ordinances were also required for the College to take on and exercise all of the powers of an independent university. Finally, he said that the adoption of the new Model Statutes dealing with staff discipline and grievance procedures had also resulted in the need for a range of new staff Ordinances, all of which were set out in Paper G.

Resolved: That, with effect from 8 July 2007:

(i) The College’s existing Regulations, with the exception of Regulations B1 and B2 and the Academic Regulations, be rescinded.

(ii) The Ordinances, as set out in Paper G, be approved.
ANY OTHER BUSINESS

Development and Corporate Affairs

66. Mr Newsum asked if the Council could, at its next meeting, receive a report from the Pro-Rector for Development and Corporate Affairs, Dr. Tidu Maini, on recent developments in his areas of responsibility.

NEXT MEETING

67. The Chairman reminded Governors that the next Meeting of the Council would be held on Friday, 13th July 2007 at 10:00 a.m.
1. In late November 2006 the Academic Registrar asked the Chairman to consider suspending Paragraph 13.7.2 of the Academic Regulations with respect to a third year MBBS/ BSc student.

2. Paragraph 13.7.2 of the Academic Regulations states:

   "A candidate for the degree of MBBS/ BSc in the Faculty of Medicine who at his/ her first entry does not successfully complete an examination, or, where appropriate, any part of an examination may, subject to the original or strictly comparable course still being examined at the College, re-enter for the relevant examination on such conditions and on the number of occasions as are prescribed in the Requirements for the degrees."

3. The student concerned had failed his Objective Structured Clinical Examinations (OSCEs) at the first attempt and subsequently at the re-sit examination and, as such, had been required to withdraw from the course. The student submitted a representation based on his belief that, among other matters, the teaching of one of the modules had been flawed.

4. In accordance with the Procedure for Consideration of Representations by Candidates of First Degree and Taught Master's Degree Examinations, a Senate Representation Committee considered the case. The Panel, having listened to the evidence of the student and of the Chairman of the Board of Examiners, upheld the appeal and recommended that the student be allowed to repeat the third year of his course of study. However, because he had already exhausted all of his re-sit opportunities, this could only occur if the Academic Regulations were suspended.

5. On 3 December 2006 the Chairman approved the suspension of Paragraph 13.7.2 of the Academic Regulations by Chairman's action.

6. The Council is invited to ratify the Chairman's decision.

K.A.M.
PAPER B

STAFF MATTERS

A Note by the Rector

NEW YEAR’S HONOURS

Emeritus Professor Malcolm GREEN FMedSci has been made a Knight Bachelor in recognition of his services to Medicine in HM The Queen’s New Year’s Honours List.

Professor Jeffrey WAAGE, Chair in Applied Ecology, has been awarded an OBE in recognition of his services to Science in HM The Queen’s New Year’s Honours List.

FACULTY PRINCIPAL FOR ENGINEERING

Professor John WOOD CBE FREng, previously Chief Executive of the Council for the Central Laboratory of the Research Councils (CCLRC), has been appointed Principal of the Faculty of Engineering and will succeed Professor Dame Julia Higgins at the end of September 2007.

CAMPUS DEAN (ST MARY’S CAMPUS)

Professor Desmond JOHNSTON FMedSci, previously Dean (Clinical) for the Faculty of Medicine, has been appointed Campus Dean for the St Mary’s Campus with effect from 1 October 2006 for a period of three years in succession to Professor Simon Kroll.

DEAN

Professor Geoffrey PASVOL FRCP, currently Chair of Infection and Tropical Medicine, will serve as Dean (Clinical) for the Faculty of Medicine with effect from 19 February 2007 to 31 August 2010 in succession to Professor Desmond Johnston.

DIRECTOR OF THE INTERNATIONAL OFFICE

Dr Piers Howard Burton BAKER, previously Deputy Head of Mission at the British Embassy in Austria, has accepted the appointment of Director of the International Office, succeeding Dr Ilya Eigenbrot with effect from 8 January 2007.

PROFESSORS AND READERS

Professor Wendy BARCLAY, currently Reader in Virology at the University of Reading, has been appointed to the post of Chair in Influenza Virology in the Department of Virology, Faculty of Medicine, with effect from 1 May 2007.
CHANGE OF TITLE

Professor Jonathan Phillip MARANGOS, previously Professor in Laser Physics, has had his title changed to Lockyer Chair in Physics with effect from 1 October 2006 to reflect his current and future academic duties.

CONFERMENT OF TITLE

Dr David TAUBE, NHS Consultant at St Mary’s Hospital, has had the title of Professor of Transplant Medicine conferred upon him with effect from 1 October 2006 for an initial period of five years.

VISITING PROFESSORS AND READERS

Professor John CHALMERS, currently Professor of Medicine and Senior Director of The George Institute for International Health, has accepted an association with the College as Visiting Professor in the Department of Cardiovascular Science within the National Heart and Lung Institute with effect from 1 February 2007 for a period of five months.

Professor David DAVIES, previously Head of Physical Sciences, Birkbeck College, has accepted an association with the College as Visiting Professor in the Department of Biomolecular Medicine within the Division of Surgery, Oncology, Reproductive Biology and Anaesthetics with effect from 5 October 2006 for a period of three years.

Professor Jean-Louis DULUCQ, currently Director of the Institute of Laparoscopic Surgery, has accepted an association with the College as Visiting Professor in the Department of Cancer Surgery within the Division of Surgery, Oncology, Reproductive Biology and Anaesthetics with effect from 1 December 2006 for a period of one year.

Dr Ian FEAVERS, currently Principal Scientist, National Institute for Biological Standards and Control, has accepted an association with the College as Visiting Professor in the Department of Metabolic Medicine within the Division of Investigative Science with effect from 1 October 2006 for a period of five years.

Dr Steven GARWOOD, currently Director of Engineering and Technology at Rolls Royce plc, has accepted an association with the College as Visiting Professor in the Department of Mechanical Engineering with effect from 1 December 2006 for a period of three years.

Dr Mark GREAVES, currently Senior Research Program Manager, Technology Research and Development, Vulcan Inc., has accepted an association with the College as Visiting Professor in the Department of Electrical and Electronic Engineering with effect from 1 January 2007 for a period of three years.

Professor Kenneth HERON, currently Senior Fellow, Aerodynamics and Aeromechanical Systems Group, QinetiQ, has accepted an association with the College as Visiting Professor in the Department of Mathematics with effect from 1 October 2006 for a period of three years.

Dr Paul LEINSTER, currently Director of Operations and Acting Chief Executive at The Environment Agency, has accepted an association with the College as Visiting Professor in the Department of Civil and Environmental Engineering with effect from 1 January 2007 until 30 September 2009.
Professor David LEPPERT, currently Associate Professor at the University of Basel, Switzerland, has accepted an association with the College as Visiting Professor in the Department of Clinical Neuroscience with the Division of Neuroscience and Mental Health with effect from 1 October 2006 for a period of one year.

Dr Marius NIEUWENHUIJSEN, previously Reader in Environmental Epidemiology in the Division of Epidemiology, Public Health and Primary Care, Imperial College, has accepted an association with the College as Visiting Professor in the Division of Epidemiology, Public Health and Primary Care with effect from 1 January 2007 for a period of two years.

Professor Stephen PACALA, currently Acting Director of Princeton Environmental Institute, has accepted an association with the College as Visiting Professor in the Division of Biology with effect from 1 January 2007 until 13 December 2007.

Dr Vural Sander SUICMEZ, currently Research Reservoir Engineer, Saudi Aramco EXPEC Advanced Research Center, Dhahran, Saudi Arabia, has accepted an association with the College as Visiting Professor in the Department of Earth Science and Engineering with effect from 1 February 2007 for a period of one year.

Professor Gail TAYLOR, currently at the UK Energy Research Centre, has accepted an association with the College as Visiting Professor with effect from 1 November 2006 for a period of one year.

Professor Geraldine Anne THOMAS, currently Chair in Molecular Oncology at the University of Wales, has accepted an association with the College as Visiting Professor in the Department of Histopathology within the Division of Investigative Science with effect from 1 January 2007 for a period of three years.

Professor Michael John THOMPSON, currently at the University of Sheffield, has accepted an association with the College as Visiting Professor in the Department of Physics with effect from 1 December 2006 until 30 September 2009.

Dr Jean VENABLES OBE FREng, currently Director of Venables Consultancy and Vice-President of the Institution of Civil Engineers, has accepted an association with the College as Visiting Professor in the Department of Civil and Environmental Engineering with effect from 1 January 2007 until 30 September 2009.

Dr Faith WAINWRIGHT, currently a Director at Arup, London, has accepted an association with the College as Visiting Professor in the Department of Civil and Environmental Engineering with effect from 1 October 2006 for a period of three years.

Dr Husseyin MEHMET, previously Reader in Developmental Neurobiology in the Division of Clinical Sciences, Imperial College, has accepted an association with the College as Visiting Reader with effect from 1 November 2006 for a period of three years.

RETIREMENTS

Dr Ian MATHEWS, Reader in Computational Acoustics, has retired with effect from 31 October 2006. Following retirement, he has been appointed as Honorary Principal Research Fellow.
RESIGNATIONS

Professor Colin Russell HOPKINS has resigned from his post as Professor in the Division of Cell and Molecular Biology with effect from 10 October 2006. Following his resignation, he has accepted an association with the College as Senior Research Investigator.

Professor Margaret CALLAN has resigned from her post as Chair in Immunology and Rheumatology in the Division of Medicine with effect from 31 October 2006. Following her resignation, she has accepted an association with the College as Honorary Professorial Research Fellow.

Professor Hugh GODFRAY has resigned from his post as Director of the Centre for Population Biology in the Division of Biology with effect from 31 October 2006. Following his resignation, he has accepted an association with the College as Honorary Professor.

Dr Kerry GALLAGHER has resigned from his post as Reader in Geophysics in the Department of Earth Science and Engineering with effect from 30 November 2006 to take up an appointment at the University of Rennes. Following his resignation, he has accepted an association with the College as Academic Visitor.

Dr Robert ILIFFE has resigned from his post as Reader in the History of Science in the Centre for the History of Science, Technology and Medicine with effect from 31 December 2006 to take up an appointment as Professor of Intellectual History and the History of Science at the University of Sussex.

Dr Marius NIEUWENHUIJSEN has resigned from his post as Reader in Environmental Epidemiology in the Division of Epidemiology, Public Health and Primary Care with effect from 31 December 2006 to take up an appointment at the Center for Research in Environmental Epidemiology, Barcelona. Following his resignation, he has accepted an association with the College as Visiting Professor.

Professor Graham SEWELL has resigned from his post as Chair in Organisational Behaviour in the Tanaka Business School with effect from 31 December 2006.

Professor Alan WILLIAMS has resigned from his post as Head of Cardiac Medicine at the National Heart and Lung Institute with effect from 31 December 2006 to take up an appointment as Sir Thomas Lewis, British Heart Foundation, Chair of Cardiovascular Science at the University of Cardiff.

Professor Jonathan KYDD has resigned from his post as Professor of Agricultural Development and Director of the Distance Learning Programme in the Centre for Environmental Policy with effect from 21 February 2007 to take up an appointment as Dean of the University of London External System. Following his resignation, he has accepted an association with the College as Visiting Professor commencing 1 July 2007.
1. The Minutes of the meetings of the Senate held on 13 December 2006 and 21 February 2007 are attached. The following points are drawn to the attention of the Council for information and, where appropriate, action.

2. **Minute 962 – Review of Research Training in the Division of Neuroscience and Mental Health.** The Senate received an overall positive report from the Quality and Academic Review Committee on research training in the Division of Neuroscience and Mental Health and asked the Division to report back to it in twelve months’ time on action taken in response to the Report.

3. **Minute 963 – Quality and Academic Review Committee: Attendance Requirements for Research Students.** The Senate approved revisions to the attendance requirements for split PhD and PRI students, to include the replacement of the current Public Research Institutions/Industrial Research Laboratories (PRI/IRL) scheme by a Partner Research Institution scheme. The new Partner Research Institution scheme would include universities and hospitals, which institutions had been excluded under the former PRI scheme.

4. **Minute 965 – Medical Studies Committee: Graduate Entry MBBS Programme.** The Senate approved the establishment of a Graduate entry MBBS degree programme, subject to final approval of the course content, with effect from October 2008.

5. **Minute 967 – Graduate School of Engineering and Physical Sciences Management Committee.** The Senate was pleased to note that the Graduate Schools had won the Times Higher Education Award 2006 for Outstanding Support for Early Career Researchers.

6. **Minute 988 – Distribution of Honours Classification.** The Senate supported the view expressed in the report of the Strategic Education Committee that the College should implement a target of 70% as the combined percentage of First and Upper Second Class degrees awarded across all faculties, and that this should be achieved by urging departments to use the full range of marks in assessment.

7. **Minute 993 – New College Ordinances.** The Senate considered draft Ordinance B1 regarding Degrees and Other Awards Granted by the University and draft Ordinance E1 regarding Students of the University. The Senate agreed to recommend that Council approve Ordinance B1 and Ordinance E1.

R.B.S.

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1. Copies of the Senate Minutes are not included in these Minutes.
From a purely financial perspective, the College’s performance continues to be more than satisfactory.

2. Research income is 20% up on last year, Engineering is 56% ahead (note: Engineering has simultaneously given up 3000m² of space in South Kensington!) and the recovery in Natural Sciences (17% up on last year and £1M better than budget) is welcome indeed.

3. Fee income continues, as ever, to out-perform, with a near 20% increase on last year’s figure, and an out-performance against budget of £1.5M.

4. On the expenditure side, the Faculties’ good financial position is arrived at almost entirely through the shortfall in expenditure, particularly on staff costs of £3.4M. This, together with the fact that the central administration’s costs are virtually on budget and the central corporate costs are £2.5M below budget, largely because of the lower than budget interest, has meant that the net position of the College is now a surplus of £7.2M, some £9.8M better than budget.

5. Not surprisingly, this surplus position translates itself into an improved cash position, with net cash of £11M. In addition, Research Work-In-Progress (WIP) has improved against the trend of November and December, and Research Payments in Advance continue to rise, to an all time high of £84M. The Finance Department has taken advantage of this cash position: average borrowing costs of 5.16% compared with average deposit rates of 5.24%. This will improve in the College’s favour in the light of recent interest rate rises. Recently, £20M was put out for 3 months at 5.45% and £20M was put out for 1 year at 5.84%.

The Full Finance Management Report is not included with these Minutes.
which is partly reflected in an increase in the size of payments in advance, i.e. we have the money, but we are not spending; we have the grants, but we are not carrying out the research.

8. Attention is now being focused on driving future investment behind the academic mission. The Engineering Faculty is coming forward with plans to purchase laboratory and other equipment on an accelerated basis. Medicine has implemented a targeted campaign to advance expenditure on research funds to bring research income back to the targeted figure of £120.7M.

9. The cash position, budgeted at a £110M deficit, is forecast to improve by £30M to £80M. This represents a significant change from the half-year position but reflects the normal seasonality of our cashflow where we receive our HEFCE grants and student fees in the first half of the year. Capital expenditure will increase in the second half-year as work commences on the Sherfield Building infill. We have assumed that the year-end research WIP position will match last year-end and that research payments in advance will reduce from the current all time high position as Medicine in particular looks to increase its rate of research spend. We will continue to monitor closely and our treasury decisions will reflect changes in the forecast as they are identified.

THREE YEAR PLAN

10. The College is in the process of finishing the latest three year plan. Initial indications are that research income, on the back of the favourable order book, is projected to grow strongly by 8.5% p.a. compound to £270M. Central administration expenditure is expected to be kept to a 4% p.a. growth overall. Two factors are also expected to come into play: growth of FEC income and the commencement of a distribution from the College Fund. The consequence is an operating surplus in the third year of the Plan, which in itself presents a challenge: to move from a spend mentality to an investment mentality. On the capital expenditure front there is no shortage of ideas, minor and major. The challenge is the prioritisation of projects in the context of the growth of the College Fund, which itself has a significant investment requirement, and the related borrowing capacity of the College.

M.P.K.
1. The following is a summary of the major capital projects which are either ongoing, authorised to commence in the near term or are being considered for the forthcoming three year plan.

SOUTH KENSINGTON CAMPUS

SOUTHSIDE HALL OF RESIDENCE (PROJECT COST £51M)

2. The Southside Project is still on time and on budget and is heading towards completion on 31 August this year. The main cladding is now virtually completed and internal partitioning, floors, ceilings and building services progressing according to plan. One benchmark bedroom has been completed and used as a testing base for furniture options and to ensure that the facilities provided meet expectations. Landscaping of Princes Gardens including the replacement railings is taking shape although some additional drainage will be required to avoid areas being waterlogged. Neighbouring residents’ reactions to the new building have been very positive.

SHERFIELD BUILDING REFURBISHMENT (PROJECT COST £9M)

3. The infilling of the light wells on Levels 3 and 4 of the Sherfield Building will enable the College to co-locate the Support Services and to free up space around the College for academic use. The Project is progressing well, with the structural steelwork and decking completely installed in one well and in progress in the other. This Project is due for completion this Autumn.

LIBRARY BUILDING REFURBISHMENT PROJECT – PHASE 1A (PROJECT COST £3.5M)

4. The relocation of the Humanities Department into Level 3 of the Central Library building has been completed on time and budget. Phase 1b (£4.6M), involving improvement of the internal climate, is now in hand. Phase 2 (£6.25M), the redevelopment of the ground floor to provide new study and learning space, has been allowed for in the Capital Plan.

5. A planning application for a services tower and solar shading was rejected based on the choice of solar shading material. The application is being re-submitted excluding this material to expedite start of the next Phase (1b) and the shading will now be the subject of a separate submission. This should not affect the fit-out of the ground floor (Phase 2) and the target is to complete the refurbishment by the end of this year. Should planning approval prove more problematic, a contingency plan is being developed.

6. We now seek formal approval from the Council to proceed with Phase 2 of the Library Building Refurbishment Project at a cost of £6.25M.
ROYAL SCHOOL OF MINES (PROJECT COST £21M)

7. The phased series of projects in this SRIF3 funded Programme will complete the refurbishment of the Royal School of Mines building and its wings interconnecting with the newly refurbished Bessemer building. Following the completion of the new Bessemer entrance and link through to the Prince Consort Road entrance, the current project for Earth Sciences (£2M gross), is progressing on schedule for a completion this June. A contractor has been appointed on schedule for the Bio-Engineering Project (£10M gross) due for completion next March.

EASTSIDE HALL OF RESIDENCE (PROJECT COST £64M)

8. The College has committed to the demolition of Linstead Hall and its replacement with a larger modern hall of residence, in keeping with the architecture of Prince’s Gardens and designed to meet the changing needs of students.

9. A planning revision has been submitted to Westminster Council in order to increase the provision of single rooms which has resulted in a modified Eastern elevation. A tender has been submitted by Laing O’Rourke in line with the anticipated budget and within the order of costs previously reported to Council based on the Stage D design. The design of the building is now at a detailed stage (E) and a validation period is about to commence to confirm the final cost in line with this design. An appointment will need to be made by the beginning of June to meet the programme for completion in Summer 2009.

10. In the meantime, a large sewer diversion beneath Prince’s Gardens will be progressed in order to allow sheet piling for the West elevation to commence without restriction this Summer. The design of this sewer has now been approved by Thames Water, allowing commencement of the work at the beginning of April. The sewer route has also been adapted for and approved by the Westminster Tree Officer.

HUXLEY BUILDING

11. The Huxley Building to the west of the Campus houses the Departments of Computing, Maths and Physics, as well as parts of other departments, and is thus the focus of much research and teaching of the highest quality.

12. The condition of the building is however, generally poor, although some parts have been refurbished in recent years to a reasonable standard. A recent survey of the building confirms that, with suitable investment in both structure and amenities, it could serve well for a number of decades. It is thus proposed that a programme of work (circa £20M) should be defined to provide modern facilities for the ongoing academic needs of the above departments. Phase 1 of this programme is at an advanced stage of planning and foresees the refurbishment of lecture theatres and toilets. Commencement of this work and definition of further phases of uplift will follow a short period of strategic planning for the building as a whole. In addition, the Instrumentation Laboratories are being refurbished (£4.1M) as part of the SRIF 3 Programme.
SCHEME FOR THE UPGRADING AND CONSOLIDATION OF ENGINEERING AND OTHER DEPARTMENTS IN THE SOUTH-EAST SECTOR OF THE CAMPUS

13. Foster and Partners have been asked to present concepts for a major scheme which would bring together Mechanical Engineering, Aeronautics and Civil Engineering in a new, much improved complex of buildings on the South-East part of the South Kensington Campus. The complex might also include new Centres (such as Biofuels), parts of the Faculty of Natural Sciences and a suite of modern lecture theatres. The scheme in its entirety could cost in the region of £250M, but expenditure would be spread over 7-10 years. Having seen the concepts generated by the Architects, the College’s senior management is now structuring a project to develop an academic vision to the necessary level of detail to define how the overall scheme might be broken into manageable sub-projects. Once this has been done, a clearer vision will be brought back to Council.

HAMMERSMITH CAMPUS

14. The Hammersmith Campus is becoming the second largest research campus of the College, focused on medical research in its various guises. Whilst some elements of the major enhancement programme have been completed or are nearing completion (Commonwealth Building, Burlington Danes), other elements are at an early stage of planning (Blocks J and L). Yet others are just starting (Wolfson Education Centre).

BURLINGTON DANES (PROJECT COST £56M)

15. Following Practical Completion last November, GSK has been fitting out specialist areas and commissioning equipment in the East Building. Our own fit-out of the upper stack (£7.4M) is under way and is due for completion next January. The West Building is having some upgrading of Ultra-Clean Rooms and some further works to satisfy Home Office approval. This is all due for completion in mid-May.

16. The main contractor has agreed a final account and monies will be released on successful outcome of the final testing. The main Project is within budget.

COMMONWEALTH BUILDING (PROJECT COST £17M)

17. Earlier SRIF funded projects have upgraded some elements of the Commonwealth Building. Under the SRIF 3 Programme the remainder of the building, including new services infrastructure with individual floor dedicated plant platforms, will be installed. The Programme includes Levels 10, 8, 7, 5, 2, 1, G and elements of the basement. This will provide laboratories and support space to enable Block L to be decanted and will include a bio-repository facility. Currently works are under way on Levels 10, 8, 2 and the basement. The Programme is scheduled for completion next March.

WOLFSON EDUCATION CENTRE (PROJECT COST £5.4M) AND THE IMAGING CENTRE (PROJECT COST 5.5M)

18. The upgrading of the Wolfson Education Centre will facilitate the teaching of postgraduate medicine with an intake due in Autumn 2008.

19. Some initial difficulties with budget alignment, exacerbated by the new Part L Building Regulations, are now resolved and the Project is moving forward into detailed
design from outline. The Project is being run in conjunction with a new Imaging Centre in the basement which has undergone scope developments to meet conjoined GSK/Imperial College London requirements. This is also progressing into detailed design.

**BLOCKS L AND J (PROJECT COST £120M)**

20. The academic strategy for these blocks is under development and a number of options for use are being considered. Block L is owned by the College. Block J is owned by the Hammersmith Hospitals NHS Trust. An outline building design has been completed for Block L and this will be submitted for planning. The Project will then be paused whilst negotiations with the Hammersmith Hospitals NHS Trust on Block J and the academic strategy are aligned. Then the scale and timescale for the redevelopment programme will be formulated for approval.

**HAMMERSMITH CBS1 (PROJECT COST £7M)**

21. The existing CBS facility is in need of refurbishment and negotiations with the MRC are under way to agree a strategy of decanting and temporary relocation together with the funding split.

**OTHER PROJECTS**

**ST MARY’S CAMPUS REJUVENATION AND DEFRA 4 LAB**

22. The Faculty of Medicine is reviewing its research strategy for the St Mary’s campus at present. However, research work on significant infectious disease threats such as avian influenza will require enhanced high containment laboratory facilities. To enable planning for such a facility, a feasibility study is under way. An overall strategy for the St Mary’s Campus will be communicated to the Council at a future meeting.

**INFRASTRUCTURE REPLACEMENT (£15.4M)**

23. As part of the SRIF 3 Programme, a programme for the replacement of some of the vital infrastructure which serves our buildings is under way (completion March 2008) as it is at the end of its useful life. The infrastructure on the Hammersmith and South Kensington Campuses includes power, steam pipework and lagging, controls, and low temperature hot water pipework.

**GUY SCADDING BUILDING – ROYAL BROMPTON CAMPUS (£4.5M)**

24. The four-storey Guy Scadding Building is being refurbished top down and, having had new plant to serve the whole building installed, Level 2 is currently being refurbished (Level 3 having recently been completed) and a new substation installed to cope with increased power demands.

25. Funding for the lower floors (£4.1M) has yet to be established.
RESIDENCES REFURBISHMENTS (£18M)

26. Two residences, Fisher Hall (£10M) and Clayponds (£8.1M) are in need of refurbishment to bring them up to the standards provided in the other student accommodation. Plans are being drawn up, but funding has yet to be sought.

THE COLLEGE FUND

27. The College Fund has defined a programme of works to be carried out over the next 3 years. These include projects in South Kensington (for example 52, Exhibition Road and 46-48, Prince’s Gardens), in Silwood (for example the Manor House and the lodges) and at Wye.

28. Total expenditure planned is circa £31.6M. Committed sums total under £1M on fees but current projects in design total £14M. Planning applications have been made for lodges and a farmhouse at Silwood and planning applications for 46-48 Prince’s Gardens and the Mews will be made prior to Easter.

S.H.
C.M.T.
BACKGROUND

1. The Council will recall that the College Fund was formally established on 1 August 2005 as an operational entity, and is a critical plank of the College’s financial strategy. The Fund enables the College to align the management of its assets and its liabilities and underpins the borrowing strategy that, in turn, is supporting the capital programme. Since its establishment, the Fund has been involved in significant developments to improve the asset base, including the flotation of Imperial Innovations and the definition of non-core property, in order to convert premises that are currently a net drain on the College into assets capable of supporting the Investment Objective.

2. The defined purpose of the College Fund is to undertake the stewardship of College Investment Assets and to deliver a regular flow of unfettered funds back to the College. As at 31 January 2007, assets to the value of £187M were under the management of the Fund. The purpose and benefits of the Fund were discussed in detail at the recent Rector’s Away Day and it is now firmly established in the strategic vision of the College. The three year Plan submitted for the period 2007-10 will build on the achievements to date and focus on the need:

   • **To grow the Fund** - through market performance, exploitation of non-core assets and fundraising;

   • **To get academic buy in** – the academic community are recognised as the best fundraisers, as demonstrated by the size of College-related charities. The Fund needs to provide a service and structure that supports their fundraising activities; and

   • **To establish the independence of the Fund** - feedback from the academic community indicates that operational independence is a prerequisite to securing any transfer of funds from existing related Trusts, or for the Fund to be used as a repository for donations and endowments directly procured by departments and academics.

3. The establishment of a truly independent Fund is an essential foundation for the achievement of the first two requirements and it is therefore necessary that the governance of the Fund is developed further, with a bespoke regulatory structure that enshrines that independence and is not reliant on the existing regulations that focus on the operational needs of the university.

4. What is proposed represents a significant change in the responsibility for, and delegation of authority over, the Investment Assets of Imperial. The principles set out in this Paper have been considered and approved by the Management Board, who recognise that as a result they will give up authority in this area and pass it over to a properly constituted College Fund Board with direct responsibility to the Council.
PRINCIPLES

5. The separation of governance requirement has two fundamental components, both of which must be addressed by any solution:

   • The limit of the Management Board's interest in the Fund should be that the Investment Objective is being achieved and the distribution target met. In delivering these, the Fund must have the ability to take all decisions in respect of the Investment Assets without being subject to influence arising from the operational management of the University; and

   • It should be recognised that the funds raised directly by individual academics or departments should continue to be ‘owned’ by the front receiver in the form of units in the College Fund. The Management Board would be a large, probably the largest, unitholder, but its authority would not run to decisions on control over other units.

6. The following issues need to have been considered in order to ensure that the final structure provides the necessary separation of governance:

   a. **Strategic Control.** It is proposed that the Council delegate full authority to manage the College’s Investment Assets to a separately constituted College Fund Board. The membership of this Board would include: two members of the Management Board *ex officio*, being the Rector and the Chief Finance Officer, to represent the interests of the academic community in general and the academic unitholders in particular; two external members nominated by the Council with relevant expertise and experience in areas such as property, investment and fundraising; an independent external Chairman to ensure the autonomy of the Fund as an operational entity; and a Chief Executive who would have executive responsibility for delivering the Investment Objective. The Chief Executive would be a paid employee; it remains an open question as to whether the three external members should be remunerated.

   b. **Regulation of the College Fund.** It needs to be recognised that the financial and operational decisions made by the College Fund as an investment activity are materially different from the decisions facing the University. For example, the College Fund could not be expected to refer back to the Council a decision to sell £10M of assets in one class in order to reinvest in another, even though this, in effect, would involve the sale of assets to a value of over £5M which currently requires specific Council approval. It is therefore proposed that the future governance structure recognises that the College Fund will operate under separate delegated authority with its own regulations, mandates and processes.

   c. **Scope of Delegated Authority.** It is proposed that the Council should delegate to the College Fund Board all the powers it needs to deliver the Investment Objective. The implication of this is that the College Fund Board would have autonomy from the Management Board in dealing with major strategic issues such as the following, in so far as they relate to the investment activities of the Fund:

      • Commissioning of independent professional advice

      • Appointment of investment managers

Council
23rd March 2007
d. **Investment Objective and Distribution Target.** Once the new structure is implemented, the key issue for the Council and the University becomes the Investment Objective. In setting this there needs to be consideration of the cash needs of the University, the appetite for risk and a realistic assessment of the market. The current objective, as set by the Council, is a 4% real return based on an RPI measure of inflation, and the Fund is committed to distributing 4% of the Net Asset Value *per annum* with effect from 1 August 2009. This objective should not be frequently adjusted. It is therefore proposed that the College Fund should make a formal recommendation to the Council once every three years on the Investment Objective and Distribution Target for it to consider and approve. It would not be expected that there would be changes to this Objective except *in extremis*.

e. **Unit Structure.** The College Fund needs to be structured to accommodate funds held for three main purposes. This will be enshrined within Unit types that will be formally defined as part of the implementation process:

- Distribution Units where capital must be maintained in perpetuity and the unitholder has a simple entitlement to the annual distribution;
- Flexible Units that provide an annual income, but where capital can be redeemed on a quarterly basis at the discretion of the unitholder; and
- Capital Units where the capital will be held to cover specific capital expenditure for a defined term, and thus there will be no direct distribution to the unitholder until the term is completed.

f. **Borrowing Strategy.** The relationship between the Investment Assets held by the College Fund and the borrowing capacity of the College will continue to be a pivotal element of the College’s overall financial strategy. Therefore the formalisation of the Fund as an active Investment Manager for the College and the nature of the Units held in relation to those assets will be critical in ensuring that the measure for the borrowing limit remains appropriate for the College. As a result of the proposed structure, a more sophisticated analysis of the underlying Assets will be possible – and therefore a more refined formula for calculating the appropriate debt ceiling will be developed.
PROPOSED MODEL

7. To meet the objectives set out above the following model is proposed:

8. This model needs to be reflected in a structure that strikes the right balance between achieving the desired independence and clarity whilst ensuring that it can be implemented without any negative impacts to the College corporately. Therefore, the prime considerations are ensuring that:

- There are no legal or regulatory impediments;
- There are no technical accounting restrictions;
- No tax liabilities arise; and
- The finally agreed structure is acceptable to the Management Board and the Council.

9. A review of the possible structures to establish this separation of authority has identified three options:

a. **Option A.** The most effective method of obtaining actual separation would be to establish a related, but legally independent, charity. Under this structure, the new charity would become the legal owner of the Investment Assets, and would be obliged to return an agreed distribution to the University on an annual basis. Although this has the benefits of simplicity and permanence of structure, the removal of a significant element of the College’s asset base, and the issues involved in transferring such assets out of the College with no consideration, mean this is not considered to be a viable option. It has therefore been discounted.
b. **Option B.** An alternative would be for the College to establish a separate subsidiary or trust to hold and manage the Investment Assets. From an accounting perspective, the assets of a wholly owned subsidiary company would be consolidated into the College and therefore the problem created in Option A would be avoided. There is an optical advantage in demonstrating a distinction between the operational and investment activities of the University, allowing the results of the Fund to be formally published before consolidation into the College’s group accounts. Under this proposal the Council would retain the authority to dissolve the company, and thus transfer the assets back to the University should it wish.

c. **Option C.** A third option is to retain direct legal ownership of the Investment Assets within the existing legal structure of the College, *i.e.* no additional separate legal entity would be created to actually hold the assets. To give the Fund independence within that structure, this would need only a Council Ordinance to empower the College Fund Board with full authority over its investment activities and to exclude the Management Board from any role in them. The College Fund Board would then be in a position to further delegate, subject to suitable limitations, to an Executive either in the form of staff or a fully owned management company. The benefit of such approach would be the limited impact on the College’s accounts, but the independence of the Fund would be entirely reliant on interpretation of the relevant Council Ordinances. There is therefore a greater risk of ambiguity concerning the degree of operational and strategic separation that has actually been created.

**PREFERRED OPTION**

10. Work with Mills & Reeve on the legal and regulatory impacts and PwC on the accounting impacts indicate that both Options B and C can be made to work from a technical perspective. Option B would provide the clearest indication of the independent operational nature of the Fund, whilst retaining ownership within the Imperial College Group. However, it would be a significantly more complex undertaking in terms of the accounting and taxation implications – especially in relation to the distribution of ‘profits’ from the entity. A comparison of the relative advantages of Options B and C is attached at Annex A.

11. Option C will require the College to carve out the activities of the Fund from within the existing governance structure, and this can be done by Resolution of Council. Therefore the issue with this Option is more to do with the perception of independence than the ability actually to deliver independence. Discussions with PwC have identified that this structure still gives the Fund the ability to hold non-core assets on an Investment Asset basis – and as such can hold them at Market Value without impacting on the broader property valuation of the estate or on our taxation status.

12. Option C is therefore being taken forward as the preferred option. It is critical that the revised structure is in place for the new financial year to avoid mid-year changes in accounting protocols and reporting complications; therefore the analysis and documentation necessary to implement the revised structure will be completed by the July meeting of Council. It is of course open to the Council to move at a later date from Option C to Option B, if the technical backdrop changes.

**RECOMMENDATION**

13. Council is asked to approve the principles set out in Paragraphs 5 and 6 of this Paper, to adopt the model set out in Paragraph 7, and to confirm that Option C should be
developed as the preferred option. In order to facilitate the development of the structure, the Council is further asked to consider establishing an *ad hoc* committee that can be called upon to consider any fundamental issues that would significantly alter the principles or model set out in this Paper in the period between the present meeting and the submission of the final proposal at the July meeting of Council.

**NEXT STEPS**

14. Subject to Council approval, the Review Groups set out below will refine Option C and produce the documentation, policy notes and procedures necessary to implement that structure from 1 August 2007:

   a. Accounting implications (Andrew Murphy (lead), Hameed Khan, John Anderson and PricewaterhouseCoopers);

   b. Governance and regulatory implications (John Anderson (lead), Rodney Eastwood, Tony Mitcheson and Catherine Hainsworth and Mills & Reeve);

   c. Taxation issues (Peter Midgely (lead), John Anderson, Andrew Murphy and external tax advice as required); and

   d. Documentation required implementing the scheme (John Anderson (lead), Catherine Hainsworth and Mills & Reeve.)

R.B.S.
1. The establishment of a governance structure for the College Fund, under which the Fund will report directly to the Council as opposed to reporting to the Management Board, is considered to be an essential foundation for its development.

2. The Paper that was submitted to the Management Board meeting on 23 February 2007 identified two realistic options:
   a. **Option B.** The legal and beneficial title to the Investment Assets would be moved into a wholly owned subsidiary company or trust, with its own management structure. Authority to appoint the directors/trustees and to dissolve the trust would be reserved to the Council.
   
   b. **Option C.** Ownership of the Investment Assets would remain within the existing legal structure of the College, i.e. no separate legal entity would be created to actually hold the assets. Authority to deal with the Investment Assets would be delegated directly from the Council to a Fund management structure.

3. In the Management Board Paper Option B was considered to be the preferred option, although further due diligence was to be undertaken in respect of both options. A comparison of the effects of the two Options over certain key areas is set out below. Paragraphs in italics provide the best solution to that issue:

<table>
<thead>
<tr>
<th>Option B</th>
<th>Option C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Independence from Management Board – it is critical that potential donors feel comfortable that the structure offers sufficient permanence and reliability</strong>&lt;br&gt;Transfer of legal title to assets provides a clearer separation and means that assets cannot be ‘reclaimed’ without considerable effort and expense.</td>
<td>Danger of lack of clear separation between College assets and Investment Assets – assets could be switched with little effort.</td>
</tr>
<tr>
<td>Perceived separation and independence of management (although note that the Council could change the management structure of the Fund as it wished).</td>
<td>The regulation will achieve the same level of independence. However, as the Fund management is an internal College structure there may be a misconception that it could be changed at whim.</td>
</tr>
<tr>
<td>Perceived permanence of structure (although note that the Council could dissolve the company at short notice if it wished).</td>
<td>The regulation will be a permanent structure. However, as the Fund management is an internal College structure there may be a misconception that it could be changed at whim.</td>
</tr>
<tr>
<td><strong>Communication and Reporting</strong>&lt;br&gt;Independent organisation is straightforward to explain and to promote.</td>
<td>More complicated to understand the Fund governance structure.</td>
</tr>
<tr>
<td>Independent organisation would be required to produce annual audited accounts.</td>
<td>No external requirement to produce accounts – accounts could be produced but there is a danger that these could be seen to be less rigorous.</td>
</tr>
<tr>
<td>Option B</td>
<td>Option C</td>
</tr>
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</tr>
<tr>
<td>PwC will provide a statement of compliance with accounting practice.</td>
<td><strong>Internally defined accounting standards – this will allow us to match the total fund value to the total unit value.</strong></td>
</tr>
<tr>
<td>Strict accounting requirements, prescribed by accounting standards SORP. However, certain reporting requirements would result in discrepancies and complexity at the consolidated College group level. Total unit value will not be reconcilable to the published fund value.</td>
<td><strong>No additional tax issue.</strong></td>
</tr>
<tr>
<td><strong>Tax</strong></td>
<td></td>
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<tr>
<td>Unless the subsidiary structure has charitable status, any profits made by the subsidiary would be taxable. Gift aiding of profits would not be a solution in this instance.</td>
<td></td>
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<tr>
<td><strong>Legal</strong></td>
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<tr>
<td>Mills &amp; Reeve have advised that the only recognised charitable structure that would be appropriate would be a Common Investment Fund (CIF). This requires the involvement of another charity which would be more complex.</td>
<td><strong>No issue.</strong></td>
</tr>
<tr>
<td>Cost of drawing up legal documents to transfer title in existing College assets.</td>
<td><strong>No cost to transfer assets.</strong></td>
</tr>
<tr>
<td>Future donations would either need to be made to the subsidiary company or be transferred (at additional cost)</td>
<td><strong>No issue of transfer.</strong></td>
</tr>
<tr>
<td>Transfers would be in return for shares in the company. The company would therefore have to maintain a formal share register. New investments into, and redemptions from, the company would create a disproportionate administrative burden.</td>
<td><strong>No issue of share capital.</strong></td>
</tr>
<tr>
<td><strong>Accounting</strong></td>
<td></td>
</tr>
<tr>
<td><em>Property assets could be revalued on a yearly basis without requiring a revaluation of all assets.</em></td>
<td><em>Property Assets could be held as ‘Investment Assets’ – this would allow a revaluation. (Note: Sports Centre Flats and any properties occupied by the College group could not be classified as Investment Assets).</em></td>
</tr>
<tr>
<td>Shareholding in Innovations would have to be held on a subsidiary basis and would have to be consolidated.</td>
<td><em>Shareholding in Innovations would have to be held on a subsidiary basis but would not have to be formally consolidated into the results of the Fund.</em></td>
</tr>
<tr>
<td>Where the subsidiary has not made a realised profit, it may not be possible to make a distribution to the College.</td>
<td><em>Fund can distribute at its own discretion, but College expenditure of distributions from the Fund may result in reported losses in the event of insufficient realised profits in the period.</em></td>
</tr>
</tbody>
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PAPER G

PROPOSED COLLEGE ORDINANCES

A Note by the Clerk

BACKGROUND

1. Members of the Council will recall that, in preparing the College’s Supplemental Charter and Statutes, it was decided to take advantage of the Government’s proposal that universities should be allowed to ‘deregulate’ their charters and statutes by transferring to their own ordinances or regulations many of the less important statutory provisions. The significance of this is that any provisions transferred in this way would no longer be subject to Privy Council approval, but could be amended and updated as and when the College saw fit.

2. The Supplemental Charter and Statutes were approved by the Council at its meeting in November and have since been submitted to the Privy Council for formal approval. At that meeting, it was noted that work on the preparation of the Ordinances had begun, with the intention that they would be brought to the Council for approval at the present meeting. Because it is intended that the Supplemental Charter will come into effect on 8 July, before the next Council Meeting on 13 July, it is important that the Ordinances are approved now so that they are all in place on the day when the College gains its independence from the University of London.

HIERARCHY OF DOCUMENTS

3. As the College has not previously had its own Ordinances, it was felt that a hierarchy of governance documents should be agreed which would define which documents were subordinate to which. The proposed hierarchy for College governance documents is set out in more detail in Annex A, but is essentially as follows:
   a. The Charter (granted by Her Majesty the Queen).
   b. The Statutes (as approved by the Privy Council).
   c. Ordinances (approved by the Council).
   d. Regulations (approved by the Council).
   e. Academic Regulations (approved by the Senate).
   f. Policies, procedures and codes of practice (approved by the Council or the Management Board, as appropriate).

THE ORDINANCES

4. As was noted when the Supplemental Charter and Statutes were approved in November, the main statutory provisions which it was proposed should be transferred to new Ordinances were:
   a. Membership of the University.
b. The constitution, powers and functions of the Court and the Senate.

c. General provisions for staff, students and the academic organisation of the University.

d. Provisions for Fellows and Associates of the University.

e. Provisions for investment and raising money.

5. In addition to the requirement for Ordinances covering these areas, some additional Ordinances are required to allow the College to exercise its powers as a university in its own right. These include, for example, the definition of the degrees and awards to be offered by College when it becomes a university. The proposed Ordinances cover these issues and also incorporate a number of provisions that are currently dealt with in College Regulations.

6. A copy of the draft Ordinances is attached at Annex B. The Ordinances themselves have been divided into five sections for ease of reference and to allow for the inclusion of additional Ordinances in the future, if required. The sections are:

   a. Governance Ordinances.

   b. Academic Ordinances.

   c. Finance Ordinances.

   d. Staff Ordinances.

   e. Student Ordinances.

GOVERNANCE

7. The Ordinances concerned with Governance include the Constitution, Powers and Functions of both the Court and the Senate, which were previously in the Statutes. Both are largely unchanged apart from one significant amendment that is proposed to the Court’s Constitution. The Privy Council has recently written to the chartered institutions to say that the Government has decided that it is no longer appropriate for the Crown to appoint members to serve on university bodies such as the Court. Institutions which include such appointments in their governing documents were asked to make arrangements to remove this category of membership from their courts or governing bodies at the earliest available opportunity. As the College had already removed the Constitution of the Court from its Statutes, we do not need to approach the Privy Council to make this change, but can simply incorporate it into the new Ordinances. The Privy Council Office has confirmed that it is happy with this approach and the category “6 [members] appointed by the Sovereign in Council” has therefore been removed from the Court Constitution in the draft Ordinance A7. It is suggested that those members of the Court who are currently appointed by the Crown should continue to serve as members of the Court in the co-opted category and should retain the same terms as office as before.

8. Some minor changes are also proposed to the appointment procedures of members of the Senate, contained in Ordinance A9. These changes will allow electronic voting methods to be used when appointing the elected members of the Senate. (The existing Regulations require elections to be carried out by postal ballot). Another change to the Senate’s powers will give it delegated authority from the Council to approve the College’s
Academic Regulations, which currently have to be signed off by the Council. This is in line with the Senate’s statutory responsibility for the academic work of the College.

ACADEMIC ORDINANCES

9. The two proposed Academic Ordinances; Ordinance B1, *Degrees and Other Awards Granted by the University*, and Ordinance B2, *Honorary Degrees, Fellowships and Associateships of the University*, are new. The first is required to provide the framework within which all of the College’s degrees will be awarded. The second is required for the College to be able to award Honorary Degrees in its own right. (It should be noted that, because Honorary Degrees are not academic awards, they will be granted by the Council and not by the Senate).

10. At its meeting on 21 February the Senate considered Ordinances B1 and E1 (which deals with the students of the University) as both these Ordinances are concerned with academic matters which fall under its remit. The Senate endorsed both Ordinances and recommended that the Council approve them.

STAFF ORDINANCES

11. Members will also recall that, when the Supplemental Charter was being prepared, the opportunity was taken to revise the Appendix to the Statutes, the so-called Model Statutes, which set out the discipline, grievance and dismissal procedures for members of the academic staff. As with the main Statutes, one result of the adoption of the new Appendix is that a number of provisions previously contained in the old Appendix will now be set down in Ordinances. This ‘deregulation’ is permitted by the Privy Council as it is in line with the latest version of the Model Statutes, and has also been agreed and accepted by the College’s trades’ unions. However, it has necessitated the creation of a number of new Staff Ordinances concerned with dismissal and grievance procedures and with related matters. These are contained in Ordinances D7 to D16.

12. The Human Resources Division has consulted with the trades’ unions on the creation of these Ordinances and has obtained their agreement to them.

STUDENT ORDINANCES

13. It is proposed that the Imperial College Union Constitution and the Memorandum of Understanding (MoU) between the College and the Union should be included in the Ordinances. However, a large number of amendments to the Constitution were approved by the Council as recently as November and both it and the MoU are currently the subject of detailed discussion with the Union. It is highly likely that further amendments will be proposed to both documents and it is therefore suggested that, for the time being, they should be accepted in their present form. For this reason, copies of both these lengthy documents have not been included in the present edition of the draft Ordinances.

EFFECTIVE DATE

14. As noted above, the Ordinances reflect the changes made to the Supplemental Charter which is currently with the Privy Council and also enact various provisions the College will require once it has gained independence from the University of London. For this reason, these Ordinances cannot take effect until the Supplemental Charter itself has been
approved and comes into effect. The Ordinances must therefore have an effective date of 8 July 2007 and, until then, the College’s existing Charter, Statutes and Regulations remain in effect.

DECISION REQUIRED

15. The Council is invited to consider and, if it sees fit, to approve the proposed Ordinances to take effect on 8 July 2007.

K.A.M.

Annexes:

A. Hierarchy of Governance Documents
B. The Ordinances
The Charter

Definition: A written document delivered by the sovereign or legislature creating or incorporating a borough, university, company, or other corporation.

The Charter is the College’s Governing Document; it establishes the College as a Higher Education Institution with the power to do “any lawful thing in furtherance of its objects.” The first Charter was granted under Letters Patent by His Majesty King Edward VII at Westminster on 8 July 1907.

This was replaced by a Supplemental Charter granted by Her Majesty Queen Elizabeth II on 24 June 1998.

Amendments to the Charter can only be agreed by the Privy Council and must first have been passed by the Council by Special Resolution and approved by the Court.

Statutes

Definition: A law made by a guild or corporation for the conduct of its members; a by-law of a borough; a provision in a municipal charter.

The Statutes are Schedules to the Charter and set out how the College is governed. Their main provisions concern the make up and powers of the Council and the powers of the Court and of the Senate. The Statutes also provide for administrative and other matters to be set out in Ordinances and Regulations, while the Appendix to the Statutes contains the procedures for dealing with grievances by academic staff and their discipline and dismissal.

Amendments to the Statutes can only be agreed by the Privy Council and must first have been passed by the Council by Special Resolution.

Ordinances

Definition: An authoritative direction, decree, or command, in more restricted sense: a public injunction or rule of narrower scope, less permanent nature, or less constitutional.

Ordinances can only be passed and amended by the Council.
<table>
<thead>
<tr>
<th>Definition</th>
<th>Approved by</th>
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<tbody>
<tr>
<td><em>character than a law or statute, such as a decree of a sovereign or (now esp. in U.S.) an enactment of a municipal or other local body.</em>&quot;</td>
<td></td>
</tr>
<tr>
<td>The College’s Ordinances are mainly concerned with with the management of the College’s affairs and its governance and set out in greater detail than is contained in the Statutes how the College is governed.</td>
<td></td>
</tr>
<tr>
<td>The Ordinances are divided into five sections and are concerned with Governance, Academic Matters, Finance, Staff and Students.</td>
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</tr>
<tr>
<td>Ordinances are subordinate to the Charter and Statutes and may not be interpreted in a manner which is contrary to them.</td>
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<tr>
<td><strong>Regulations</strong></td>
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<tr>
<td>OED: “A rule prescribed for the management of some matter, or for the regulating of conduct; a governing precept or direction; a standing rule.”</td>
<td></td>
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<tr>
<td>There are three main types of Regulation: Academic, Administrative and Financial.</td>
<td></td>
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<tr>
<td>The Academic Regulations provide the framework for the conduct of the College’s academic activities including the admission, registration and examination of students, the criteria for degrees, and the procedures whereby registration may be terminated for lack of academic progress.</td>
<td></td>
</tr>
<tr>
<td>The Administrative Regulations provide the framework for the conduct of the College’s other activities including the appointment of Professors and Readers, use of the College’s IT and other facilities, etc.</td>
<td></td>
</tr>
<tr>
<td>The Financial Regulations set out the provisions for the financial management of the College and are intended to ensure that the College operates within a robust, financial management and control environment. The Regulations apply to all the financial affairs of the College, irrespective of the source of funding, and compliance with them is mandatory for all College staff and students.</td>
<td></td>
</tr>
<tr>
<td>The Academic Regulations are the responsibility of the Senate and may only be approved and amended by the Senate.</td>
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<tr>
<td>All other Regulations are the responsibility of the Council and may only be approved and amended by it.</td>
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<tr>
<td>Definition</td>
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<tr>
<td>Regulations are subordinate to the Charter, Statutes and Ordinances and may not be interpreted in a manner which is contrary to them.</td>
<td>Policies on academic matters are the responsibility of the Senate and may only be approved and amended by it.</td>
</tr>
<tr>
<td>Policies</td>
<td>Policies describe the College’s formal response and approach to specific issues. A Policy is often required by, or initiated in response to, an external requirement, such as compliance with the Law, governmental directives (such as those relating to equal opportunities and risk management) and good practice (for example, value for money, disaster recovery, etc). All other College-wide policies are the responsibility of the Council or Management Board and may only be approved and amended by those bodies, as appropriate.</td>
</tr>
<tr>
<td>Procedures and Codes of Practice OED: “The fact or manner of proceeding with any action, or in any circumstance or situation; a system of proceeding; proceeding, in reference to its mode or method; conduct, behaviour.”</td>
<td>Procedures and Codes of Practice derived from academic policies are the responsibility of the Senate and may only be approved and amended by it. All other College-wide Procedures and Codes of Practice are the responsibility of the Rector and may be approved and amended only by the Management Board or the Operations Committee as appropriate.</td>
</tr>
<tr>
<td>Procedures and Codes of Practice</td>
<td>Procedures and Codes of Practice are intended to set out how individual Policies will be implemented within the College. They may also include guidance on the application and interpretation of those Policies.</td>
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Annex B

IMPERIAL COLLEGE LONDON

THE ORDINANCES

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ORDINANCE A1

GENERAL PROVISIONS
AND PROCEDURE FOR MAKING ORDINANCES

INTERPRETATION

1. Ordinances shall not be interpreted in a manner that is contrary to the Charter or Statutes. If any doubt arises over the interpretation of an Ordinance the matter shall be referred to the Rector. The Rector shall determine the matter after reference, if necessary in the opinion of the Rector, to the Chairman of the Council, whose decision shall be final.

2. In these Ordinance words bear the same meaning as in the Charter and Statutes, unless the context requires otherwise.

3. Except where the context requires otherwise, words importing the singular number shall include the plural number and words importing the masculine gender shall include the feminine gender and vice versa.

4. References to the provisions of any Ordinance include, unless the context requires otherwise, reference to the corresponding provisions of any subsequent Ordinance directly or indirectly amending, consolidating, extending, replacing or re-enacting the same.

5. Except where the context requires otherwise, references to the University are to the Imperial College of Science, Technology and Medicine.

MAKING, RATIFYING, AMENDING AND REVOKING ORDINANCES

6. Ordinances may be made, ratified, amended or revoked at any meeting of the Council providing that notice of the proposal was included on the agenda paper and that the views of the Senate have been sought as appropriate on any proposal which, in the opinion of the Rector, is relevant to it.

ORDINANCE A2

MEMBERSHIP OF THE UNIVERSITY

1. The following persons shall be Members of the University:
   - The Members of the Court;
   - The Members of the Council;
   - The Fellows;
   - The Staff employed by the University
   - The Students of the University.

2. In addition to those categories of person designated as Members of the University, the Council may grant membership of the University to other persons or categories of persons.

3. Proposals for such additional membership may be made to the Council provided that:
   a. Any such proposal is made in writing with supporting justification to the Clerk to the Council.
   b. The Clerk to the Council seeks the views of the Senate and the Management Board, as appropriate, before laying the proposal before the Council for its consideration.

4. The Clerk to the Council shall maintain a formal record of all decisions of the Council on such proposals for the conferment of the status of Membership of the University.

5. The Council shall have power, at the request of a member, to release that person from membership of the University, subject to the agreement of that person to continue to observe the Charter, Statutes, Ordinances and Regulations of the University.
ORDINANCE A3

NOMINATION, ELECTION AND CO-OPTION OF MEMBERS OF THE COUNCIL

SENIOR STAFF MEMBERS

1. The five members of the Council appointed from the senior staff of the University under the terms of Statute 3(1)(a) shall be the Faculty Principals, the Principal of the Business School and the Chief Operating Officer.

CASUAL VACANCIES

2. In the event of a vacancy occurring on the Council before the end of the period of co-option of an External Member, the Council will co-opt a person to fill that vacancy. Any person co-opted to fill such a casual vacancy shall commence his period of office immediately, but his appointment shall be deemed to have commenced on the following 1 October for the purposes of determining that member’s eligibility for further periods of membership of the Council in accordance with Statute 3(2)(c).

ELECTED STAFF MEMBER

3. At the beginning of each academic year the Elected Staff Member shall be chosen by and from among the Deans elected by the academic staff in accordance with Ordinance D6. The Dean chosen as the elected staff member shall serve in this capacity for one year, but shall be eligible for re-appointment.

ORDINANCE A4

DELEGATION OF POWERS OF THE COUNCIL

GENERAL

1. The delegation of Powers of the Council is defined in Statute 3(6) of the University’s Statutes as follows:

“The Council may delegate any of its functions, powers and duties (other than its power to make Ordinances) to committees appointed by it, its officers, other entities (comprising its own officers or members or otherwise) or individuals, and such committees, individuals or entities may further delegate unless the Council has provided to the contrary.”

2. Pursuant to Statute 3(6), the Council has determined that the following matters may not be delegated to its committees or its officers except by resolution of the Council:

a. Final approval of the University’s Strategic Plan.

b. Final approval of the University’s Annual Budget.

c. Final approval of the University’s audited Annual Financial Statements.

d. Final approval of purchases or disposals of assets, land or buildings exceeding £5M in value.

e. Final approval of any borrowing facility exceeding £5M.

f. The appointment of the Rector.

g. The appointment of the Clerk to the Council and of the College Secretary.

PROJECT APPROVALS

3. Final approval for those projects with a total value of less than £1M shall be delegated to the Rector, as advised by the Management Board.

4. Final approval for those projects with a value of less than £5M, which have been included in the University’s Capital Investment Plan and which have been approved in principle by the Council, shall be delegated to the Rector, as advised by the Management Board.

5. The Rector, as advised by the Management Board, shall have delegated authority to approve expenditure in excess of £1M, but less than £5M, where such expenditure is required for development work on a project to be carried out prior to its inclusion in the Capital Investment Plan.

6. For those projects with a total cost in excess of £5M which have been included in the Capital Investment Plan and which have been formally approved by the Council, the Rector, as advised by the Management Board, shall have delegated authority to approve subsequent variations to the total cost of the project, provided that the variation does not exceed 10% of the total project
cost (regardless of whether this variation is the result of a single increase or of the aggregation of two or more smaller increases). This delegation of approval only applies to project changes and does not apply to variations between a project’s initial cost estimates and the receipt of firm tenders.

CHAIRMAN’S ACTION
7. Pursuant to Statute 3(6) the Chairman shall have delegated powers to act on the Council’s behalf between its scheduled Meetings on:
   a. Items of routine business that would not normally merit discussion at a meeting of the Council;
   b. Matters relating to the implementation of policies that have already been approved by the Council.
8. Where an issue arises which, in the view of the Chairman, is too urgent and important for consideration to be deferred until the next scheduled Meeting of the Council, the Chairman shall have delegated authority to take action on the Council’s behalf. Such action may, at the discretion of the Chairman, take the form of:
   a. Calling a Special Meeting of the Council;
   b. Consulting with the Members of the Council by correspondence;
   c. Taking Chairman’s action.
9. In all cases, the Chairman will exercise great care before taking action on behalf of the Council, and will consult with the Clerk to the Council on the most appropriate course of action. Chairman’s action on matters of importance will be taken only where delaying a decision would disadvantage the University.
10. Where the Chairman has exercised his delegated authority to act on behalf of the Council, a written report on the action taken will be made to the next scheduled Meeting of the Council which shall give its formal endorsement or otherwise to the action.

ORDINANCE A5
CONFIDENTIALITY AND THE DECLARATION OF MEMBERS’ INTERESTS

CONFIDENTIALITY
1. The Minutes of the Council will be made available to the Members of the University after they have been confirmed by the Council and signed by the Chairman.
2. Papers presented at meetings of the Council remain confidential to members of the Council until they are published in the Minutes of the Council.
3. Subject to the above, members of the Council may discuss items on the agenda of a Council meeting with non-members in a general way and on a confidential basis prior to that meeting.

DECLARATION OF MEMBERS’ INTERESTS
4. Members of Council and/or of Council Committees and senior officers of the University are required to make an annual Declaration of Interests with respect to their own financial and non-financial interests and those of their close family, spouse or partner. A nil return shall be made where appropriate. Any subsequent material changes to the information supplied must be notified to the Clerk to the Council as soon as they occur.
5. The Register of Interests will be held in the Clerk’s Office and may be consulted by prior arrangement.
6. Any member who believes that he or she may have a direct or indirect personal or financial interest in any matter under discussion at a meeting of the Council or of the Court or of a Council Committee shall state that interest at the earliest opportunity, normally to the Chairman or to the Clerk or Secretary prior to the meeting or, if necessary, at the appropriate point during the meeting, whether or not such interests have been recorded in the Register of Interests. Such declarations shall be recorded in the Minutes.
7. Members declaring an interest should withdraw from the meeting when the relevant business is reached unless the Chairman invites them to stay. If members are invited to stay in the meeting, they may contribute to the discussion but are not entitled to vote unless the Chairman indicates otherwise. A member shall not be precluded from participating in discussion of any item of business solely because he or she is an employee or student of the University; nor shall the restriction on involvement in matters of personal financial interest per se prevent any member from considering and voting on proposals to insure the Council and its members against any liabilities which it or they might incur.
8. Members should decline to participate in any committee or working party or other body where there is a possibility that a conflict of interest may arise on a regular basis.
ORDINANCE A6

CUSTODY AND USE OF THE COMMON SEAL

1. In accordance with Article 12 of the Charter, the Council shall have the custody and sole use of the Common Seal of the University.

2. The Clerk to the Council shall be responsible to the Council for the security of the Common Seal.

3. The Common Seal shall be used only to seal documents upon which the Seal is required by law or by accepted custom and usage. Within these terms, the following uses of the Common Seal are authorised:
   a. Degree, Diploma and Other Certificates.
   b. Legal Contracts.
   c. Conveyances.

4. The Clerk may authorise the affixing of the Common Seal to documents listed in Paragraph 3 above. Otherwise, the Seal shall be affixed only pursuant to a resolution of the Council or of the Senate or by authority of the Chairman of the Council.

5. Every instrument to which the Common Seal is affixed shall be signed by any two of the following:
   a. Members of the Council, except co-opted members, the Elected Staff Member and the President of the Imperial College Union;
   b. The Clerk to the Council;
   c. The Assistant Clerk;
   d. The principal College Officers appointed by the Council in pursuance of Ordinance D3.

6. A Sealing Register shall be kept by the Clerk, in which shall be entered the date of each occasion on which the Common Seal of the University is affixed, the nature of the instrument and the names of the members of the Council or other College Officers who sign the instrument.

7. The Common Seal shall be that approved by the Governing Body of the Imperial College on 12 May 1989, a reduced size facsimile impression of which is affixed below.

ORDINANCE A7

POWERS, FUNCTIONS, MEMBERSHIP AND MEETINGS OF THE COURT

POWERS AND FUNCTIONS OF THE COURT

1. The powers and functions of the Court shall be:
   a. To receive annual reports on the workings of the University from the Rector and the Council;
   b. To receive the Annual Accounts and the comments of the Audit Committee thereon;
   c. To discuss any matters relating to the University and convey its opinion thereon to the Council;
   d. To approve amendments to the Charter on the recommendation of the Council, prior to submission to the Privy Council;
   e. To make representations for the appointment of a Visitor, as provided for in the Charter.

MEMBERSHIP OF THE COURT

2. The Court shall consist of the following persons:
   a. Ex officio Members
      The Rector
      The Deputy Rector
      Pro-Rectors
      Deans
      Principals
      Deputy Principals
      Vice-Principals
      Provosts
      President of the Imperial College Union
      Presidents of the Old Students' Associations
   b. Appointed Members
      1 appointed by the Goldsmiths’ Company
      1 appointed by the Clothworkers’ Company
      13 appointed by the City and Guilds of London Institute, of whom 10 should be members of City Livery Companies other than the Goldsmiths’ Company and the Clothworkers’ Company
      2 appointed by the Royal Commissioners for the Exhibition of 1851
      2 appointed by the Royal Society
      2 appointed by the Royal Academy of Engineering
      1 appointed by the Royal Society of Chemistry
| 1 | appointed by the Royal College of Physicians |
| 2 | appointed by the Royal College of Surgeons of England |
| 3 | appointed by the Royal College of Anaesthetists |
| 4 | appointed by the Royal College of General Practitioners |
| 5 | appointed by the Royal College of Obstetricians and Gynaecologists |
| 6 | appointed by the Royal College of Ophthalmologists |
| 7 | appointed by the Royal College of Pathologists |
| 8 | appointed by the Royal College of Psychiatrists |
| 9 | appointed by the Royal College of Radiologists |
| 10 | appointed by the Royal College of Paediatrics and Child Health |
| 11 | appointed by the Royal Aeronautical Society |
| 12 | appointed by the Royal Statistical Society |
| 13 | appointed by the Royal Institution of Naval Architects |
| 14 | appointed by the Royal Agricultural Society of England |
| 15 | appointed by the Royal Horticultural Society |
| 16 | appointed by each of: |
| 17 | the Institution of Chemical Engineers |
| 18 | the Institution of Civil Engineers |
| 19 | the Institution of Engineering & Technology |
| 20 | the Institution of Mechanical Engineers |
| 21 | the Institution of Mining Engineers |
| 22 | the Institute of Materials, Mineral and Mining |
| 23 | the Institute of Biology |
| 24 | the Institute of Management |
| 25 | the Institute of Physics |
| 26 | the Society of Chemical Industry |
| 27 | the British Computer Society |
| 28 | the British Society for the History of Science |
| 29 | the Institution of Engineering |
| 30 | the Institution of Civil Engineers |
| 31 | the Institution of Mechanical Engineers |
| 32 | the Institution of Mining Engineers |
| 33 | the Institute of Materials, Mineral and Mining |
| 34 | the Institute of Biology |
| 35 | the Institute of Management |
| 36 | the Institute of Physics |
| 37 | the Society of Chemical Industry |
| 38 | the British Computer Society |
| 39 | the British Society for the History of Science |
| 40 | appointed by each of: |
| 41 | the Institution of Chemical Engineers |
| 42 | the Institution of Civil Engineers |
| 43 | the Institution of Engineering & Technology |
| 44 | the Institution of Mechanical Engineers |
| 45 | the Institution of Mining Engineers |
| 46 | the Institute of Materials, Mineral and Mining |
| 47 | the Institute of Biology |
| 48 | the Institute of Management |
| 49 | the Institute of Physics |
| 50 | the Society of Chemical Industry |
| 51 | the British Computer Society |
| 52 | the British Society for the History of Science |

26. EX OFFICIO STAFF MEMBERS

3. Appointees of the Appointing Bodies shall be those nominated by the Appointing Bodies and approved by the Council.

4. Appointees of the Court shall be those nominated by the Appointing Bodies and approved by the Council.

5. In the list of Appointing Bodies:

   (1) "One person each by the Local Authority in the areas in which the University has a main site location as determined by the Council shall be interpreted as one representative from each of the Local Authorities in whose boroughs the South Kensington, St. Mary's, Royal Brompton, Hammersmith, Charing Cross, Silwood Park and Wye Campuses are situate.

   (2) "Three members of the Commons House of Parliament for the relevant parliamentary constituencies", shall be interpreted as three members from among those members of the Commons House of Parliament with constituencies in which the South Kensington, St. Mary's, Royal Brompton, Hammersmith, Charing Cross, Silwood Park and Wye Campuses are situate.

   (3) "Eight appointed by the Imperial College Union" shall be eight persons nominated by the Imperial College Union Council in accordance with any such policy established for that purpose as determined by the Imperial College Union Constitution.

6. In the event of a vacancy occurring among members appointed on the nomination of one of the Appointing Bodies, that body shall be invited by the Clerk to the Court to nominate another person for appointment to the Court. The nomination shall be drawn to the attention of the Court at its next ordinary meeting and, if it is acceptable to the Court, the appointment shall be confirmed.

Co-opted Members

Up to 40 persons, not employees of the University, co-opted on the recommendation of the Council.

Chairman and Deputy Chairman

The Chairman and the Deputy Chairman shall be the Chairman and Deputy Chairman of the Council

Clerk to the Court

The Clerk to the Court shall be the Clerk to the Council.
6. Elected Members of Staff

a. Members of the Academic Staff

(1) Persons elected by the academic staff of the University from among their number to be members of the Court shall be members of, be elected by, and shall represent the interests of the Engineering, Science and Medical staff of the University.

(2) Engineering staff shall comprise those academic staff employed in the Faculty of Engineering, and the Business School.

(3) Science staff shall comprise those academic staff employed in the Faculty of Natural Sciences and the Humanities Programme.

(4) Medical staff shall comprise those academic staff employed in the Faculty of Medicine.

(5) In the event of any uncertainty or dispute, the Rector shall have the authority to determine to which category a member of staff shall be deemed to be associated for the purposes of these elections.

(6) Academic staff entitled to vote for representatives of their academic grouping to be members of the Court shall be those academic staff who are permanent employees of the University with the status of Professors, Readers, Senior Lecturers and Lecturers but excluding Probationary and Temporary Lecturers.

d. Casual Vacancies. In the event of a vacancy occurring amongst the elected staff members before the end of the elected period of a member of the academic or non-academic staff, the Clerk to the Court shall arrange for an election forthwith to fill that vacancy.

e. Co-Opted Members. Persons eligible to be co-opted on the recommendation of the Council to be members of the Court shall be persons possessing such expertise as may be required by the Court to enable it to carry out its functions, together with any person co-opted to a committee of the Council who is not already an appointed or elected member of the Court.

PERIOD OF OFFICE OF MEMBERSHIP OF THE COURT

7. Ex officio members shall be members of the Court for the period for which they hold the position designated; other members shall be appointed for a term of four years, and be eligible for re-appointment except that members shall not normally be appointed for more than two consecutive terms of four years.

8. Periods of office of appointed or elected members shall commence on 1 October, save that any member appointed or elected to fill a casual vacancy shall commence his period of office immediately, but that his appointment shall be deemed to have commenced on the following 1 October for the purposes of determining that member's eligibility for further appointment or election.

CESSATION OF MEMBERSHIP OF THE COURT

9. Ex officio members shall cease to be members on vacation of the relevant office.

10. Elected members shall cease to be members of the Court if they cease to be eligible in the categories in which they were elected.

11. Where a member of the Court becomes incapable by reason of mental disorder, the Court may resolve that such person's membership be terminated.
12. The Court may require any member against whom a bankruptcy order has been made, or who makes a voluntary arrangement or any form of composition with his creditors, or a similar or equivalent order or arrangement in any jurisdiction or who is convicted on indictment of a criminal offence, to resign from membership.

13. Any member of the Court may resign by sending notice of resignation in writing to the Clerk to the Court.

**MEETINGS OF THE COURT**

14. There shall be a meeting of the Court at least once a year at such day and hour as determined by the Council to discharge the powers and functions prescribed by Paragraph 1 of this Ordinance.

**QUORUM OF THE COURT**

15. The Court shall be deemed to be quorate when at least 50 members are present, in which appointed and co-opted members shall form a majority.

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**ORDINANCE A8**

**MEMBERSHIP AND MEETINGS OF THE SENATE**

**MEMBERSHIP OF THE SENATE**

1. The Senate shall consist of the following persons, namely:
   a. **Ex Officio Members**
      - The Rector, who shall preside over meetings of the Senate
      - The Deputy Rector
      - Pro-Rectors
      - Principals
      - Directors of the Graduate Schools
      - Deans
      - The College Librarian
      - College Tutors
   b. Five Heads of Science and Engineering Departments/Divisions, appointed by fellow Heads of Departments/Divisions.
   c. Two Heads of the Faculty of Medicine Divisions, appointed by fellow Heads of Divisions.
   d. Twenty-four members of the academic staff, eight each appointed by the Engineering Studies, the Medical Studies and the Science Studies Committees.
   e. Six members elected by and from the academic members of staff employed by the University, of whom not more than two should be Professors.
   f. Three co-opted members of the academic staff, to include academic interests not otherwise represented.
   g. Three students of the University, one of whom shall be the President of the Imperial College Union and two nominated by the Imperial College Union.

**APPOINTMENT, ELECTION AND CO-OPTION OF MEMBERS OF THE SENATE**

2. For the purposes of this Ordinance, the following shall be the meaning of the terms used and procedures to be adopted for the appointment, election and co-option of members of the Senate.

3. **Ex Officio Staff Members.** The definitions of offices used in this Ordinance shall be as set out in Ordinance D4.
4. **Appointed Members.**

a. Appointed members of the Senate shall be those nominated by the Appointing Bodies listed in Paragraph 1(b), (c) and (d) above.

b. No later than 1 March in any year that a Science or Engineering vacancy is due to occur the Secretary to the Senate shall invite the Heads of the Departments/Divisions in the Faculties of Engineering and Natural Sciences to nominate from their own number up to five Heads for appointment to the Senate. In the event that more nominations are received than the number of vacancies expected, an election will be held in accordance with the procedures outlined in Paragraph 5 below.

c. No later than 1 March in any year that a medical vacancy is due to occur, the Secretary to the Senate shall invite the Heads of the Faculty of Medicine Divisions to nominate from their own number up to two Heads for appointment to the Senate. In the event that more nominations are received than the number of vacancies expected, an election will be held in accordance with the procedures outlined in Paragraph 5 below.

d. The Secretary to the Senate shall invite the Chairmen of the Engineering Studies Committee, the Medical Studies Committee and the Science Studies Committee each to nominate members of the academic staff to fill any vacancies expected to occur for appointment to the Senate. The process for nomination shall be for each Committee to determine. The Chairmen of the Committees shall notify the Secretary to the Senate of their nominations no later than 31 May in any year that the vacancies are expected.

e. In the list of Nominating Bodies in Paragraph 1(g) above the “Three students of the University” shall be the President of the Imperial College Union and two registered students nominated by the Imperial College Union Council in accordance with any such policy established for that purpose as determined by the Imperial College Union’s Constitution.

f. In the event that an election is required to determine nominations for the appointment of Heads of Science and Engineering Departments/Divisions or Heads of Faculty of Medicine Divisions to the Senate the Secretary shall hold a secret ballot for the group concerned. Ballot papers must reach the Secretary to the Senate by the closing date stated in the notice of ballot, which shall be not less than two weeks from the date of that notice. The persons to be elected shall be determined by a simple majority of those voting.

5. **Elected Members of Academic Staff**

a. For the purposes of this Ordinance, the term “academic staff” shall be as defined in Ordinance A7, Paragraph 6. Eligible members of academic staff shall be those in post as at 1 April.

b. No later than 1 June in any year that a vacancy for an elected academic staff member is due to occur the Secretary to the Senate shall invite nominations for election to the Senate by notice in writing to members of the academic staff. Each person nominated for election to the Senate from the academic staff shall be nominated by two members of the academic staff and nominations must reach the Secretary to the Senate in writing by the closing date given in the notice, which shall be not less than two weeks from the date of that notice. The person nominated must countersign the nomination paper to indicate that he or she is prepared to stand for election.

c. If only sufficient nominations are received to fill the expected vacant places on the Senate, those nominated will be declared elected without a ballot.

d. If insufficient nominations are received, those nominated will be declared elected without a ballot and the remaining place or places shall be filled by co-option at the next following meeting of the Senate.

e. If more nominations are received than there are vacancies, a secret ballot will be held. Ballot papers must reach the Secretary to the Senate by the closing date stated in the notice of ballot, which shall be not less than three weeks from the date of that notice. The persons to be elected shall be determined by the operation of the single transferable vote system in such a way as to ensure that not more than two Professors are elected at any one time to fill the six places allocated.

f. As soon as possible after the closing date for the receipt of ballot papers, the candidates shall be informed of the result which shall also be sent to Heads of Departments and Divisions for display locally, and shall be reported in the IC Reporter and on the University’s website.

6. **Co-Opted Members.** In any year that a vacancy is due to occur for a co-opted member on the Senate, the Rector shall propose that the Senate approve the co-option of such additional members of the full-time academic staff nominated by him to fill these expected vacancies, always ensuring that academic interests are widely represented.

7. **Casual Vacancies.** In the event of a vacancy occurring before the end of the appointed or elected period of a member of the Senate, the Secretary to the Senate shall arrange for an appointment or election forthwith to fill that vacancy for the remainder of the period of office outstanding in accordance with the procedures outlined above. Any such person appointed or elected to fill a casual vacancy shall be eligible for re-appointment or re-election for each of two periods of membership of the Senate following the completion of the period of membership for which he or she was first appointed or elected.

8. **Period of Office of Members of the Senate.**

- Appointed and elected members shall be appointed, co-opted or elected for a period of three years and shall be eligible for re-appointment, co-option or re-election except that members shall not normally serve for more than three consecutive terms of three years.

9. **cessation of membership of the Senate.**

- Ex officio members shall cease to be members on vacation of the relevant office.

- Appointed and elected members shall cease to be members if they cease to be eligible in the categories in which they were appointed or elected or if they send notice of resignation in writing to the Academic Registrar.
POWERS OF THE SENATE

12. The Senate shall be the supreme academic authority of the University, responsible to the Council, and shall take such measures as shall appear to it to be best calculated to promote the academic work of the University, both in teaching and research and for the regulation and superintendence of the education and discipline of the students of the University.

13. The Senate has delegated authority from the Council to make such Academic Regulations as are necessary to fulfil its responsibilities under the preceding paragraph.

14. The Senate may establish Committees in Engineering Studies, in Medical Studies and in Science Studies and such other committees with such terms of reference as it deems appropriate.

DELEGATION OF POWERS OF THE SENATE

15. The Senate may delegate any of its functions, powers and duties (other than its power to make Academic Regulations) to committees appointed by it or to its officers as it sees fit, and such committees and individuals may further delegate unless the Senate has provided to the contrary.

MEETINGS OF THE SENATE

16. The Senate shall meet at least three times during the academic year. One meeting shall normally be held in each term. Additional meetings shall be called as required by the Chairman or at the written request of no fewer than one-third of the members.

17. The Senate shall be deemed to be quorate when one-third of the nominated, elected and co-opted members are present.

ORDINANCE A9

TERMS OF REFERENCE FOR COMMITTEES OF THE COUNCIL

AUDIT COMMITTEE

TERMS OF REFERENCE

1. To keep under review the effectiveness of internal control systems, and in particular to review the external auditors’ management letter, the internal auditors’ annual report, and management responses.

2. To consider the Annual Financial Statements in the presence of the external auditor, including the auditor’s formal opinion, the statement of members’ responsibilities and any corporate governance statement.

3. To monitor the implementation of agreed recommendations arising from internal and external audit reports.

4. To advise the Council on the appointment of the external auditors, the audit fee, the provision of any non-audit services by the external auditors and any questions of resignation or dismissal of the external auditors.

5. To review the internal auditors’ audit needs assessment and the audit plan; to consider major findings of internal audit investigations and management’s response; and promote co-ordination between the internal and external auditors. The Committee will ensure that the resources made available for internal audit are sufficient to meet the University’s needs.

6. To satisfy itself that satisfactory arrangements are in place to promote economy, efficiency and effectiveness.

7. To monitor the effectiveness of the University’s risk management policy and procedures, and in this regard, to receive annual reports from the Rector on Risk Management and the management of Health and Safety within the University.

8. To receive any relevant reports from the National Audit Office, the HEFCE and other organisations.

9. To monitor annually the performance and effectiveness of external and internal auditors.

10. To report to the Council at least annually on its activity for the year and to give its opinion on the extent to which the Council may rely on the internal control system and the arrangements for securing economy, efficiency and effectiveness.

11. The Committee shall have the authority to call for any information from College officers, external and internal auditors and others which it considers necessary to discharge its responsibilities effectively.
CONSTITUTION

12. The Committee and its Chairman shall be appointed by the Council from among its own members and must consist of members with no executive responsibility for the management of the University. No member of the Audit Committee may also serve on the University’s Finance Committee or its equivalent.

13. Members

a. A Chairman to be appointed by the Council from among the external members of the Council.

b. Three members, at least one of whom shall have recent and relevant expertise and experience in finance, accounting or auditing, to be appointed by the Council from among the external members of the Council.

c. The Committee shall have the power to co-opt up to two additional external members, if it sees fit.

14. In Attendance

The Rector
The Deputy Rector
The College Secretary
The Director of Finance
Representatives of the internal and external auditors

15. Secretary

The Head of Central Secretariat and Assistant Clerk to the Court and Council

MEETINGS AND REPORTING

16. The Committee shall meet not less than three times a year. The external auditors and internal auditors may request that additional meetings be held if they consider it necessary.

17. The minutes of meetings of the Committee will be circulated to all members of the Council.

18. The Committee will prepare an annual report covering the University’s financial year and any significant issues up to the date of preparing the Report. The Report will be addressed to the Rector and to the Council and will summarise the activity for the year. It will give the Committee’s opinion on the adequacy and effectiveness of the University’s arrangements for:

a. Risk Management, control and governance, including the accuracy of the statement of internal control included with the annual statement of accounts.

b. Economy, efficiency and effectiveness (value for money).

19. This Report will be presented to the Council before the members’ responsibility statement in the Annual Financial Statements is signed.

20. The Committee will also provide an annual statement on the University’s Accounts to the Court at its annual meeting.

QUORUM

21. The quorum shall be the Chairman and one other member.

REMUNERATION & NOMINATIONS COMMITTEE

TERMS OF REFERENCE

1. To receive comparative information on salaries, other emoluments and conditions of service in the university sector.

2. To review and approve annually the salaries and emoluments of the Rector and of such senior staff as report directly to the Rector or who may, from time to time, be agreed by the Committee.

3. To review and approve any discretionary salary revisions for such staff.

4. To consider and resolve any apparent anomalies in remuneration.

5. To consider and decide any severance payments proposed for staff listed in Paragraph 2 above.

6. To agree in advance remuneration packages outside the norm.

7. To review information on University reward strategy and policy.

8. To receive annually information from the Rector on the decisions made by the Management Board concerning the salaries and other emoluments of professorial and such other senior staff as may, from time to time, be agreed.

9. To keep under review the membership of the Council, the Court and of the Council’s Committees.

10. To recommend to the Council external members for co-option to the Council.

11. To recommend to the Council persons for co-option to the Court.

12. To recommend to the Council persons for nomination by those Appointing Bodies requesting nominations to be made for them.

13. To recommend to the Council such additional definition of terms as may be necessary to facilitate the procedures for the appointment, election and co-option of persons to the Council and Council.
14. To recommend to the Council the appointment of persons to other external bodies in cases where the Council is the Appointing Body.

CONSTITUTION

15. Members
   a. The Chairman of the Council (Chairman)
   b. Three external members of the Council, appointed by the Council

16. In Attendance
   a. The Rector (except when his own remuneration is being considered).
   b. The Deputy Rector (except when remuneration issues are being considered).

17. Secretary
   The Clerk to the Court and Council & the Director of Human Resources

MEETINGS AND REPORTING

18. The Committee shall meet at least two times per annum.

19. The Committee will make an annual report on remuneration to the Council at its Autumn meeting.

20. The Committee’s recommendations for appointments to the Court and Council and to other bodies shall be made to the Council as and when required.

QUORUM

21. The quorum shall be the Chairman and one other member.
STANDING ORDERS

10. Notification of the date, time and venue of each meeting and the Agenda and papers for each meeting of a committee shall be sent by the Secretary to every member not less than seven days before each meeting.

11. A special meeting of a committee may be convened by the Chairman, or by the Secretary on receipt of a written request signed by no fewer than one-third of the members of the committee. The meeting shall be held within a minimum of ten days and a maximum of 21 days from the date of receipt of the request by the Secretary. The Secretary shall notify all members of the date, time and venue of any special meeting. No business shall be transacted at a special meeting of any committee except that for which it has been convened.

12. The Agenda for a meeting of a committee may include items marked with an asterisk, which will signify that the item(s) so marked will be expected to pass without discussion. Not less than 24 hours before the start of the meeting any member may request that the asterisk be removed, thereby permitting discussion of the item.

13. Apart from at special meetings (at which only the business for which the meeting has been convened may be transacted) supplementary agenda items may be taken at the discretion of the Chairman.

14. Agendas and papers for, and Minutes of, any meeting relating to Reserved Areas of Business as defined in Statute 6 shall be recorded separately in a confidential minute and circulated only to those members of the meeting entitled to receive them.

15. Attendance at Meetings
   a. Only duly appointed members are entitled to attend meetings. Substitutes will not normally be permitted. In exceptional circumstances and with the prior agreement of the Committee’s Chairman a substitute may be permitted to attend a meeting, but will not be permitted to vote and may only contribute to a committee’s deliberations when invited to do so by the Chairman.

   b. A committee’s terms of reference may provide for College Officers to attend meetings. The Chairman may also permit other officers to attend individual meetings where they are required to provide advice or guidance to the Committee. Officers in attendance will not be permitted to vote and may only contribute to a committee’s deliberations when invited to do so by the Chairman.

   c. Any member who is absent from committee meetings for twelve consecutive calendar months shall cease to be a member of that Committee unless the Committee decide otherwise.

16. Order and Conduct of Debate
   a. Any formal proposal or recommendation which appears on the Agenda or in a paper submitted to the meeting shall be put to the meeting for resolution.

   b. No proposal or motion proposed during the course of a meeting shall be put to the meeting for resolution without the approval of the Chairman.

   c. When an amendment to a proposal or motion has been moved and seconded, no further amendment shall be moved until the first amendment has been carried or defeated. If an amendment is carried, the proposal or motion as amended shall be considered in place of the original proposal or motion and shall become the proposal or motion to which any further amendments may be moved.

17. Voting
   a. Voting at meetings shall normally be by show of hands of those present. The votes of the majority shall decide. When equal numbers of votes are cast, the Chairman shall have a casting vote.

   b. If a count takes place, the number of votes cast shall be recorded in the Minutes of the meeting.

   c. Notwithstanding the terms of Paragraph 17a. where a resolution at a meeting of the Council is put to the vote, the resolution shall only be passed where there is a majority of those voting in favour of the resolution and where there is also a majority of the external members voting in favour of the resolution.

18. Minutes
   a. Minutes of every meeting shall be kept by the Secretary, who shall be responsible for maintaining a master file of all Minutes and Papers and subsequently archiving them.

   b. The Secretary shall circulate the unconfirmed Minutes to all members as soon as reasonably practical after each meeting.

   c. The Minutes of each meeting shall, after confirmation, be signed by the Chairman at the succeeding meeting.

19. A Committee may, at an ordinary meeting, suspend or amend a Standing Order, provided that the suspension or amendment does not conflict with the Statutes or Ordinances, and that the suspension or amendment is approved by two-thirds of those members present and voting.
ORDINANCE B1

DEGREES AND OTHER AWARDS GRANTED BY THE UNIVERSITY

THE DEGREES

1. The following degrees, listed in alphabetical order with their abbreviated titles, are those which may be granted by the University:

a. First Degrees
   - Bachelor of Engineering (BEng)
   - Bachelor of Medicine and Bachelor of Surgery (MB,BS)
   - Bachelor of Science (BSc)
   - Master in Science (MSci)
   - Master of Engineering (MEng)

b. Postgraduate Taught Degrees
   - Master of Business Administration (MBA)
   - Master of Education (MEd)
   - Master of Public Health (MPH)
   - Master of Research (MRes)
   - Master of Science (MSc)

c. Specialist Doctorates
   - Doctor in Engineering (EngD)

d. Research Degrees
   - Doctor of Medicine (Research) (MD(Res))
   - Doctor of Philosophy (PhD)
   - Master of Philosophy (MPhil)

c. Higher Doctorates
   - Doctor of Literature (DLit)
   - Doctor of Literature (Education) (DLit(Ed))
   - Doctor of Science (DSc)
   - Doctor of Science (Economics) (DSc(Econ))
   - Doctor of Science (Engineering) (DSc(Eng))
   - Doctor of Science (Medicine) (DSc(Med))

DIPLOMAS AND CERTIFICATES

2. The diplomas and certificates listed in the Academic Regulations may be granted by the University.

CITATION AND DESIGNATION OF AWARDS

3. Citation of a degree shall be by the title or abbreviation given in Paragraph 1 above with, in parenthesis, the name of the University.

4. The titles of the first and postgraduate taught degrees listed in Paragraph 1 above may be augmented by the addition of the names of one or more disciplinary specialisms as provided in the relevant Academic Regulations under which the degree is awarded.

ADDITIONS TO THE LIST OF DEGREE TITLES

5. The Council may, on the recommendation of the Senate, approve additions to the list of degrees which the University may grant.

CRITERIA FOR DEGREES

6. The following criteria are specified for University degrees:

   a. First Degrees

      (1) All First Degrees

      (a) An academically coherent programme of study, followed over a period of time equivalent to three years full-time, or longer where appropriate to the degree and/or subject concerned, which is designed to ensure:

         i. Academic progress in terms of depth of study;
         ii. Ability to study at an advanced level, to assimilate, assess, interpret and apply information and to communicate effectively;

      (b) The achievement of a satisfactory overall standard in a scheme of assessment which tests the Student's:

         i. Command of an appropriate body of knowledge and skills;
         ii. Familiarity and ability to deal with the methodologies appropriate to the discipline(s) concerned;
         iii. Capacity for independent and critical thought.

      (c) The achievement of learning outcomes appropriate to a qualification at the relevant level (Honours or Master's) of the Framework for Higher Education Qualifications in England, Wales and Northern Ireland.

1. Includes the degrees of Intercalated Bachelor of Science and Bachelor of Medical Science where a one-year course of study builds on a two-year course of basic medical sciences at the University or another university in the UK, EU or EFTA.
Additional Criteria. Additional criteria are specified for some first degrees as follows:

(a) Bachelor of Medicine, Bachelor of Surgery. These degrees shall be taught in accordance with curricula that meet the requirements of the General Medical Council. MBBS degree programmes shall involve not less than 56 months of full-time study, at least the final 33 months of which shall have been undertaken while registered at the University except in the case of the Accelerated Graduate Entry Programme for the MBBS degrees, when the overall length of the programme shall be not less than 45 months, of which the final 33 months must be spent at the University.

(b) Bachelor of Engineering. The programme of study shall give emphasis to preparation for professional practice. It shall provide the necessary understanding of the scientific basis of engineering and include a substantial engineering applications component as an integrated part of the course, together with some appreciation of the industrial and business environment (i.e. enhanced courses in Engineering Council terms).

c. Master in Science.
   i. The programme of study shall be followed over a period of time equivalent to four years full-time. It shall include a major project and provide a sound basis for a subsequent scientific or technologically-based career or research.
   ii. It shall provide for study of scientific disciplines in greater depth than BSc so as to demand a level of attainment which is comparable to that required for a taught Master’s degree at a UK university. Not less than three academic years and two terms shall be full-time University-based study, of which up to one year may be spent studying at an approved academic institution abroad, and of which not less than one academic year of study shall be at Level 4 (Master’s) of the Framework for Higher Education Qualifications in England, Wales and Northern Ireland.

d. Master of Engineering. The programme of study shall be followed over a period of time equivalent to four years full-time, of which not less than three academic years and two terms shall be full-time University-based study of which up to one year may be spent studying at an approved academic institution abroad and of which not less than one academic year of study shall be at Level 4 (Master’s) of the Framework for Higher Education Qualifications in England, Wales and Northern Ireland. It shall satisfy one or more of the following criteria:
   i. Provide for study of a particular engineering discipline in greater depth than the Bachelor of Engineering;
   ii. Provide for multi-disciplinary study of a range of engineering disciplines;

iii. Provide for study of a particular engineering discipline in depth and incorporate a significant proportion of industrial and business studies as an integral part of the curriculum; together with all the following criteria:
   aa. Include the teaching of design through the use of project work and case studies, preferably in an industrial context;
   bb. Include a major project;
   cc. Demand a level of study and attainment which is equivalent to that required for a Postgraduate Taught Degree in this University.

b. Postgraduate Taught Degrees

(1) All Postgraduate Taught Degrees

(a) A prescribed programme of study (2) beyond the standard first degree level which assumes the general level of educational competence implicit in the award of a first degree and which extends over a period equivalent to a minimum of one calendar year full-time.

(b) A satisfactory overall standard in a scheme of assessment appropriate to the Master’s course concerned.

(c) Achievement of learning outcomes appropriate to a qualification at Master’s level of the Framework for Higher Education Qualifications in England, Wales and Northern Ireland.

(2) Additional Criteria. Additional criteria are specified for some postgraduate taught degrees as follows:

(a) Master of Science. The programme of study shall require an element of independent research and/or scholarship as evidenced by a substantial independent written report.

(b) Master of Business Administration
   i. A prescribed programme of study lasting between one and two years depending on delivery format. A minimum of two years postgraduate experience is required for entry.
   ii. The programme involves theoretical and analytical perspectives on business and management combined with their applications in real and case study situations.

c. Master of Education
(d) **Master of Public Health.** During the programme of study a student must work as a public health professional in an international, national or local government agency, in a non-governmental or charitable organisation concerned with public health, or in a community or public health environment, or in a university department concerned with community or public health.

(e) **Master of Research.** The programme of study shall:

1. Be a free-standing and formally examined prescribed course of full-time study beyond the bachelor's degree level of at least one calendar year or its equivalent in part-time study; and
2. Provide a structured and progressive research training programme which is an adequate foundation for doctoral study or a research career in industry or the public sector; and include
   - A grounding in research techniques relevant to the broad disciplinary area;
   - A significant research component, which enables the student to demonstrate initiative and creativity and is assessed by means of a written report;
   - Elements designed to broaden students' experiences by equipping them with a range of transferable skills.

(c) **Specialist Doctorate.**

1. **Doctor in Engineering.** A programme of study and examination for the degree shall satisfy the following criteria:
   - The aims and objectives of the programme shall be such that it will provide an education at an intellectual level equivalent to that required for the PhD;
   - The programme shall extend over a period of at least three years' full-time study or the part time equivalent;
   - The programme shall include a substantial research component which is of a nature appropriate to the discipline concerned on which the final examination contributing to the award of the degree will be based (see also Paragraphs (4) and (7) below);
   - The results of the research shall be presented in the form of a thesis or portfolio which makes a distinct contribution to the knowledge of the subject and affords evidence of originality shown by the discovery of new facts and/or the exercise of independent critical power. The minimum length of the thesis shall be not less than 25,000 words and be appropriate to the subject concerned, having regard to the other formally assessed elements for the degree;
   - The programme shall include elements of a practical/ work-related/ professional nature and formally taught elements appropriate to support its academic objectives;
   - The elements listed at Paragraph (5) above shall be assessed by methods and at an intellectual level and at a time appropriate to the programme. Such assessment shall involve at least one examiner external to the University;
   - The final examination contributing to the award of the degree shall be designed to:
     - Test the thesis against the stated criteria (see Paragraph (4) above) and
     - Test the candidate's conceptual understanding of the integration of all elements of the course and their related assessment;
   - The final examination shall include an oral examination of each candidate conducted by at least two examiners, one of whom shall be external to the University.

(d) **Research Degrees.**

1. **Master of Philosophy.**
   - The minimum period of study shall be two calendar years' full-time study or the part-time equivalent.
   - Assessment for the award shall in all cases be by submission of a thesis and an oral examination, which shall be conducted in English. The scope of the thesis shall be what might reasonably be expected after two or at most three years of full-time study, and the length shall not, other than in the most exceptional circumstances, exceed 60,000 words.
   - The thesis shall:
i. Consist of the candidate's own account of his or her investigations;¹³

ii. Be either a record of original work or an ordered and critical exposition of existing knowledge and shall provide evidence that the field has been surveyed thoroughly;

iii. Be an integrated whole and present a coherent argument;¹⁴

iv. Give a critical assessment of the relevant literature, describe the method of research and its findings and include a discussion on those findings; and

v. Be written in English and the literary presentation shall be satisfactory.

Doctor of Philosophy

(a) The minimum period of study shall be two calendar years' full-time study or the part-time equivalent.

(b) Assessment for the award shall in all cases be by submission of a thesis and an oral examination, which shall be conducted in English. The scope of the thesis shall be what might reasonably be expected after three or at most four years of full-time study, and the length shall not, other than in the most exceptional circumstances, exceed 100,000 words.

(c) The thesis shall:

i. Consist of the candidate's own account of his or her investigations, the greater proportion of which shall have been undertaken during the period of registration under supervision for the degree;¹⁵ and

ii. Form a distinct contribution to the knowledge of the subject and afford evidence of originality by the discovery of new facts and/or by the exercise of independent critical power; and

MD (Res) Degree

(a) The minimum period of study shall be two calendar years' full-time study or the part-time equivalent.

(b) The emphasis of the programme of study will be on the development in the individual student of:

i. The ability to recognise and validate problems;

ii. Original, independent and critical thinking and the ability to develop theoretical concepts;

iii. A knowledge of recent advances within the field in related areas;

iv. An understanding of research methodologies and techniques and their appropriate application with the research field;

v. The ability to analyse critically and evaluate the research findings and those of others; and

vi. An ability to summarise, document, report and reflect on progress.

3. The part played by the candidate in any work done jointly with the supervisor(s) and/or fellow research workers must be clearly stated by the candidate and certified by the supervisor.

4. A series of papers, whether published or otherwise, is not acceptable for submission as a thesis. Research work already published, or submitted for publication, at the time of submission of the thesis, either by the candidate alone or jointly with others, may be included in the thesis. The published papers themselves may not be included in the body of the thesis, but may be adapted to form an integral part of the thesis and thereby make a relevant contribution to the main theme of the thesis. Publications derived from the work in the thesis may be bound as supplementary material at the back of the thesis.

5. The part played by the candidate in any work done jointly with the supervisor(s) and/or fellow research workers must be clearly stated by the candidate and certified by the supervisor.

6. A series of papers, whether published or otherwise, is not acceptable for submission as a thesis. Research work already published, or submitted for publication, at the time of submission of the thesis, either by the candidate alone or jointly with others, may be included in the thesis. The published papers themselves may not be included in the body of the thesis, but may be adapted to form an integral part of the thesis and thereby make a relevant contribution to the main theme of the thesis. Publications derived from the work in the thesis may be bound as supplementary material at the back of the thesis.
Assessment for the award shall in all cases be by submission of a thesis and an oral examination, which shall be conducted in English. The scope of the thesis shall be what might reasonably be expected after three or at most four years of full-time study, and the length shall not, other than in the most exceptional circumstances, exceed 50,000 words.

The thesis shall:

i. Consist of the candidate's own account of his or her investigations, the greater proportion of which shall have been undertaken during the period of registration under supervision for the degree; and

ii. Form a distinct contribution to the knowledge of the subject and afford evidence of originality by the discovery of new facts and/or by the exercise of independent critical power; and

iii. Be an integrated whole and present a coherent argument; and

iv. Give a critical assessment of the relevant literature, describe the method of research and its findings, include discussion on those findings and indicate in what respects they appear to the candidate to advance the study of the subject; and, in so doing, demonstrate a deep and synoptic understanding of the field of study (the candidate being able to place the thesis in a wider context), objectivity and the capacity for judgment in complex situations and autonomous work in that field; and

v. Be written in English and the literary presentation shall be satisfactory;

vi. Demonstrate research skills relevant to the thesis being presented; and

vii. Be of a standard to merit publication in whole or in part or in a revised form (for example, as a monograph or as a number of articles in learned journals).

e. Higher Doctorates. The degrees of Doctor of Literature (DLit), Doctor of Literature (Education) (DLit(Ed)), Doctor of Science (DSc), Doctor of Science (Economics) (DS(Eng)), Doctor of Science (Engineering) (DSc(Eng)), Doctor of Science (Medicine) (DSc(Med)) shall only be conferred as Honorary Degrees.

DIPLOMAS FOR DEGREES AND OTHER AWARDS

7. Except as provided in Paragraph 8 below, a diploma shall be issued under the Seal of the University to those who have been awarded a degree, diploma, or certificate.

8. In the case of a degree awarded jointly by the University and another institution, a diploma shall be issued in the names of the University and the other institutions which have jointly awarded the degree shall be issued, the form of the diploma to be agreed by the University and the other institution(s) and approved by the Rector.

ACADEMIC DRESS

9. The Academic Dress of members of the University shall be defined by Regulation.

7. The part played by the candidate in any work done jointly with the supervisor(s) and/or fellow research workers must be clearly stated by the candidate and certified by the supervisor.

8. A series of papers, whether published or otherwise, is not acceptable for submission as a thesis. Research work already published, or submitted for publication, at the time of submission of the thesis, either by the candidate alone or jointly with others, may be included in the thesis. The published papers themselves may not be included in the body of the thesis, but may be adapted to form an integral part of the thesis and thereby make a relevant contribution to the main theme of the thesis. Publications derived from the work in the thesis may be bound as supplementary material at the back of the thesis.
HONORARY DEGREES, FELLOWS AND ASSOCIATES

1. The Council may confer any degree of the University on any person honoris causa (hereinafter referred to as 'honorary degrees') and may elect as Fellows or Associates of the University persons of distinction and persons who have, in the opinion of the Council, rendered significant services to the University or to the community.

CONFERENCE OF DEGREES HONORIS CAUSA

2. An honorary degree may be conferred on persons of conspicuous merit, who are outstanding in their field or who have given exceptional service to the University.

3. An honorary degree shall not, save in exceptional circumstances, be conferred in absentia.

4. An honorary degree shall not be conferred posthumously. However, where the Council has formally resolved to confer an honorary degree on a person, and the death of that person occurs before the conferment takes place, the honorary degree shall be deemed to have been conferred, the date of the conferment being deemed to be the day preceding the date of death.

5. An honorary degree shall not be conferred on a person who already holds an honorary degree from the University, or on a person who is already a fellow or honorary fellow of the University.

6. An honorary degree conferred by the University shall be cited in the following form:

Title of degree (Imperial College London) honoris causa, e.g. DSc (Imperial College London) honoris causa.

7. The Council shall prescribe the form of the diploma for those upon whom an honorary degree has been conferred and shall determine the procedures for inviting and considering nominations and the arrangements for conferring the degrees. It may also develop the criteria for the conferment of honorary degrees more fully, if it sees fit.

8. The Higher Doctorates that may be awarded are as follows:

- Doctor of Literature (DLit)
- Doctor of Literature (Education) (DLit(Ed))
- Doctor of Science (DSc)
- Doctor of Science (Economics) (DSc(Econ))
- Doctor of Science (Engineering) (DSc(Eng))
- Doctor of Science (Medicine) (DSc(Med))

9. See Ordinance B1, Paragraph 1 for the list of degrees.
FINANCIAL REGULATIONS

1. Pursuant to Statutes 3(5)(e) and 3(5)(f), the Council shall make such Financial Regulations as are necessary to ensure the efficient management and good conduct of all the University's finances.

INVESTMENTS

2. Provided that, in the case of monies held by the University as trustees, the powers conferred by this Ordinance shall be exercised in accordance with the relevant law, monies in the hands of the University and available for investment may be invested by the University in any of the following modes or objects of investment:
   a. By placing them on deposit with any bank or licensed deposit taker;
   b. By investing them in such stocks, funds, shares, securities and other investments (including land of any tenure or any interest therein) of whatsoever nature and wheresoever and whether involving liability or not, as the Council shall, in its absolute discretion, think fit.

3. The Council shall have the power at any time and from time to time by writing to appoint (and in like manner to revoke or to vary the terms of any such appointment) any person or persons including a company or firm to act as investment advisers or investment managers and to permit any monies, investments or other property belonging to or in the hands of the University to be registered or held in the name or names of any nominee or nominees within the United Kingdom on behalf of the University without being liable for any loss occasioned thereby in each case subject to such conditions and upon such terms (including the payment of remuneration) as shall from time to time be agreed in writing between the Council and such person or persons as aforesaid.

RAISING OF MONEY

4. Where the University is authorised to apply money for any purpose or in any manner it shall, subject to any Trust Deed, have power to raise the same or any part thereof by borrowing it or by selling, converting, calling in, mortgaging or otherwise charging all or any part of the property of the University: provided that no lender nor any purchaser or mortgagee paying or advancing money on a sale, conversion, calling in, mortgage or charge shall be concerned to see that such money is wanted or that no more than is wanted is raised or otherwise as to the application thereof.

APPOINTMENT OF THE RECTOR

1. On any vacancy in the office of Rector, or at least 10 months before the Rector leaves office, or on the Rector’s giving notice of resignation if the period of notice is 10 months or less, the Clerk to the Council shall arrange for the appointment of a Search Committee for the Appointment of the Rector (referred to in this Ordinance as ‘the Committee’) whose duty it shall be to recommend to the Council the appointment of a Rector.

2. The Search Committee shall be appointed by the Council and shall comprise the Remuneration and Nominations Committee together with such other members as the Council may consider appropriate.

3. The Clerk to the Council shall be Secretary to the Committee. If the Clerk is unable to act, the Secretary shall be another College Officer, not being a member of the Council.

4. Neither the Rector nor any candidate for the office of Rector shall be a member of the Committee. Notwithstanding other provisions in the Ordinances, only members of the Committee and its Secretary may be present at meetings of the Committee. A member of the Committee becoming a candidate for the office of Rector shall cease to be a member.

5. A meeting of the Committee may be held provided the Chairman and two other members are present. The Committee shall not normally meet if the Chairman cannot be present. If, in the opinion of the Secretary, it is urgent that the Committee should meet even though the Chairman cannot be present, the Deputy Chairman of the Council shall serve as chairman until the Chairman is able to act and shall have the powers of the Chairman in respect of the Committee.

6. Decisions of the Committee shall be taken by a simple majority of those present and voting, except that the Chairman shall have a second and casting vote. All decisions shall be presented as decisions of the Committee without reference to any division of opinion.

7. The proceedings of the Committee, except its recommendation, shall be confidential.

8. If the Committee is informed that the Rector is eligible for a further period of office and the Rector has indicated his or her willingness to serve for a further period, the Committee may decide without considering other candidates to recommend to the Council the reappointment of the Rector for a defined period. If the Rector is not eligible or does not wish to serve for a further term or if the Committee at that stage does not wish to recommend the reappointment of the Rector, the Committee shall invite members of the Council to submit to the Secretary within a reasonable time the names of any persons whom they wish to be considered by the Committee. The Committee may also, at its discretion, invite applications or nominations from elsewhere within and outside the University.

9. If the Committee considers there is no candidate suitable for appointment, the Secretary shall arrange for further applications or nominations and shall continue to do so until the Committee is able to recommend the appointment of a Rector.

10. The Committee shall advise the Council on the period, terms and conditions on which the Rector shall serve, excluding matters within the remit of the Remuneration Committee.
11. The Remuneration Committee shall decide the salary, emoluments, allowances and other financial benefits payable to the Rector.

12. Before the Committee recommends to the Council the appointment of a Rector, the Chairman shall obtain the candidate's agreement to serve if the appointment is confirmed.

13. The Council shall consider the recommendation of the Committee and shall appoint the Rector for such a period of office as it shall determine.

14. If the Council does not accept the Committee's recommendation, the Secretary shall arrange for further applications or nominations and shall continue to do so until the Committee is able to make a further recommendation to the Council for the appointment of a Rector.

ORDINANCE D2

DUTIES AND RESPONSIBILITIES OF THE RECTOR

1. In accordance with Article 15 of the University's Charter the Rector is appointed by the Council to be the chief academic and administrative officer of the University. As such, he is its Chief Executive, is ex officio a member of the Council and the Court, and is Chairman of the Senate.

2. The Rector is responsible to the Council for:
   a. Providing the leadership necessary to ensure that the objects of the University are fulfilled. In accordance with Article 4 of the University's Charter these are that the University shall provide the highest specialised instruction and the most advanced training, education, research and scholarship in science, engineering, technology, medicine and business, especially in their application to industry; and in pursuit of these objects to act in cooperation with other bodies.
   b. Ensuring that the highest standards of excellence in teaching and research are promoted throughout the University.
   c. Maintaining and promoting the efficient and proper leadership of the University, including responsibility for its general well-being, organisation, administration, finances, and for health and safety issues.
   d. Developing strategic initiatives and formulating policy under the general guidance of the Council, and implementing such policy decisions as the Council may from time to time determine.
   e. Undertaking such duties as are necessary to promote the University's national and international standing and to represent its interests, including developing its fund-raising programme, maintaining contact with its alumni, and influencing, both directly and in conjunction with other bodies, the development of Government policy relating to education and research.
   f. Discharging such other duties as may be determined by the Council from time to time.

3. The post is full time and the Rector is required, for the proper performance of its duties, to reside in a lodging provided rent-free by the University.

4. The Rector may undertake or retain directorships and consultancies which sustain his or her own professional interests, but only after obtaining the permission of the Council, and provided that such commitments do not detract from his or her ability to ensure that the objects of the University are fulfilled.

23rd March 2007
ORDINANCE D3

OFFICERS OF THE UNIVERSITY

1. In accordance with Statute 8, the Rector, the Deputy Rector, the Pro-Rectors, the Clerk to the Council and the College Secretary are ex officio officers of the University.

2. In accordance with Statute 8(6), the Rector may recommend to the Council any other senior academic or non-academic member of staff of the University to be designated as an Officer of the University (hereinafter called a “College Officer”). Such recommendations would normally include the Chief Operating Officer and the Directors of the Support Services, including but not limited to estates, finance, human resources and information and communication technologies, the Director of Strategy and Planning, the Academic Registrar and the Principals of the Faculties and of the Business School.

3. Any person designated as a College Officer by the Council shall only retain that title for so long as they hold the appointment in which they were initially so designated or until the Council withdraws the designation.

4. Except in so far as a person is an ex officio member of the Court, or a member of the Council in accordance with Statute 3(1)(a), persons designated College Officers may not be nominated for election to the Court or the Council.

5. The Officers of the University, appointed by the Council as such, shall be:
   - The Rector
   - The Deputy Rector
   - The Clerk to the Council
   - The College Secretary
   - The Pro-Rectors
   - The Principals of the Faculties
   - The Principal of the Business School
   - The Deans of the Faculties as defined in Ordinance D6
   - The Director of Strategy and Planning
   - The Chief Operating Officer
   - The Director of Finance
   - The Director of Human Resources
   - The Director of Information and Communication Technologies
   - The Director of Estates Project Management
   - The Director of Facilities Management
   - The Director of Property Management
   - The Academic Registrar
   - The Assistant Clerk to the Court and Council

ORDINANCE D4

STAFF OF THE UNIVERSITY

DEFINITIONS

1. “Pro-Rectors” shall mean any such person appointed by the Rector to this position who is not also the Deputy Rector.

2. “Principals” shall mean the Principals of the Faculties and the Business School.

3. “Vice-Principals” and “Deputy Principals” shall mean Vice-Principals and Deputy Principals of the Faculties and the Business School.

4. “Deans” shall mean the Deans elected in accordance with Ordinance D6.

5. “Provosts” and “Directors of Graduate Schools” shall mean any such persons appointed by the Rector to these positions.

6. Those holding “honorary status” shall be the Professors, Readers, Senior Lecturers and Lecturers on whom an honorary, emeritus or visiting title has been conferred.

APPOINTMENT AND PROMOTION OF STAFF

7. Except as provided by Statute, all the functions of the Council in relation to the appointment and promotion of staff of the University shall be exercised by committees established for this purpose by the Rector.

8. The committees shall have power to delegate, upon such conditions as the Council may determine, any of their functions to committees or sub-committees formed from their own number or otherwise appointed by them, or to persons within the University.

9. The arrangements for the appointment and duties of the head, director or principal of a faculty, school, department, division, centre or other unit and for the direction and administration of such entities shall be determined by the Rector.
ORDINANCE D5
PROFESSORS, READERS AND TEACHERS

PROFESSORS AND READERS

1. The University may establish Chairs and Readerships and may disestablish, rename or otherwise modify Chairs and Readerships, subject to the terms of any relevant Trust Deeds.

2. A person may be appointed as a Professor or Reader of Imperial College who is, or will become on a specified date, an employee of the University.

3. The title of Professor or Reader of Imperial College may be conferred on:
   a. An employee of the University who is already a member of the academic staff.
   b. A consultant in the National Health Service who is not employed by the University and who meets the additional criteria set out in the University’s Academic Staff Appointments and Promotions Procedures.
   c. An employee of a research council or similar organisation who meets the additional criteria set out in the University’s Academic Staff Appointments and Promotions Procedures. (10)

CRITERIA FOR PROFESSORS AND READERS

4. The following criteria shall apply to all appointments and conferral of title:
   a. **Professors.** In appointing a person as a Professor or conferring the title of Professor, regard shall be had to the person's national and international standing in the relevant subject or profession as established by outstanding contributions to its advancement through publications, creative work or other appropriate forms of scholarship or performance, the advancement of learning and through teaching and administration.
   b. **Readers.** In appointing a person as a Reader or conferring the title of Reader, regard shall be had to the person's standing and promise in the relevant subject or profession as established by important contributions to its advancement through publications, creative work or other appropriate forms of scholarship or performance, and through the advancement of learning and teaching. Other contributions to the work of the University, learned societies and other relevant bodies may also be taken into account.

PROCEDURES FOR APPOINTING AND PROMOTING PROFESSORS AND READERS

5. Procedures for appointing and promoting persons as Professors and Readers shall be set out in the University’s Academic Appointments and Promotions Procedures.

10. Exceptionally, at the discretion of the Rector and following receipt of a reasoned application, 'research council or similar organisation' may be deemed to include an appropriate other organisation not strictly embraced within that description.

PROFESSORIAL TITLE FOR THE RECTOR

6. The title of Professor of Imperial College may be conferred on the Rector provided that the Rector:
   a. Has previously held a professorial title at a university;
   b. Satisfies the criteria for Professors laid down in University procedures; and
   c. Plans to continue his or her academic work and has the necessary facilities for his or her research.

EMERITUS TITLES

7. The University’s Honorary Titles Procedures shall set out the procedures and criteria for:
   a. The conferral of the title of Emeritus Professor or Emeritus Reader of Imperial College upon retiring Professors or Readers respectively;
   b. The withdrawal of Emeritus titles.

VISITING PROFESSORS AND VISITING READERS AND HONORARY PROFESSORS AND HONORARY READERS

8. The University’s Honorary Titles Procedures shall set out the procedures and criteria for:
   a. The conferral of the title of Visiting Professor, Visiting Reader, Honorary Professor and Honorary Reader for defined but renewable periods on persons who are judged to be of appropriate distinction and whose connection with the University is appropriate to such titles;
   b. The withdrawal of the above titles.
ORDINANCE D6
THE DEFINITION, ELECTION AND RESPONSIBILITIES OF DEANS

1. This Ordinance applies to the Deans of the Faculties of Engineering, Natural Sciences and Medicine, but not to the 'Campus Deans'.

INTRODUCTION

2. Deans are Professors of the University who, having been elected by the senior academic members of their constituency, enjoy the confidence of their colleagues and may therefore be expected to act as a conduit for academic opinion which complements that coming through the management structure.

3. Deans are not members of 'line management' and do not, for example, stand between the Rector, the Principals of the Faculties and Heads of Department or Heads of Division. Thus Deans have an essentially non-executive role as spokesmen or spokeswomen and advisors, although a number of specific administrative responsibilities are also assigned to them.

4. There shall be two elected Deans for each of the Faculties of Engineering, Natural Sciences and Medicine. One of the Faculty of Medicine Deans will be a clinical Professor, with the other being a non-clinical Professor.

CONSTITUENCIES

5. The Constituency for the election of the Deans for the Faculty of Engineering shall comprise the Faculty of Engineering and the Business School.

6. The Constituency for the election of the Deans for the Faculty of Natural Sciences shall comprise the Faculty of Natural Sciences, the Humanities Programme and the Institute of Mathematical Sciences.

7. The Constituency for the election of the Deans for the Faculty of Medicine shall comprise the Faculty of Medicine.

ELECTION OF DEANS

8. Deans shall be elected by the Professors, Readers and Senior Lecturers of their respective constituencies.

9. Deans shall normally serve for a term of office of three years commencing on 1 September. A former Dean is eligible for re-election after one period out of office except that, where an outgoing Dean has served for less than two years having been elected to complete a term of office relinquished early by another Dean, he or she is eligible to stand for election for the ensuing period of office.

10. A Dean may not hold office concurrently as Pro-Rector, Principal, Head of Department or Division, Deputy Principal, Campus Dean or any other appointment with substantial line management responsibilities.

11. The election for a Dean shall be conducted by the Director of Human Resources during the second term of the final year of office of the retiring Dean. Notice of election shall be given to the Senate at its Spring Term meeting when the date by which nominations are required shall be announced. On the day following the Senate meeting the Director of Human Resources shall give notice of the election and the date by which nominations must be received to the relevant constituency.

12. Each candidate shall be proposed and seconded by members of the relevant constituency who must first obtain the consent of the nominee. If there is more than one nomination, voting shall be by secret ballot conducted by the Director of Human Resources. Each elector is allowed to vote for one candidate only. The Director of Human Resources shall declare the result on the basis of the number of votes cast and announce it on the first working day following the closing date.

13. In the event of a tie, the Director of Human Resources shall:
   a. Ascertain whether one or other of the candidates wishes to withdraw;
   b. If not, conduct a second election amongst the same constituency, with only those who have tied being included as candidates;

14. In the event of a second tie, the Director of Human Resources shall conduct a second ballot amongst the Pro-Rectors and the existing Deans only.

15. If a casual vacancy occurs, the Director of Human Resources shall proceed to hold an election as soon as practicable; except that:
   a. If the vacancy occurs within the first two years of the term of office of the retiring Dean, the incoming Dean shall complete the term of office of the retiring Dean and, if the incoming Dean has served for less than two years, may be subsequently eligible for election for a further term of three years (see Paragraph 9 above).
   b. If there are less than twelve months remaining in the term of office of the retiring Dean, the incoming Dean shall be deemed to have been elected for the next full term of office. The incoming Dean shall complete the term of office of the retiring Dean and shall then serve a further full term of office of three years.

SPECIFIC DUTIES OF ALL DEANS

16. Deans have specific roles, which are recorded in University policy documents.

COMMITTEE MEMBERSHIP

17. Deans are ex officio members of the Court, the Senate and the Academic Promotions Committee and attend Heads of Department/Division meetings. Individual Deans may also be co-opted on to other committees.
18. The appropriate Deans chair the Engineering Studies, Medical Studies and Science Studies Committees.

19. One of the Deans will also serve as the Elected Staff Member of the Council. The Dean serving in this capacity will be chosen annually by and from among the Deans at the beginning of each academic year. The Dean chosen as the Elected Staff Member of the Council shall serve in this capacity for one year, but will be eligible for re-appointment.

20. In accordance with their role as stated in Paragraphs 2 and 3 above, Deans may be asked by the Rector from time-to-time to sit on, or chair, committees or working parties and to undertake other ad hoc tasks.

21. This Ordinance shall take effect from 8 July 2007.

22. The person who immediately before 8 July 2007 was elected as Dean of the Faculty of Life Sciences shall continue in this capacity until his current term of office expires. On the expiry of this term of office, an election will be held for the appointment of a Dean for the Faculty of Natural Sciences.

23. The person who immediately before 8 July 2007 was elected as Dean of the Faculty of Physical Sciences shall continue in this capacity until his current term of office expires. On the expiry of this term of office, an election will be held for the appointment of a Dean for the Faculty of Natural Sciences.

24. Those persons who immediately before 8 July 2007 were elected as Deans of the Faculties of Engineering and Medicine shall continue in this capacity until their current terms of office expire. On the expiry of this term of office, an election will be held for the appointment of Deans for the Faculties of Engineering and Medicine.

25. The person who immediately before 8 July 2007 was serving as the Supernumerary Dean shall continue in this capacity until his current term of office expires. On the expiry of this term of office, an election will be held for the appointment of a Dean for the Faculty of Engineering.

GENERAL PROVISIONS FOR ACADEMIC STAFF: DISMISSAL, DISCIPLINE, GRIEVANCE PROCEDURES AND RELATED MATTERS

1. This Ordinance must be read in conjunction with the Appendix to the Statutes (hereinafter "the Appendix") and the other Ordinances dealing with staff matters. In the event of a conflict, the Appendix shall have precedence.

2. The Appendix provides at Part 1, Clause 2(1)(a), the guiding principles in the consideration of academic freedom.

3. Where in any proceedings under Ordinances made under Parts II (Redundancy), III (Discipline), IV (Incapacity on Health Grounds), V (Other Dismissals), VI (Grievances) or VII (Election of Officers) of the Appendix, a member of staff invokes the guiding principles under Part 1, Clause 2(1)(a) which deals with academic freedom, that claim shall be considered by the person or panel dealing with the matter before proceeding further.

4. Any issue as to the meaning of "academic freedom" shall be determined by reference to Sections VI and VII of the Recommendation concerning the status of Higher Education Teaching Personnel adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in Paris on 11 November 1997 (attached as Annex A to this Ordinance) as amended from time to time.

5. The person or panel dealing with the matter under this Ordinance shall arrange such investigations as are necessary to determine the member of staff's claim under Part 1, Clause 2(1)(a). The member of staff will then be invited to a hearing with the person or panel dealing with the matter and will be offered the right to be accompanied at that meeting by another member of staff or a trade union representative.

6. In the event that following the meeting the member of staff's claim is rejected, the person or panel dealing with the matter shall inform the member of staff of the reasons for the rejection and providing a summary of any investigations undertaken. The member of staff shall be informed that the proceedings that were interrupted while the claim was being considered will have been resumed.

7. The member of staff has the right of appeal against the decision on academic freedom. The appeal will be considered by the person or panel dealing with any appeal on the substantive matter. Where the Ordinance has one person hearing the appeal but there is also an issue of academic freedom under consideration, then the person hearing the appeal will be assisted by two senior members of academic staff, neither of whom shall previously have had any involvement with the case.

8. In the event that the member of staff's claim is upheld and it is found that action has been taken against the member of staff because of an issue of academic freedom, the person or panel dealing with the matter shall cancel that action and it will be treated as invalid and all record of the action shall be removed from the personal file.
9. If the decision made under Paragraph 8 above occurs at the appeal stage under the relevant part of the Appendix after the relevant proceedings had been resumed, the person or Chair of the panel that took the original action will be notified of the appeal panel’s decision and the fact that the original action has been cancelled by the appeal panel. It may also be appropriate to notify the Council.

RIGHT TO BE ASSISTED/REPRESENTED

10. In all hearings constituted under Paragraphs 21-25 below and where otherwise provided for under the Ordinances or any other appropriate procedure, both parties shall have the right to be assisted/represented by another member of staff or a trade union representative. The Chair, at his or her complete discretion, may allow the member of staff to be accompanied by a relative or friend who is not a legal representative.

11. The representative may address the hearing and may confer with the member of staff during the hearing, but is not permitted to answer questions on his or her behalf.

12. If the representative is not available to attend at the time proposed for the hearing in question, then the member of staff may propose an alternative time for the hearing to take place. The proposed alternative time must be reasonable and should usually be within five working days of the initial date of the hearing.

13. Employees chosen to accompany a member of staff to a hearing will be permitted to take paid time off during working hours to attend that hearing.

ATTENDANCE

14. Parties to any hearing have the right to appear personally and must take all reasonable steps to attend.

ASSISTANCE FOR PERSONS WITH DISABILITIES

15. If the member of staff has any disability which may require particular facilities at any meeting or hearing under these procedures, the member of staff should request those facilities in advance of the meeting or hearing.

ASSISTANCE TO PERSONS OR PANELS

16. The Chair or panel conducting a hearing under the Appendix may be assisted/ supported by a person who provides administrative or such other support. Such person will not have assisted/ represented one of the parties at a previous hearing. This person will not be a member of the panel.

APPEALS AGAINST DISMISSAL

17. Where the decision resulting from an appeal hearing is to reject an appeal against dismissal, the date of termination will be the original date notified to the member of staff in the original decision. This will be confirmed to the member of staff in writing.

SUSPENSION

18. A decision to suspend an academic from work should only be taken after careful consideration of the impact of the academic’s work and of those researchers and students supported by the academic. Suspended from work under Ordinances or other appropriate procedure made under Part III, Clause 10, Part V, Clause 19 of the Appendix:

a. The member of staff may be required not to attend the University’s premises or have contact with students, colleagues or funding bodies without the prior written permission of the Rector or his or her authorised delegate;

b. Unless otherwise provided in the terms of the suspension the University will continue to pay the member of staff his or her normal salary and he/she will receive his or her normal benefits.

NOTICE PERIODS

19. At any time during any period of notice of termination the University shall be under no obligation to assign any duties to the member of staff and shall be entitled to exclude him/her from its premises, but this does not affect his or her entitlement to receive his or her normal salary and other contractual benefits. During this period the member of staff agrees that he/she is not permitted to work for any institution, person, firm, company or on his or her own behalf or have contact with students or colleagues without the University’s prior written permission.

DEFINITION OF "WORKING DAYS"

20. A "working day" is any day, Monday to Friday, on which the University is formally open. Public Holidays and other days such as at Christmas and Easter when the University is formally closed are excluded.

HEARINGS UNDER THE APPENDIX

21. Separate Ordinances determine who should conduct hearings which are not covered by Paragraph 22 of this Ordinance. The Director of Human Resources or his or her nominee will be responsible for ensuring that an appropriate individual or panel is chosen to conduct any hearing under the Appendix. Throughout the Ordinances concerning staff, where only one individual rather than a panel is to conduct the hearing he or she is referred to as the Chair.

22. Where a hearing is convened under Part II, Part III, Part IV or Part V, and dismissal is a potential outcome, the hearing shall include provision for the person hearing the case to be assisted in their deliberations by a senior member of the academic staff with no previous involvement in the case.

23. Appeals against warnings will be heard by one person, with the exception of issues concerning academic freedom in accordance with Paragraph 7 above.

24. Appeal against dismissal shall consist of a panel of three persons, none of whom shall previously have had any involvement with the case. The three person panel shall include one lay member of the
Council, one Dean and one person drawn from a list agreed from time to time by the Council. If no Dean is eligible or willing to serve, or if the panel is an appeal panel considering the position of a Dean, two persons will be drawn from the list agreed by the Council. The Director of Human Resources or his or her nominee will determine in his or her discretion a member of the panel to act as Chair.

25. Panels may be enlarged by one additional person to allow representation by any relevant body, for example the National Health Service in the case of clinical staff, where it is sensible to hear any allegations and the response to those allegations concurrently. The method for nominating such persons shall be in accordance with the protocol agreed with the relevant body on joint working arrangements. Such provision is not intended to provide for a concurrent decision on the matter by the relevant body.

ACTION PRIOR TO HEARING, GRIEVANCE AND APPEAL PANELS

26. The Director of Human Resources or his or her nominee shall be responsible for the conduct of hearings under the Appendix as required and for taking charge of the proceedings. To include:
   a. Arranging and notifying the parties of a date for the hearing to commence, which shall be as soon as is reasonably practicable;
   b. Notifying or reminding the member of staff of his or her right to be accompanied by another member of staff or trade union representative;
   c. Giving both parties not less than 5 full working days’ notice of the date of the planned hearing;
   d. Any necessary administrative and accommodation arrangements to enable the hearing to take place;
   e. Any necessary administrative and accommodation arrangements for the attendance of witnesses or persons entitled to make oral representations to the panel.
   f. The production and distribution of documents in a timely manner and in accordance with the relevant Ordinance or appropriate procedure to allow for the proper presentation and consideration of the matters before the person or panel conducting the hearing to include:
      (1) Any statement of complaint, grievance or appeal;
      (2) The responses thereto;
      (3) Any witness statements relied upon by either party.

CONDUCT OF HEARINGS

27. The Chair (of the panel or the individual conducting a hearing) shall set the procedure to be followed as appropriate for the proper consideration of the matter to include provision for adjournments if necessary (e.g. to include the finalisation of actions or proceedings by another body). The Chair shall have complete discretion as to the admissibility of evidence including the witnesses to be called. Names of witnesses should be provided in advance for the Chair’s consideration. In exercising his or her discretion the Chair shall be guided by the requirement that the evidence, written and oral, must be confined to the matter of the hearing. An appeal hearing will not usually be a rerun of the original hearing.

28. The procedure for a hearing shall generally include the following steps:
   a. The Chair shall facilitate any introductions as are necessary and refer to any matters appropriate to the conduct of the hearing;
   b. The Chair may make provision for witnesses in appropriate cases (for instance when sexual harassment is alleged) to give evidence in a way which reduces the witness’s distress or discomfort;
   c. The party bringing the case before the person or the panel conducting the hearing or his or her representative shall present his or her case and call his or her witnesses if appropriate. Each witness shall be present only to give evidence, to be examined on it and then leave unless the witness is also a party to proceedings;
   d. The respondent or his or her representative may question the party bringing the case and his or her witnesses;
   e. The person or panel conducting the hearing may question the party bringing the case and his or her witnesses;
   f. The respondent or his or her representative shall present his or her case and call his or her witnesses if appropriate. Each witness shall be present only to give evidence, to be examined on it and then leave unless the witness is also a party to the proceedings;
   g. The party bringing the case or his or her representative may question the respondent and his or her witnesses;
   h. The person or panel conducting the hearing may ask questions of the respondent and his or her witnesses;
   i. The respondent or his or her representative shall make any final representations he/she wishes;
   j. The party bringing the case or his or her representative shall make any final representations he/she wishes;
   k. The person or panel conducting the hearing shall consider its decision in private. The person providing assistance/support to the person or panel conducting the hearing shall be able to assist/support the person or panel when making its decision but shall not participate in the decision itself.

29. The Chair may at his or her discretion adjourn or postpone the hearing in order that further evidence may be produced by either party or pending the outcome of proceedings or action by another body or employer, or to obtain advice.

ACTION FOLLOWING A HEARING

30. Normally within 10 working days of the final day of the hearing, the Chair shall write to the parties notifying them of the decision. If there is to be a delay in notifying the decision, the Chair shall
31. Notification of the decision will be given in writing and will include:
   
   a. The decision;
   b. The reason(s) for the decision;
   c. Where a decision adversely affects a member of staff, notification of the member of staff's right of appeal and the procedure and timetable for submitting an appeal;
   
   OR
   
   d. In the case of decisions on appeal, confirmation that the decision is final.

32. Upon receipt of the decision, the Director of Human Resources or his or her nominee shall take such steps as are required under the relevant Ordinance or member of staff's contract of employment.

33. Where required by Ordinance, the decision should be reported to the Council.

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Annex A to Ordinance D7


VI. Rights and freedoms of higher-education teaching personnel

A. Individual rights and freedoms: civil rights, academic freedom, publication rights, and the international exchange of information

25. Access to the higher education academic profession should be based solely on appropriate academic qualifications, competence and experience and be equal for all members of society without any discrimination.

26. Higher-education teaching personnel, like all other groups and individuals, should enjoy those internationally recognized civil, political, social and cultural rights applicable to all citizens. Therefore, all higher-education teaching personnel should enjoy freedom of thought, conscience, religion, expression, assembly and association as well as the right to liberty and security of the person and liberty of movement. They should not be hindered or impeded in exercising their civil rights as citizens, including the right to contribute to social change through freely expressing their opinion of state policies and of policies affecting higher education. They should not suffer any penalties simply because of the exercise of such rights. Higher-education teaching personnel should not be subject to arbitrary arrest or detention, nor to torture, nor to cruel, inhuman or degrading treatment. In cases of gross violation of their rights, higher-education teaching personnel should have the right to appeal to the relevant national, regional or international bodies such as the agencies of the United Nations, and organizations representing higher-education teaching personnel should extend full support in such cases.

27. The maintaining of the above international standards should be upheld in the interest of higher education internationally and within the country. To do so, the principle of academic freedom should be scrupulously observed. Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies. All higher-education teaching personnel should have the right to fulfill their functions without discrimination of any kind and without fear of repression by the state or any other source. Higher-education teaching personnel can effectively do justice to this principle if the environment in which they operate is conducive, which requires a democratic atmosphere; hence the challenge for all of developing a democratic society.

28. Higher-education teaching personnel have the right to teach without any interference, subject to accepted professional principles including professional responsibility and intellectual rigour with regard to standards and methods of teaching. Higher-education teaching personnel should not be forced to instruct against their own best knowledge and conscience or be forced to use curricula and methods contrary to national and international human rights standards. Higher education teaching personnel should play a significant role in determining the curriculum.
29. Higher-education teaching personnel have a right to carry out research work without any interference, or any suppression, in accordance with their professional responsibility and subject to nationally and internationally recognized professional principles of intellectual rigour, scientific inquiry and research ethics. They should also have the right to publish and communicate the conclusions of the research of which they are authors or co-authors, as stated in paragraph 12 of this Recommendation.

30. Higher-education teaching personnel have a right to undertake professional activities outside of their employment, particularly those that enhance their professional skills or allow for the application of knowledge to the problems of the community, provided such activities do not interfere with their primary commitments to their home institutions in accordance with institutional policies and regulations or national laws and practice where they exist.

B. Self-governance and collegiality

31. Higher-education teaching personnel should have the right and opportunity, without discrimination of any kind, according to their abilities, to take part in the governing bodies and to criticize the functioning of higher education institutions, including their own, while respecting the right of other sections of the academic community to participate, and they should also have the right to elect a majority of representatives to academic bodies within the higher education institution.

32. The principles of collegiality include academic freedom, shared responsibility, the policy of participation of all concerned in internal decision making structures and practices, and the development of consultative mechanisms. Collegial decision-making should encompass decisions regarding the administration and determination of policies of higher education, curricula, research, extension work, the allocation of resources and other related activities, in order to improve academic excellence and quality for the benefit of society at large.

VII. Duties and responsibilities of higher education teaching personnel

33. Higher-education teaching personnel should recognize that the exercise of rights carries with it special duties and responsibilities, including the obligation to respect the academic freedom of other members of the academic community and to ensure the fair discussion of contrary views. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research on an honest search for truth. Teaching, research and scholarship should be conducted in full accordance with ethical and professional standards and should, where appropriate, respond to contemporary problems facing society as well as preserve the historical and cultural heritage of the world.

34. In particular, the individual duties of higher education teaching personnel inherent in their academic freedom are:

(a) to teach students effectively within the means provided by the institution and the state, to be fair and equitable to male and female students and treat those of all races and religions, as well as those with disabilities, equally, to encourage the free exchange of ideas between themselves and their students, and to be available to them for guidance in their studies. Higher-education teaching personnel should ensure, where necessary, that the minimum content defined in the syllabus for each subject is covered;

(b) to conduct scholarly research and to disseminate the results of such research or, where original research is not required, to maintain and develop their knowledge of their subject through study and research, and through the development of teaching methodology to improve their pedagogical skills;

(c) to base their research and scholarship on an honest search for knowledge with due respect for evidence, impartial reasoning and honesty in reporting;

(d) to observe the ethics of research involving humans, animals, the heritage or the environment;

(e) to respect and to acknowledge the scholarly work of academic colleagues and students and, in particular, to ensure that authorship of published works includes all who have materially contributed to, and share responsibility for, the contents of a publication;

(f) to refrain from using new information, concepts or data that were originally obtained as a result of access to confidential manuscripts or applications for funds for research or training that may have been seen as the result of processes such as peer review, unless the author has given permission;

(g) to ensure that research is conducted according to the laws and regulations of the state in which the research is carried out, that it does not violate international codes of human rights, and that the results of the research and the data on which it is based are effectively made available to scholars and researchers in the host institution, except where this might place respondents in peril or where anonymity has been guaranteed;

(h) to avoid conflicts of interest and to resolve them through appropriate disclosure and full consultation with the higher education institution employing them, so that they have the approval of the aforesaid institution;

(i) to handle honestly all funds entrusted to their care for higher education institutions for research or for other professional or scientific bodies;

(j) to be fair and impartial when presenting a professional appraisal of academic colleagues and students;

(k) to be conscious of a responsibility, when speaking or writing outside scholarly channels on matters which are not related to their professional expertise, to avoid misleading the public on the nature of their professional expertise;

(l) to undertake such appropriate duties as are required for the collegial governance of institutions of higher education and of professional bodies.

35. Higher-education teaching personnel should seek to achieve the highest possible standards in their professional work, since their status largely depends on themselves and the quality of their achievements.

36. Higher-education teaching personnel should contribute to the public accountability of higher education institutions without, however, forfeiting the degree of institutional autonomy necessary for their work, for their professional freedom and for the advancement of knowledge.
ORDINANCE D8

THE DISCIPLINARY PROCEDURE

This Ordinance is made pursuant to Part III of the Appendix to the University’s Statutes

INTRODUCTION

1. This Disciplinary Procedure shall apply to members of staff to whom the Appendix to the University’s Statutes for “Academic Staff: Dismissal, Discipline, Grievance Procedures and Related Matters” (hereinafter “the Appendix”) applies. The Disciplinary Procedure does not form part of a member of staff’s contract of employment.

INFORMAL ACTION

2. Supervisors should meet with members of staff on a regular basis to discuss work and give guidance on work matters. Where a supervisor has concerns about a member of staff’s performance or conduct (with the exception of alleged serious or gross misconduct), the supervisor will informally discuss this with the member of staff.

3. Reasonable attempts will be made to resolve any problems through discussion and training, where appropriate. The arrangements will vary depending on the circumstances of each case. The supervisor and member of staff will agree objectives to address the problem and offer any reasonable support or training that would assist the member of staff in meeting the required standards.

4. The member of staff will be given reasonable time to improve and the period of review will be agreed at the meeting. Progress will be reviewed informally during the review period and regular feedback given to the member of staff. Positive support and encouragement will be offered to the member of staff to help him or her meet the required standards of conduct and/or performance.

5. The supervisor should prepare file notes of informal meetings, which may contain, if appropriate, objectives that will address concerns raised, and details of the training and other activities which will support the meeting of the objectives. It should also contain details of the agreed period of review. This file note should be copied to the member of staff but will not form part of the member of staff’s disciplinary record.

6. If there is no improvement following informal measures, or in cases of alleged serious or gross misconduct or serious poor performance, formal action will be taken which may lead to the issue of formal written warnings or dismissal. It may be that during the course of an informal meeting or review a supervisor considers that the matter warrants formal action. If so, the informal action will be terminated and an investigation started in accordance with the arrangements outlined below. A member of staff may also request that the matter be dealt with formally should he/she wish to do so.

INVESTIGATION

7. Where formal action is being considered, except in cases where the facts are not in dispute, an investigation should be carried out in order to gather the relevant facts and supporting evidence promptly before recollections fade.

8. The investigation is normally carried out by the member of staff’s supervisor or by a person nominated on his or her behalf. It may, however, be conducted by another member of staff if appropriate. The investigating officer may also be assisted by a member of staff from the Human Resources Division.

9. The supervisor should initially speak to the member of staff to seek his or her explanation of the matter. If, following this initial meeting, it appears that there is possible cause for further action, a full investigation will be conducted.

10. The investigating officer should interview the member of staff and, if appropriate, witnesses. The member of staff should be informed that witnesses are being interviewed as part of the investigation and be invited to nominate witnesses who he or she wishes to give evidence on his or her behalf. The member of staff and witnesses may be accompanied during an investigation meeting by a trade union representative or another member of staff. A member of the Human Resources Division may also be present to assist with the investigation.

11. Notes will be taken at each investigation meeting. Each person interviewed will be provided with a copy of the notes of their individual meeting and asked to confirm that these notes are an accurate record of the meeting.

12. The investigating officer, with assistance from the Human Resources Division, will review the notes of the investigation meetings and any other documentary evidence that has been gathered. In complex cases, after review of the evidence, it may be necessary to meet again with a witness or the member of staff if information needs to be corroborated or clarified.

13. The timetable for gathering evidence should be discussed with all parties and will usually be within two weeks. Investigation of a disciplinary matter must be given priority and every effort should be made to minimise delays.

14. Based on his or her investigation an investigating officer may determine:

   a. That there is no case to answer;
   b. That it is appropriate to deal with the matter informally or under other University procedures or Ordinances; or,
   c. That there are sufficient grounds for convening a formal disciplinary hearing.

15. If the investigating officer decides to refer the matter to a formal hearing then a report should be prepared summarising the investigation. The report should include the notes of the investigation meetings and the evidence gathered during the course of the investigation. A member of the Human Resources Division can assist an investigating officer with the report.
SUSPENSION

16. In accordance with Paragraph 18 of Ordinance D7, a member of staff may be suspended during any investigation and/or pending any disciplinary hearing in circumstances where gross misconduct is alleged, where there may be risks to property or other parties, where relationships have seriously broken down such as to impair efficiency, or to assist the investigation. A decision to suspend an academic from work should only be taken after careful consideration of the impact of the academic’s work and of those researchers and students supported by the academic.

17. The reason or reasons for suspension and requirements during the suspension should be discussed at a meeting with the member of staff (where a colleague or union representative can be present if desired). The arrangements will be confirmed in writing. If it is not possible to meet with the member of staff, written notification will be sent to the member of staff and a meeting date will be set up to discuss the reasons for the suspension and arrangements during the period of suspension.

18. Suspension is not a disciplinary sanction and is to be considered a neutral act to facilitate investigation. Regular contact should be maintained with the member of staff to advise them of the progress of the investigation. Apart from a situation where a member of staff does not have a legal or statutory right to work, suspension will be on full pay.

CONVENCING FORMAL HEARINGS

19. Once the investigation is completed, if a decision is made to convene a formal disciplinary hearing, arrangements will be made in accordance with those prescribed in Paragraph 26 of Ordinance D7.

20. The person or person(s) conducting the hearing will be convened in accordance with Paragraphs 21 to 25 of Ordinance D7.

21. Where it is known that the member of staff is an official of the trade union, the member of the Human Resources Division providing support to the Chair will bring a copy of the request to attend the formal hearing to the attention of the relevant full-time regional officer.

22. In advance of the hearing the member of staff should advise the Chair of the name of the person (if any) who will be accompanying them. Exceptionally the Trade Union may request that two representatives (either regional or local) are present at a formal hearing. The Chair of the hearing will consider this request based on the complexity of the case and, if agreement is given, will specify that one representative will take the main role of spokesperson and the other representative will provide a supporting role assisting the main representative with paperwork and background information. The member of staff’s representative may not answer questions on behalf of the member of staff, but he or she can address the hearing to present the member of staff’s case, question witnesses, respond to views expressed and sum up the case. The member of staff may confer with the person accompanying them during the hearing.

23. If a member of staff is unable to arrange to be accompanied on the date proposed or fails to attend the meeting for reasons outside of their control, the formal hearing will be rearranged for a mutually suitable time, normally within one week of the original date.

24. In the event that a member of staff refuses to attend a formal hearing or cannot attend a rearranged hearing, then he or she may be given the opportunity to respond to the allegation(s) in writing. If a member of staff does not attend a rearranged hearing or submit a response to the allegation(s) in writing within a reasonable time scale, the Chair of the hearing may make a decision on appropriate disciplinary action in the member of staff’s absence. This decision will be made without the benefit of the member of staff’s oral or written statement if he or she has not attended or provided written documentation. The member of staff will be notified in advance that this is a consequence if they are unable or unwilling to participate in the process.

CONDUCTING THE FORMAL HEARING

25. The conduct of the hearing shall be in accordance with that prescribed in Paragraphs 27 to 29 of Ordinance D7.

DISCIPLINARY SANCTIONS

26. Following a formal hearing the Chair must decide whether the allegations made against the member of staff are to be upheld in whole or in part or whether they are to be dismissed. Where it is decided that the allegations are to be upheld in whole or in part, consideration must be given to an appropriate disciplinary sanction. Before making any decision the Chair should take account of the member of staff's disciplinary and general record, length of service, actions taken in any previous similar cases, the explanations given by the member of staff and whether the intended disciplinary sanction is reasonable in all the circumstances.

27. As soon as reasonably practicable following the hearing and normally within 10 working days the Chair or, in the case of a decision to dismiss, the Director of Human Resources or his or her nominee will write to the member of staff notifying him or her of the Chair’s decision and, if any of the allegations against the member of staff have been upheld, of his or her right of appeal within 10 working days of receipt of the decision.

28. With the exception of matters of serious or gross misconduct, a member of staff will normally receive two formal written warnings before dismissal. It should be made clear in the first warning letter that, if there is no satisfactory improvement, incremental progression through the salary spine may be withheld. It should be made clear that the second warning is a final warning and dismissal will follow if there is no satisfactory improvement.

29. **Gross Misconduct.** The following offences are considered serious enough that they may warrant dismissal without prior formal warnings. (The list is not to be considered exclusive or exhaustive):

- Theft, fraud and deliberate falsification of records;
- Physical violence;
- Bullying and/or harassment;
- Deliberate damage to property;
- Serious insubordination as demonstrated by willful refusal to carry out reasonable requirements of the post or management requests;
- Misuse of University property or name;
- Misuse of computer facilities including use of internet and email;
- Bringing the University into disrepute;
• Serious failure of competence through alcohol or illegal drugs or breach of a local requirement to be alcohol free at work;
• Negligence with serious consequences which causes or might cause unacceptable loss, damage or injury;
• Serious infringements of health and safety rules;
• Serious breach of confidence (subject to the Public Interest Disclosure Act 1998);
• Knowingly or recklessly disclosing personal data in breach of the Data Protection Act;
• Conviction of any criminal offence which the University views as making the individual unfit to hold his or her post;
• Vexatious or malicious behaviour;
• Fraudulent absence from work;
• Serious discriminatory behaviour on the grounds of race, gender, religious belief, sexual orientation, disability, or age.

30. In cases of gross misconduct the member of staff may be dismissed summarily without notice.

31. If, following a formal hearing, dismissal is considered appropriate then the Chair, or representative of the Human Resources Division assisting the Chair, will confirm the decision to dismiss in writing. The letter will contain the reasons for the dismissal, the date employment will end and the right to appeal.

APPEALS

32. In all cases of formal disciplinary action the member of staff has the right of appeal against the decision to issue a formal written warning or to dismiss or against any other disciplinary sanction. The member of staff must submit his or her appeal within ten working days of receipt of the written notification of the disciplinary sanction. In the written notification of the formal disciplinary action the member of staff will be informed of the name of the person to whom an appeal should be addressed and the timescale for doing so. If the member of staff wishes to appeal, he or she must set out the grounds of his or her appeal in writing. If the member of staff has been issued with a formal warning then he or she will have a right of appeal to a person designated by the Rector. If the disciplinary sanction is dismissal, however, the member of staff will have a right of appeal to a panel constituted in accordance with Paragraphs 21 to 25 of Ordinance D7.

33. Appeal hearings will be conducted in accordance with the following terms of reference:
   a. To review whether the matter under consideration was adequately investigated and substantiated;
   b. To review whether the University's procedures were correctly and fairly implemented; and
   c. To consider whether the disciplinary action was reasonable in the circumstances known to management at the time of the disciplinary hearing.

34. The panel or person hearing the appeal may be assisted by a member of staff from the Human Resources Division, who will not have had previous involvement in the case. The member of staff has a right to be accompanied by another member of staff or a trade union representative at the appeal hearing. All appeal hearings will be convened as soon as practicable.

35. The procedure will in general terms follow the procedure in Paragraphs 27 to 29 of Ordinance D7.

36. If new evidence is introduced during an appeal hearing it may be referred by the person or panel hearing the appeal back to the original Chair in order that he or she may review the disciplinary sanction. The appeal hearing may be reconvened in the event that the member of staff does not accept the subsequent decision of the Chair.

37. The outcome of the appeal hearing, with reasons for the decision, will be confirmed in writing. The Human Resources representative will assist with the preparation and dissemination of the decision.

38. In the event that an appeal panel decides to reinstate a member of staff who has been dismissed this will be done in a manner which maintains continuous service and without loss of pay. (Assessment will be made of any income received by the member of staff while not in University employment).

39. The University regards the appeal decision as final.

GENERAL

40. Notes and records of matters dealt with under the Disciplinary Procedure should be handled on a confidential basis and stored securely. The outcome of all disciplinary action will be monitored centrally by the University to comply with statutory requirements. Spent disciplinary records may be retained by the Human Resources Division in a separate file for reference in the event of a dispute or legal proceedings or a subsequent redundancy selection procedure but not for reference in the event of a further disciplinary action. Retention of this information should be reviewed periodically in accordance with the requirements of the Data Protection Act.
ORDINANCE D9

THE GRIEVANCE PROCEDURE

This Ordinance is made pursuant to Part VI of the Appendix to the University’s Statutes

INTRODUCTION

1. This Grievance Procedure shall apply to members of staff to whom the Appendix to the University’s Statutes “Academic Staff: Dismissal, Discipline, Grievance Procedures and Related Matters” (hereinafter “the Appendix”) applies. The Grievance Procedure does not form part of a member of staff’s contract of employment.

2. Subject to Paragraphs 3 and 4 below, this Procedure shall apply to grievances by members of staff concerning their appointments or employment or the terms and conditions of their employment, or in relation to other matters affecting themselves as individuals or their personal dealings or relationships with other members of the University.

3. This Procedure will not apply in relation to any matters for which provision is made elsewhere in the Appendix or Ordinances or in any other appropriate procedure. The Procedure will also not apply in respect of the outcome of any matter dealt with under the Appendix, the Ordinances or any other appropriate procedure (including, for the avoidance of doubt, any grievances about the conduct of or outcome of any disciplinary process).

4. This Procedure will also not apply where the University considers it more appropriate to use its specific policies prescribed by the Council (and as amended from time to time) for use in dealing with Instances of Public Interest Disclosure (commonly known as whistle-blowing) and for dealing with Allegations of Scientific Misconduct that are prescribed by the Council for use under those specific circumstances (and are amended from time to time).

5. Where a complaint is raised under this Procedure it may be deferred if other proceedings under the Appendix concerning the member of staff and relevant to the application are pending or in progress.

6. This Procedure will not apply to grievances raised collectively by an appropriate representative or appropriate representatives on behalf of more than one member of staff. The applicable procedure is set out in the University’s grievance procedure for non-academic staff.

INFORMAL ACTION

7. The University is committed to the resolution of individual grievances fairly and promptly whenever possible. Staff who have a grievance are encouraged to discuss the problem informally with their immediate line manager to seek a resolution. If a member of staff does not feel able to discuss the problem with his or her first line manager then he or she may raise the matter informally with his or her second line manager.

8. Managers of academic staff are required to give any grievance that has been raised informally proper and full consideration. Managers will be encouraged and supported to facilitate mutually acceptable solutions to genuine concerns raised by members of staff.

9. If the member of staff wishes to pursue the action formally the standard procedure is set out below

STANDARD PROCEDURE - STAGE ONE - LINE MANAGER REVIEW

10. The Standard Procedure set out in this Clause and Standard Procedure Stage 2 set out below will apply where the member of staff is still employed by the University.

11. If the member of staff has not been able to resolve a grievance informally through the line manager, he or she should write to the Head of Division or Department to request a review of the grievance by a senior manager. The request should explain the grievance in detail, the action taken by the member of staff to resolve the matter so far and the outcome or remedy sought. Copies of relevant papers in support of the grievance should be included with the letter. The Head of Division or Department will then identify the appropriate senior manager to consider the grievance. If the grievance is being raised against the Head of Division or Department then the request should be made to the Faculty Principal. Grievances being raised against the Faculty Principal should be addressed to the Director of Human Resources.

12. Where a grievance has been brought against a specific individual or individuals, the senior manager considering the grievance will notify the individual(s) that a grievance has been submitted by the member of staff and provide them with a copy of the grievance. The individual(s) will then be given the opportunity to provide a statement and any relevant papers in response to the grievance, normally to be returned to the senior manager within one week.

13. In certain circumstances, it may also be necessary for the senior manager to carry out further investigation into the member of staff’s grievance by meeting with any relevant witnesses. Where witness evidence is collected, the senior manager will forward any witness statements and/or relevant papers to the complainant and to the individual(s) against whom the grievance is being raised.

14. The senior manager considering the grievance will then arrange to meet with the member of staff, usually within two weeks of receipt of the grievance. The member of staff must take all reasonable steps to attend the meeting and they may be supported and accompanied to the grievance meeting by a trade union representative or colleague. In exceptional circumstances the senior manager hearing the grievance will consider requests from staff to be accompanied by a friend not employed by the University. Where reasonably practicable, the member of staff should provide the name of any representative who will be assisting with their complaint prior to the grievance meeting. A member of the Human Resources Division will also be present in the meeting to assist the senior manager hearing the grievance.

15. If the member of staff’s representative is unable to attend on a proposed date, the member of staff may suggest an alternative date within 5 working days of the original date. This 5-day time limit may be extended by agreement with the senior manager hearing the grievance.

16. The purpose of the meeting will be for the member of staff to state their grievance, for those present to understand the full nature of the grievance, discuss the grievance and explore potential solutions. It may be necessary to undertake further investigation of the member of staff’s grievance,
in which case the meeting may be adjourned in order to enable this to take place, and reconvened within a reasonable period of time.

17. The timetable for any further investigation necessary will be discussed and, so far as possible, agreed with the member of staff. Every attempt will be made to address the issue promptly.

18. Following the meeting, the member of staff will be informed in writing of the decision under Stage One of the Grievance Procedure. This will normally be issued to the member of staff within 14 days of the close of the grievance meeting. The letter will usually summarise the nature of the grievance, the investigation that was conducted, the decision, the reason for the decision and any outcome for work and working practices as a result of the decision. A copy of the minutes of the meeting will be included or provided to the member of staff once completed.

19. A copy of the decision letter will also be provided to any individual against whom the grievance was being brought. In these circumstances, any dissenting comments in connection with the decision will be recorded.

20. There may be situations where it would be helpful to seek external advice and assistance during the grievance procedure or after it has concluded. For example, where the grievance has arisen from a breakdown in relations between two or more individuals a facilitator might be able to assist in resolving the problem. The facilitator may be an external consultant or an internal member of staff not directly connected with the grievance where appropriate. The senior manager considering the grievance may recommend the use of a facilitator with the agreement of the member of staff and the individual(s) concerned.

STANDARD PROCEDURE - STAGE TWO – APPEAL

21. A member of staff who is not satisfied with the outcome of the grievance meeting held under Stage One above may appeal.

22. The member of staff should write to the Head of Human Resources Operations within ten working days of receipt of the decision letter. The letter should state that the grievance has not been resolved to the member of staff’s satisfaction under Stage One of the Procedure and the reasons why the member of staff is not satisfied with the outcome. The remedy or outcome sought should be specified in the letter from the member of staff. The Head of Human Resources Operations will inform the Rector of the appeal.

23. The Rector or his or her nominee shall review the grounds of appeal and, unless the complaint is frivolous, vexatious or invalid, shall nominate a senior member of the University to hear the appeal.

24. Where the grievance concerns the Rector, the review of the grounds of appeal will be carried out by the Chairman of the Council or his or her nominee who shall be a member of Council and, unless the complaint is frivolous vexatious or invalid, the Chairman of the Council or his or her nominee will arrange for a member of the Council to consider the appeal.

25. An appeal meeting shall be convened as soon as practicable by the Rector’s (or Chairman’s) nominee, with support from a senior member of the Human Resources Division not previously involved in the case. The member of staff may be supported and accompanied at the appeal meeting by a trade union representative or colleague. In exceptional circumstances the Rector’s (or Chairman’s) nominee will consider requests for the member of staff to be accompanied by a friend not employed by the University. Where reasonably practicable, the member of staff should provide the name of any representative who will be assisting with their complaint before the appeal meeting.

26. The purpose of the meeting will be to understand the on-going nature of the grievance, to review the basis for the earlier decision and to explore potential solutions. The member of staff will be afforded every opportunity to state their grievance at the meeting. It may also be necessary for further investigation to take place, in which case the meeting may be adjourned to enable this to be undertaken and reconvened within a reasonable period of time. The timetable for investigation will be discussed and agreed with the member of staff. Every attempt will be made to address the issue promptly.

27. The decision letter under Stage Two of the Grievance Procedure will normally be issued to the member of staff within fourteen days of the conclusion of the meeting. The letter will generally summarise the nature of the grievance, the investigation that was conducted, the decision, the reason for the decision, and any outcome for work and working practices as a result of the decision. A copy of the formal minutes of the meeting will be included or provided to the member of staff once completed.

28. A copy will be sent to any individual against whom the grievance is being brought. Any dissenting comments against the decision will be recorded. This will conclude the internal process for the resolution of grievances.

SPECIAL PROCEDURE TO BE UNDERTAKEN WHEN THE MEMBER IS NOT IN COLLEGE EMPLOYMENT

29. If the member of staff’s employment by the University has ended and they wish to raise a grievance they may choose to follow the Special Procedure.

30. Under the Special Procedure, the former member of staff should set out their grievance in writing, stating what the basis for the grievance is and give it to the Head of Department/Division with a copy to the Head of Human Resources Operations.

31. After the University has had an opportunity to consider the grievance, and the information provided within it, the former member of staff will receive a written response. This concludes the process under the Special Procedure.
ORDINANCE D10

REMOVAL FROM NON-SUBSTANTIVE POSTS

This Ordinance is made pursuant to Part I, Clause 3 of the Appendix to the University’s Statutes

1. This Ordinance must be read in conjunction with the Appendix to the University’s Statutes (hereinafter the “Appendix”) and with Ordinance D7 and the other Ordinances dealing with staff matters. In the event of conflict the Appendix shall have precedence.

APPLICATION

2. The provisions of this Ordinance shall apply to the removal of a member of staff from an appointment as Pro-Rector, Dean, Head of Department/Division, or such other posts as have been designated by the Council, to which he or she has been elected or appointed which is distinct from that individual’s substantive post, and where dismissal from the substantive post is not being contemplated. Where the appointment is the substantive post or where dismissal from the substantive post is also contemplated, the provisions of Part II, Part III, Part IV or Part V of the Appendix shall apply as relevant to the circumstances.

3. Staff will normally be notified of the contents of this Ordinance when the formal offer of a non-substantive post is made. Non-substantive posts will be offered for a fixed, time limited, period.

ACTION RELATING TO THE WITHDRAWAL OF A NON-SUBSTANTIVE POST

4. Non-substantive posts will automatically terminate on the expiry date unless specifically renewed. The post-holder shall have no expectation that the post will be renewed.

5. A member of staff may resign from a non-substantive position before the expiry date by giving three months’ written notice.

6. A non-substantive post may be withdrawn by the University with immediate effect at any time prior to the normal expiry date, providing that the member of staff holding the position is given the opportunity of a meeting with the person proposing to withdraw the position and is provided with a right of appeal against that decision in accordance with Paragraphs 13-16 of this Ordinance.

7. In exceptional circumstances, the member of staff holding the non-substantive post, may be suspended from his or her duties arising from the non-substantive post pending any meeting to be held in accordance with Paragraph 6 above. Such suspension must have the authorisation of the Rector or Deputy Rector and shall be without loss of pay or honorarium attached to the non-substantive post.

INFORMAL ACTION

8. Any performance, conduct or other issues arising in relation to the member of staff’s appointment to a non-substantive post shall normally, except in cases of serious poor performance or conduct, be raised informally with the member of staff. The concerns should be made clear and an action plan determined for remedying the deficiencies.

MEETING TO CONSIDER THE WITHDRAWAL OF A NON-SUBSTANTIVE POST BEFORE THE EXPIRY DATE

9. If the desired improvement is not evident or the issue is so serious that it warrants immediate formal action, a member of staff will be given not less than 5 working days’ notice in writing of the date planned for the meeting to review the withdrawal of a non-substantive post before the expiry date. The member of staff will have the right to be accompanied by another member of staff or trade union representative at the meeting. The letter inviting the member of staff to the meeting will set out the basis for contemplating the withdrawal of the non-substantive post.

10. Where a member of staff is unable to attend the meeting, it will be rearranged for a mutually suitable time, normally within one week of the original date.

11. The purpose of the meeting will be for the member of staff to be advised of the reasons for the possible withdrawal of the post so that she or he has the opportunity to make representations on this issue. No decision on withdrawal of the position will be made until this meeting has been concluded, although the meeting may proceed in the member of staff’s absence if he or she fails to attend without good reason.

12. In the event that a decision is taken to withdraw the non-substantive post the member of staff will be advised of the reason for this in writing and the date the withdrawal will take effect, and will be given the opportunity of appeal against this decision under Paragraphs 13-16 below.

APPEALS

13. A member of staff who has their non-substantive post withdrawn before the expiry of the fixed term may appeal against that decision. In the written notification of the withdrawal of the non-substantive post, the member of staff will be informed of the name of the person to whom an appeal should be addressed and the time scale for doing so. If the member of staff wishes to appeal he or she must set out the grounds of his or her appeal in writing.

14. The appeal will be heard by a Panel comprising three senior members of the University, who have not had previous involvement in the case. The Panel will be established in accordance with Clause 4(1) of the Appendix and Paragraphs 21 – 25 of Ordinance D7. A member of the Human Resources Division not previously involved in the case will also be present and the member of staff may be accompanied by a trades’ union representative or another member of staff.

15. Appeals against the early withdrawal of the non-substantive post will be conducted in accordance with the procedure set out at Paragraphs 27 - 29 of Ordinance D7 and with the following terms of reference:

   a. To review whether the basis for the early withdrawal was adequately substantiated;

   b. To review whether the University’s procedures were correctly and fairly implemented.

16. The decision of the appeal hearing will be issued within 10 working days.
ORDINANCE D11

THE DISMISSAL OF MEMBERS OF STAFF BY REASON OF REDUNDANCY

This Ordinance is made pursuant to Part II of the Appendix to the University’s Statutes

APPLICATION

1. The power to dismiss and the procedures set out in this Ordinance in accordance with Part II of the Appendix to the Statutes (hereinafter “the Appendix”) shall apply to all staff to whom the Appendix applies, provided that in its application to those staff defined in sub-sections (3) to (6) of section 204 of the Education Reform Act 1988 (staff appointed prior to, and not promoted after, 20 November 1987), the power to dismiss shall be subject to such limitations (if any) on the power to dismiss for redundancy as applied to the member of staff concerned prior to the introduction of the Appendix made by the University Commissioners in the exercise of their powers under Sections 203 and 204 of the Education Reform Act 1988.

2. This Ordinance shall not apply to the non-renewal of a limited term contract (within the meaning of Section 235 of the Employment Rights Act 1996), which shall be dealt with under Ordinance D13.

3. Where specifically indicated, this Ordinance shall be read in conjunction with the University’s Redundancy and Change Policy and Procedure (which does not have contractual status) as amended from time to time.

PRELIMINARY STAGE – CONSULTATION

4. Where any Faculty, Division or Department of the University is considering organisational change which may impact on staff, a consultation paper setting out the proposals should be prepared. Details of the information which should normally be included in the paper are set out in the Imperial College Redundancy and Change Policy and Procedure as amended from time to time.

5. There should be appropriate consultation with the staff concerned or, if and to the extent required by Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, with appropriate representatives in relation to the consultation paper.

6. Each member of staff and/or trade union being consulted will be provided with a copy of the consultation paper. Any member of staff affected by the proposals who is absent from work (for example, due to maternity, sickness or other leave) should be sent a copy of the consultation paper to their home address in order that they can participate in the consultation process.

7. Members of staff will be offered the opportunity of individual consultation meetings with the Faculty/Divisional representative and/or the Human Resources representative. Staff can be accompanied at the consultation meetings by a trade union representative, another member of staff or, at the Head’s discretion, a friend or relative who is not a legal representative.

8. Where appropriate representatives are being consulted at the preliminary stage, they will be offered the opportunity to attend consultation meetings with the Faculty/Divisional representative and/or the Human Resources representative.

9. As part of the consultation process, comments on the consultation paper and any alternative proposals will be sought from the appropriate representatives and individual members of staff. The Faculty, Division or Department will provide information that is necessary for staff and the appropriate representatives to make an informed contribution to the consultation process. The consultation will be carried out with a view to reaching agreement on the way forward. Only at the end of the consultation process and the preliminary stage will any formal recommendation be made as to how to proceed.

10. Before or during the consultation period, the Council should be provided with a copy of the consultation paper, details of the area affected and the reasons for the proposed reduction in academic staff. Following review of the consultation paper the Council may:

   a. Defer its decision and review the position again following the completion of the consultation process, at which stage the Council may require a report on the preliminary consultation with staff and/or appropriate representatives and any comments received from them. The Council may then authorise the Rector or his or her nominee to implement the selection process and subsequent proposed redundancies if the Rector or his or her nominee considers this appropriate following the comments and counter-proposals gathered during the consultation period;

   or

   b. Authorise the Rector or other person authorised by the Rector to implement the selection process and subsequent proposed redundancies if the Rector or his or her nominee considers this appropriate following the comments and counter-proposals gathered during the consultation period.

DECISION TO PROCEED

11. At the end of the consultation period the Head of Faculty, Division or Department or other relevant person will review the comments and counter-proposals and, if required under Paragraph 10.a. above, will provide the Council with a report on the preliminary consultation with staff and/or appropriate representatives and any comments received from them.

12. If it is still anticipated that redundancies may be necessary, and the Council has given authorisation, the Director of Human Resources or his nominee should initiate formal redundancy procedures.

13. All staff at risk of redundancy and their appropriate representatives should be notified of any decision to proceed with the formal redundancy procedure.

14. Where a member of staff is at risk of redundancy he or she will receive details of the redundancy procedure and the timescale over which it will be implemented. This will normally include:

   a. The selection criteria to be used to select members of staff for redundancy (where any post to be made redundant is not unique) and/or the selection arrangements where staff are to be considered for new posts in the reorganised Faculty, Division or Department;

   b. Any arrangements for seeking alternative work for those subsequently selected for redundancy. Where a member of staff is provisionally selected for redundancy, the
University will consider all redeployment opportunities and, wherever possible, offer alternative positions within the University where necessary, arrangements for a further consultation meeting with individual members of staff or appropriate representatives to discuss the selection criteria to be employed;

c. An invitation to take voluntary severance and the relevant timescale for applications, if applicable;

d. Any arrangements for avoiding compulsory redundancies referred to in the University’s standard Redundancy and Change Policy and Procedure;

e. Assistance to be given to staff at risk of redundancy, including career counselling and, if selected as redundant, reasonable time off to seek other employment or undertake training.

DISMISSAL MEETING AND NOTICE OF REDUNDANCY

15. If redeployment is not an option and all suggested alternatives to avoid compulsory redundancy are unsuccessful, the Head of Faculty, Division or Department (or a senior manager as his or her nominee) will invite the member of staff in writing to attend an employment review meeting. In inviting the member of staff to the meeting he or she will be informed why their employment is at risk and why they have been provisionally selected for redundancy. The purpose of the meeting is to give the member of staff the opportunity to put forward their views on the provisional selection for redundancy, including the way in which the selection criteria (if applicable) have been applied to them. At this meeting the member of staff can be accompanied by a colleague or a trade union representative, or, at the Head’s discretion, a friend or relative not of the legal profession. A member of the Human Resources Division will be present to facilitate the discussion if required.

16. After this meeting and normally within 10 working days the Head of Faculty, Division or Department (or his or her appointed nominee) will, acting on the authority of the Rector, write to the member of staff and confirm whether or not his or her employment is to terminate by reason of redundancy. If the decision has been taken to terminate the member of staff’s employment, the member of staff will be given any contractual notice of redundancy and confirmation of the leaving date and will be informed of the redundancy payment (at a minimum that required by law) to be made. The member of staff will also be given the right of appeal against the decision to terminate his or her employment. The arrangements for an appeal hearing are in accordance with those prescribed in Paragraphs 19 - 20 of this Ordinance.

17. Where a decision is taken to dismiss member(s) of staff, a report will be submitted to the Council confirming this. Redundancy dismissals will also be reported annually with a breakdown consisting of the number of staff to be dismissed broken down by age, disability, gender, and race and, other relevant information as determined appropriate for equal opportunities monitoring purposes and statutory requirements.

18. As set out in Paragraph 14 above, assistance will be offered to staff declared redundant, which can include career counselling as well as reasonable time off to enable the person to seek other employment or to undertake training. Staff will remain on the redeployment register until the end of their employment.

RIGHT OF APPEAL

19. Appeals must be lodged within ten working days of the receipt of the formal notice of redundancy issued to the individual member of staff. Appeals will be based only against the selection of an individual for redundancy, rather than against the actual decision to restructure. Appeals against dismissal will be heard by a panel constituted in accordance with Paragraphs 21 - 25 of Ordinance D7.

20. The terms of reference for the appeal panel will be as follows:

a. To review whether the selection for redundancy was adequately reviewed and substantiated; and

b. To review whether the University’s procedures were correctly and fairly implemented.

21. The appeal will be conducted in accordance with the rules for hearings set out in Ordinance in Paragraphs 21 - 25 of Ordinance D7.

22. If the decision of the appeal panel is to uphold the decision to dismiss the employee, the Director of Human Resources or his or her nominee will report this decision to the Chairman of the Council as soon as is reasonably practicable and the Chairman of Council will notify the Council that this has occurred.
ORDINANCE D12

INCAPACITY ON HEALTH GROUNDS

This Ordinance is made pursuant to Part IV of the Appendix to the University’s Statutes

1. This Ordinance must be read in conjunction with the Appendix to the Statutes (hereinafter the “Appendix”) and with Ordinance D7 and the other Ordinances dealing with staff matters. In the event of conflict the Appendix shall take precedence.

GENERAL

2. This Ordinance, which provides for incapacity on medical grounds as a potential good cause for dismissal or removal from office, should be read in conjunction with the University’s Sickness Absence Policy and Procedure as amended from time to time.

3. The provisions of this Ordinance, and the University’s Sickness Absence Policy and Procedure, shall be conducted in accordance with the requirements of the Disability Discrimination Act 1995. Medical conditions may include physical or mental health issues.

ACTION UNDER THIS ORDINANCE

4. Concerns about poor performance or conduct shall normally be raised under the Part III of the Appendix and the University’s Disciplinary Procedure. However, where it is evident, or where it emerges during proceedings under the Disciplinary Procedure that performance or conduct may have been wholly or partly attributable to a medical condition, consideration shall be given to dealing with the matter under this Ordinance. The decision as to whether the matter shall be dealt with under this Ordinance or under the Disciplinary Procedure shall be a decision of the Director of Human Resources or his or her nominee. There is no right of appeal against this decision.

5. A decision to deal with the matter under this Ordinance shall not invalidate actions taken under the Part III of the Appendix and the Disciplinary Procedure.

6. If, at any stage, a member of staff wishes to seek to retire early on medical grounds, he or she will be permitted to do so in accordance with the criteria, rules and benefits of the relevant pension scheme.

7. Where suspension is considered, pending a decision on the member of staff’s capability to remain in employment, then this shall be in accordance with the provisions in Paragraph 18 of Ordinance D7.

MEDICAL REPORTS

8. Where it has been identified that conduct or performance, including short term persistent absence or long term absence, may have been wholly or partly attributable to sickness or a medical condition, the University will normally obtain a report from the Occupational Health Service. The member’s consent in writing shall be sought in accordance with the requirements of the Access to Medical Reports Act.

9. In addition, after obtaining the written consent of the member of staff, the University may obtain medical evidence from the member of staff’s GP, own medical specialist and/or an independent medical specialist. A member of staff may request that this information be gathered if the University does not plan to do so of its own volition.

10. Medical evidence will normally be sought at an early stage to ensure that the University has obtained relevant medical advice before decisions are made in respect of the member of staff. However, medical evidence may be sought at any stage of this Procedure.

11. Non-exhaustive examples of when it will be appropriate to obtain a medical report are set out in the University’s Sickness Absence Policy and Procedure.

12. If a member of staff refuses consent for an Occupational Health report, any action taken under this Ordinance will be on the basis of no confirmed underlying medical condition. The procedure under Paragraphs 23-33 below, in line with the University’s Sickness Absence Policy and Procedure, will proceed without the benefit of medical advice.

LONG TERM SICKNESS ABSENCE OR RECURRING ABSENCE DUE TO AN UNDERLYING HEALTH ISSUE

CONSULTATION MEETINGS

13. The Occupational Health report may advise that a member of staff has an underlying health issue resulting in long term or recurring sickness absence. If so, consultation meeting(s) should be held between the line manager or his or her nominee and the member of staff to review and discuss the situation with him/her. Arrangements will be conducted in line with the University’s Sickness Absence Policy and Procedure.

14. The member of staff will be given the opportunity to be accompanied at any consultation meetings by a trade union representative or another member of staff. Consideration should be given to requests from staff to be accompanied by a relative or friend, if they are not a legal representative. A member of the Human Resources Division will be present at a consultation meeting. If the member of staff is unable to attend a consultation meeting then he or she should be given the opportunity to submit comments in writing. Where the member of staff’s health is such that they are not able to respond, communication may be through an appropriate family member or partner or authorised representative.

15. The process of dealing with sickness absence where there is an underlying medical condition will very much depend on the individual circumstances. A member of staff may have one or several consultation meetings before action below (Facilities and Adjustments) is agreed (so far as possible) and implemented. This will depend on a number of factors including the medical condition, the treatment, the long-term prognosis, and the sustainability of the absence after considering the effects on the Department and the comments made by the member of staff.

FACILITIES AND ADJUSTMENTS

16. Where a condition has a substantial and long-term adverse effect on a member of staff’s ability to carry out day-to-day activities, the University will act in accordance with the provisions within the Disability Discrimination Act 1995. The University will review whether reasonable adjustments to working arrangements or the workplace will overcome the practical effects of the medical condition. Reasonable adjustments will be considered in line with those in the University’s Sickness Absence Policy and Procedure.
MEDICAL RETIREMENT

17. Consideration will also be given as to whether it is possible to offer the member of staff ill health retirement. The decision on whether or not a pension is awarded is taken by the Pension Trustees and is subject to the rules of the Pension Scheme.

EMPLOYMENT REVIEW MEETING

18. An employment review meeting will be considered only where:

a. The member of staff has been given the opportunity to comment on their fitness to work and/or the likelihood of returning to work, and these views have been taken into account in any earlier consultation meetings or decisions;

b. Medical opinion indicates that the member of staff will remain insufficiently fit to return to their post or carry out the functions of their post adequately in the foreseeable future;

c. Redeployment and/or adjusted working arrangements or medical retirement have not been possible or agreed.

19. The purpose of the meeting will be for a person appointed by the Rector, who shall normally be a Faculty Principal or authorised nominee of such Faculty Principal, to review the case and to consider whether and for how long the University can support continued employment. The person hearing the case will be assisted by a senior member of academic staff. A member of the Human Resources Division will also be present at the meeting.

20. The member of staff will be given no less than five working days’ notice, in writing, of the employment review meeting to consider the issue of capability to remain in employment. The member of staff will be offered the opportunity to be accompanied by a trade union representative or another member of staff. Consideration should be given to requests from staff to be accompanied by a friend or relative who is not a legal representative.

21. At the meeting the issues will be presented by the line manager and the member of staff, or his or her representative, will be invited to respond and comment. Alternatives to termination of employment will be considered wherever possible.

22. Following the meeting the person conducting the meeting will consider whether or not to terminate the member of staff’s employment. The person conducting the meeting should discuss his or her decision with the representative from Human Resources. If he or she decides to terminate the member of staff’s employment, the representative of the Human Resources Division will write to the member of staff confirming termination of employment with notice or pay in lieu of notice and providing the reasons for the dismissal and details of the right to appeal, which is dealt with at Paragraphs 34-36 below.

MANAGING SHORT TERM INTERMITTENT SICKNESS ABSENCE

23. The Occupational Health Report may advise that a member of staff has no underlying health condition that should affect future attendance or performance at work. In this situation, meetings will be held with the member of staff in accordance with the University’s Sickness Absence Policy and Procedure.

24. The implications of the absence on the Department/Division or Faculty and other operational issues should also be discussed. Where possible, support should be offered to the member of staff to assist him/her to improve his or her attendance levels.

25. The meetings will usually be held with the member of staff’s line manager or his or her nominee, if appropriate. The member of staff will be given the opportunity to be accompanied at any formal meeting by a trade union representative or another member of staff. (In exceptional circumstances the person conducting the meeting will consider requests from members of staff to be accompanied by a friend not employed by the University). A member of the Human Resources Division will also be present to assist the person conducting the meeting.

26. If the member of staff cannot, for good reason, attend the meeting then he or she should be allowed an opportunity to reschedule usually within 5 working days of the date the meeting was originally scheduled. If a member of staff refuses to attend a Sickness Absence Review meeting, then, if time allows, he or she should be offered an opportunity to provide written submissions for consideration at the meeting which will proceed in his or her absence. If the member of staff refuses to attend a sickness absence review meeting and fails to provide written submissions he or she will be advised that the meeting may proceed in his or her absence. The member of staff should also be advised that the issue of their poor attendance and the impact this has on his or her job will have to be considered on the basis of the evidence that is available.

27. Following the sickness absence review meeting, a letter confirming the discussion in the meeting will be sent to the member of staff and retained on the member of staff’s personal file. The letter will set out the concerns that have been discussed, any actions agreed (so far as possible), any support to be provided by the line manager, any monitoring arrangements and details of any formal warning that is being issued. Any formal warning should indicate that, if the member of staff’s attendance record does not improve to an acceptable level, a further sickness absence review meeting may be arranged which could result in the issue of a second formal warning and ultimately the termination of the member of staff’s employment. The member of staff will have the opportunity to add comments to the file if he or she is not in agreement with the summary of the discussion.

28. A formal warning will usually remain live on the member of staff’s personal file for one year. The warning will contain details of support (if any) to be offered to the member of staff to enable them to meet the attendance requirements.

29. Where a member of staff has a current formal warning on his or her personal file, and his or her attendance has not improved, consideration will also be given to withholding incremental progression through the salary spine.

APPEAL AGAINST A FORMAL WARNING

30. If the member of staff is concerned that he or she is not being treated reasonably or fairly, he or she may write to request an appeal against a formal warning within 10 working days of the issue of the letter confirming the outcome of the meeting. This appeal will usually be conducted by the next line manager and a member of the Human Resources Division not previously involved in the case.
SICKNESS ABSENCE REVIEW MEETING – CONSIDERATION OF TERMINATION OF EMPLOYMENT

31. Termination of employment will normally only be considered after two formal warnings to ensure that the member of staff has been given sufficient opportunity to address the problem and has been warned of the consequences of not doing so.

32. The provisions set out in Paragraphs 25 and 26 above will apply to any sickness absence review meeting to consider termination of employment, save that the meeting will be conducted by a person appointed by the Rector, who shall normally be a Faculty Principal or nominee of such a Faculty Principal. The person hearing the case will be assisted by a senior member of academic staff.

33. Following the meeting the person conducting the meeting will consider whether or not to terminate the member of staff’s employment. The person conducting the meeting should discuss his or her decision with the representative from the Human Resources Division. If he or she decides to terminate the member of staff’s employment, the representative of the Human Resources Division will write to the member of staff confirming termination of employment with notice or pay in lieu of notice and providing the reason(s) for the dismissal and details of the right to appeal, which is dealt with under Paragraphs 34-36 below.

APPEALS AGAINST TERMINATION OF EMPLOYMENT

34. In the written notification of termination of employment the member of staff will be informed of the name of the person to whom an appeal should be addressed and the timescale for doing so. The timescale to appeal will be within ten working days from issue of the written notification of termination. If the member of staff wishes to appeal he or she must set out the grounds of his or her appeal in writing. The appeal panel hearing the appeal will be constituted and heard in accordance with Paragraphs 21 to 29 of Ordinance D7.

35. Prior to the appeal hearing, the appeal panel may, if it considers it appropriate, appoint a medically qualified assessor to provide an opinion on the member of staff’s medical condition. The member of staff may request that a medically qualified assessor is appointed to advise the panel. The panel will consider whether to do so at their own discretion.

36. The appeal panel may uphold the member of staff’s appeal, in which case it will inform the Director of Human Resources or his or her nominee who will ensure that the member of staff’s continuous employment is maintained and there is no loss of pay. (If appropriate, assessment will be made of any income received by the member of staff while not in the employment of the University).

ORDINANCE D13
LIMITED-TERM EMPLOYMENT

This Ordinance is made pursuant to Part V, Clause 16 of the Appendix to the University’s Statutes

1. This Ordinance must be read in conjunction with the Appendix to the University’s Statutes (hereinafter the “Appendix”) and with Ordinance D7 and the other Ordinances dealing with staff matters. In the event of conflict the Appendix shall have precedence.

APPLICATION

2. The provisions of this Ordinance shall not affect the validity of any waiver under Section 197 of the Employment Rights Act 1996.

3. In applying the provisions of this Ordinance, regard shall be had to the Fixed Term Regulations (Prevention of Less Favourable Treatment) Regulations 2002 ("the Fixed Term Regulations").

4. The power to dismiss, and the procedures prescribed, in this Ordinance shall apply to all staff to whom the Appendix applies, provided that, in its application to those staff defined in Sub-sections (3) to (6) of Section 204 of the Education Reform Act 1988 (staff appointed prior to and not promoted after, 20 November 1987), the power to dismiss on grounds of redundancy shall be subject to such limitations (if any) as applied to the member of staff concerned prior to the introduction of the original Model Statute made by the University Commissioners in the exercise of their powers under Sections 203 and 204 of the Education Reform Act 1988 and the University’s Fixed Term Agreement 2006.

THE MANAGEMENT OF LIMITED-TERM EMPLOYMENT

5. During the term of any limited-term contract, members of staff employed on limited-term contracts shall be subject to the provisions contained within the Appendix and the Ordinances or any other appropriate procedure made under:

a. Part I: Clause 1 (3) Removal from non-substantive post
b. Part II: Redundancy (subject to Paragraph 8 below)
c. Part III: Disciplinary Procedures
d. Part IV: Incapacity on Health Grounds
e. Part V: Clause 17: Probationary Appointments
f. Part V: Clause 18: Dismissal on Other Grounds
g. Part V: Clause 19: Clinical staff
h. Part VI: Grievance Procedures.
6. Before the expiry of the limited-term contract (normally when the limited-term contract has at least three months left to run), the Rector or his or her nominee shall consider whether a renewal or extension of the contract is to be offered or whether dismissal of the member of staff is to be contemplated on the expiry of the fixed term. The Rector may delegate this decision to the Head of Faculty, Division or Department or any other relevant person where appropriate.

7. If a renewal or extension is to be offered, consideration shall be given to whether the contract of employment is to be for a further fixed-term or of indefinite duration. Consideration shall be given to the ongoing requirements for work and the provisions relating to the expiry of limited term contracts set out in the University’s collective agreement on fixed term workers (that is subject to periodic review and amended from time to time). In the event that the individual has been on fixed term contracts at the College for a period of 6 years the member of staff shall become permanent under the College Fixed Term Agreement 2006.

8. If dismissal is contemplated upon the expiry of the fixed-term contract, the reason for contemplating dismissal shall be determined. Where the reason for dismissal is redundancy, i.e. it falls within the definition set out in Section 139 of the Employment Rights Act 1996, the procedure commencing at Paragraph 9 below shall be followed (subject to Paragraph 4 above). If dismissal is being contemplated for a reason other than redundancy, e.g. removal from non-substantive post, a failure to pass probation, discipline, incapacity on health grounds, for clinical staff the withdrawal of registration, status or contract, or some other reason, the procedures of the relevant Ordinances or any other appropriate procedure listed in Paragraph 5 above shall be used.

PROCEDURE FOR DISMISSAL BY REASON OF REDUNDANCY ON THE EXPIRY OF A LIMITED-TERM CONTRACT

9. As soon as reasonably practical, and ideally at least three months before the expiry of the limited-term contract, there shall be consultation with the member of staff or, if and to the extent required by Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, the procedure commencing at Paragraph 9 below shall be followed (subject to Paragraph 4 above). If dismissal is being contemplated for a reason other than redundancy, e.g. removal from non-substantive post, a failure to pass probation, discipline, incapacity on health grounds, for clinical staff the withdrawal of registration, status or contract, or some other reason, the procedures of the relevant Ordinances or any other appropriate procedure listed in Paragraph 5 above shall be used.

10. The member of staff will also be given a right of appeal against the decision to terminate his or her employment. The arrangements for the appeal hearing are in accordance with those prescribed at Paragraphs 19 to 22 of Ordinance D11.
In the case that a member of staff refuses to attend a formal hearing or cannot attend a rearranged hearing, he or she may be given the opportunity to respond to the allegations in writing. If a member of staff does not attend a formal hearing or submit a response to the allegations, the review panel may make a decision on the basis of the available information if he or she has not attended or provided written documentation. The member of staff will be informed of the name of the person to whom an appeal should be addressed and the time scale for doing so. If the member of staff wishes to appeal, he or she must set out the grounds of his or her appeal in writing.

12. Where the issues of concern are such that they may result in the non-confirmation of employment, the member of staff should be invited to a formal probation review meeting prior to a decision being made. It is not necessary to wait for the expiry of the probationary period before convening a formal probation review meeting if the member of staff has made aware of the problems and given sufficient opportunity to improve.

13. The purpose of the probation review meeting is to review the case for non-confirmation in a formal probation review meeting. The meeting should also consider any views expressed by the member of staff before a decision is made. A probation review meeting will normally be conducted by the Faculty Principal (or senior nominee) with support from a senior member of the Human Resources Division. The meeting will be conducted by a trade union representative or another member of staff.

14. All probationary members of staff should be given full details of the concerns being reviewed as good cause for the non-confirmation of employment. They will be entitled to be accompanied at the meetings by a trade union representative or another member of staff if they wish to do so.

15. If a member of staff is unable to attend a formal hearing, the hearing will be rearranged for a mutually suitable time, normally within one week of the original date.

16. In the event that a member of staff refuses to attend a formal hearing or cannot attend a

17. If following a Probation Review meeting, non-confirmation of employment is considered appropriate, the Faculty Principal, or senior nominee, has the authority to implement this decision.

18. A member of staff who does not have his or her probation confirmed may appeal against the decision. In the written notification of the non-confirmation of probation, the member of staff will be informed of the name of the person to whom an appeal should be addressed and the time scale for doing so. If the member of staff wishes to appeal, he or she must set out the grounds of his or her appeal in writing.

19. The appeal will be heard by a three-member panel comprising three senior members of the University appointed by the Rector, including at least two senior academics. A member of the Human Resources Department may be accompanied by a trade-union representative or another member of staff.

20. Appeals against non-confirmation of probation will be conducted in accordance with the following terms of reference:

a. To review whether the basic for non-confirmation of probation was adequately substantiated;

b. To review whether appropriate guidance and support was provided during the probation period;

c. To review whether the University’s procedures were correctly and fairly implemented.

21. The decision of the appeal hearing will be issued within 10 working days. In the event that a probation appeal results in reinstatement, this will be made in a manner which maintains the member of staff while not in University employment. The University regards the appeal decision as final.
ORDINANCE D15

DISMISSALS ON "OTHER GROUNDS"

This Ordinance is made pursuant to Part V, Clause 18 of the Appendix to the University’s Statutes.

1. This Ordinance must be read in conjunction with the Appendix to the University’s Statutes (hereinafter the “Appendix”) and with Ordinance D7 and the other Ordinances dealing with staff matters. In the event of a conflict the Appendix takes precedence.

GENERAL

2. In taking any action under this Ordinance regard shall be had to the disciplinary and dismissal procedures provided within Schedule 2 of the Employment Act 2002.

ACTION UNDER THIS ORDINANCE

3. This Ordinance covers dismissals on any ground other than those covered in the Ordinances made under Parts II (Ordinance D11), III (Ordinance D8), IV (Ordinance D12) and by Clauses 16, 17 and 19 of Part V of the Appendix.

4. This Ordinance shall apply where the reason the University is contemplating dismissing a member of staff is substantial and shall cover, but shall not necessarily be limited to, the following potential fair reasons for dismissal:
   a. Some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held; or
   b. The member of staff not being able to continue to work in the position which he held without contravention (either on his part or on that of the University’s) of a duty or restriction imposed by or under an enactment; or
   c. The member of staff reaching normal retirement age for the post held.

5. The procedure to be followed where the member of staff is approaching the normal retirement age for the post is contained within Paragraphs 12 and 13 of this Ordinance. The procedure for all other dismissals is contained within Paragraphs 6-11 of this Ordinance.

ACTION PRIOR TO A HEARING

6. Where the University is contemplating terminating a member of staff’s employment under Paragraphs 4.a or 4.b above, it will, where appropriate, consult with the member of staff in relation to the proposals.

7. Following that period of consultation (if any) the Head of Department/ Division or his or her nominee shall consider the matter and whether the procedure set out in Paragraph 10 below should be invoked.

SUSPENSION

8. If appropriate, the member of staff may be suspended while the matter is being considered. The reason or reasons for suspension and requirements during the suspension should be discussed at a meeting with the member of staff (where a colleague or union representative can be present if desired). The arrangements will be confirmed in writing. If it is not possible to meet with the member of staff, written notification will be sent to the member of staff and a meeting date will be set up to discuss the reasons for the suspension and arrangements during the period of suspension.

9. During any period of suspension, the provisions contained within Paragraph 18 of Ordinance D7 shall apply.

DISMISSAL

10. The dismissal proceedings should be conducted in accordance with the requirements set out in Ordinance D8, The Disciplinary Procedure.

APPEALS

11. Appeals against dismissal should be conducted in accordance with the requirements in Paragraphs 32 to 39 of Ordinance D8, The Disciplinary Procedure.

RETIREMENT DISMISSALS

12. The University is committed to adopting a more flexible approach to retirement and working patterns for older members of staff where it is in the interests of the department/division and the member of staff.

13. In the event that a member of staff wishes to continue working beyond their normal retirement date, the process for considering requests shall be conducted in accordance with the University’s Retirement Procedure and Guidelines.
ORDINANCE D16

CLINICAL STAFF – TERMINATION, WITHDRAWAL, REVOCATION OR SUSPENSION OF REGISTRATION, CONTRACT OR STATUS

This Ordinance is made pursuant to Part V, Clause 19 of the Appendix to the University’s Statutes

1. This Ordinance must be read in conjunction with the Appendix to the University’s Statutes (hereinafter the “Appendix”) and with Ordinance D7 and the other Ordinances dealing with staff matters. In the event of a conflict the Appendix shall take precedence.

ACTION UNDER THIS ORDINANCE

2. In taking any action under this Ordinance regard shall be had to the disciplinary and dismissal procedures provided within Schedule 2 of the Employment Act 2002.

3. This Ordinance only applies where a member of the clinical academic staff who is required to engage in clinical work or activities, and for that purpose is required to be registered with the General Medical Council or Dental Council or similar body, or to have an honorary or substantive contract or status with a National Health Service trust, has that registration, contract or status terminated, withdrawn, revoked or suspended.

4. If the University wishes to take action against a member of the clinical academic staff for any reason other than under Paragraph 3 above, that action shall be subject to the provisions contained within the Appendix and the Ordinances or any other appropriate procedure made under:

   a. Part I: Clause 1 (3) Removal from Non-Substantive Post.
   b. Part II: Redundancy.
   d. Part IV: Incapacity on Health Grounds.
   e. Part V: clause 16: Fixed Term Employment.
   f. Part V: Clause 17: Probationary Appointments. (Note that action is taken under this Ordinance in respect of performance arising in connection with his clinical work).
   g. Part V: Clause 18: Dismissal on Other Grounds.

SUSPENSION

5. Upon receiving notification from the relevant body that a member of staff's registration, contract or status has been suspended, the Rector or his or her nominee may write to the member of staff to notify him or her:

   a. The reason for the suspension which shall be because he or she is unable to perform the duties of the post in the absence of the registration, contract or status.
   b. The date when the suspension will take effect and, if possible, the anticipated duration;
   c. Whether or not pay is to continue during the period of suspension.

6. If the period of suspension is to be unpaid, the Rector or his or her nominee will comply with the requirements of the disciplinary and dismissal procedures provided within Schedule 2 of the Employment Act 2002 before writing to the member of staff to notify him or her that a decision has been taken to suspend him or her. In these circumstances, the member of staff will be offered a right of appeal against the decision to suspend.

7. Where appropriate, consideration may be given to redeploying the member of staff to a non-clinical post as an alternative to suspension.

8. During any period of suspension the provisions of Paragraph 18 of Ordinance D7 will apply.

DISMISSAL

9. If, as a result of receiving notification from the relevant body that a member of staff's registration, contract or status has been terminated, withdrawn or revoked, the Rector or his or her nominee is contemplating dismissing the member of staff, he or she will write to the member of staff to inform him or her:

   a. That a notification has been received from the relevant body that his or her registration, contract or status has been terminated, withdrawn or revoked;
   b. That dismissal from his or her University post is being contemplated because he or she will not be able to perform the duties of the post in the absence of the registration, contract or status;
   c. Whether the dismissal being contemplated is likely to be with or without notice;
   d. That representations may be made in advance of any decision to dismiss being taken, to include whether dismissal should be with or without notice;
   e. The arrangements for submitting representations and an invitation to a meeting to discuss the matter.

10. The member of staff may make representations in writing to the Rector or his or her nominee within 10 working days of receipt of the notification that dismissal is being contemplated. The Rector or his or her nominee shall then meet with the member of staff, who will have a further opportunity at the meeting to make oral representations in relation to the proposals to terminate his or her employment. The member of staff shall have the right to be accompanied at the meeting by a trade union representative or another member of staff.
11. Where appropriate, consideration may be given to redeploying the member of staff to a non-clinical post as an alternative to dismissal.

12. The member of staff will be given not less than five working days' notice of the meeting. If the member of staff is unable to arrange to be accompanied on the date proposed or fails to attend the meeting for reasons outside their control, the meeting will be rearranged to a mutually suitable time, normally within one week of the original date.

13. In the event that a member of staff refuses to attend a meeting or cannot attend the rearranged meeting, a decision may be made in the member of staff's absence. The member of staff will be notified in advance that this is a consequence if they are unable or unwilling to participate in the process.

14. Normally within ten working days of the meeting, the Rector or his or her nominee shall write to the member of staff notifying him or her of the decision. Where there is a delay in notifying the decision, the Rector or his or her nominee shall contact the member of staff to explain the reason for the delay and give a date when the decision will be notified. When advising the member of staff of the dismissal the Rector or his or her nominee will inform the member of staff that he or she has a right to appeal against the decision, to include any decision to dismiss without notice, and will confirm the arrangements for submitting an appeal.

APPEAL AGAINST DISMISSAL

15. A member of staff who has been dismissed in accordance with the provisions of this Ordinance may appeal against the decision to dismiss. The appeal should be submitted in writing, setting out the grounds for appeal at the same time, within ten working days of receipt of the notification of dismissal. The appeal should be submitted to the Director of Human Resources or his or her nominee who shall arrange for an appeal meeting to take place. Where possible the appeal meeting will be conducted by a person or persons more senior than the person who took the decision to dismiss.

16. The member of staff shall have the right to be accompanied to the appeal meeting by a trade union representative or another member of staff.

17. Normally within ten working days following any appeal meeting or receipt of all the representations, the person or persons conducting the appeal meeting shall write to the member of staff and notify him or her of the decision and give the reason(s) for it. If there is to be a delay in notifying the decision, the person conducting the appeal meeting shall contact the member of staff and explain the reason for the delay and give a date when the decision will be notified. The decision at appeal shall be final.
PROCEDURES FOR THE INVESTIGATION OF ALLEGATIONS OF SCIENTIFIC MISCONDUCT

GENERAL PRINCIPLES

6. Allegations of scientific misconduct may be brought to the attention of the University internally or externally by an individual or by an organisation. Whatever the source of the allegation, the University will endeavour to ensure that justice is done, and also is seen to be done, to both the complaining and the accused parties. Bona fide complaints are to be pursued with integrity and confidentiality and every attempt is to be made to ensure that the investigation proceeds without detriment to the complainant or the accused. Staff are entitled to expect that their research work will be regarded as being honest, until shown to be otherwise, and that they will be protected against ill-founded, frivolous, mischievous or malicious complaints; this principle will guide the University’s procedures.

7. The University will ensure that, as far as possible, the proceedings of any investigation are treated as confidential. However, where there is a conflict between the need for confidentiality and the need to seek the truth, the latter must prevail.

8. Investigations are to be carried out as expeditiously as possible, where this is consonant with the utmost degree of thoroughness.

9. Where an individual against whom a complaint has been made resigns from, or otherwise leaves, the University, the complaint is nevertheless to be investigated, as far as possible, according to the procedures laid down below.

10. The University’s mission is to maintain the highest standards of scientific integrity and adherence to this is an implied condition of service for its staff; consequently, appropriate action must be taken against staff who are found guilty of scientific misconduct as the result of a full investigation. Scientific misconduct is a disciplinary offence and, unless there are mitigating circumstances, such behaviour, if proven, is normally to be treated as gross misconduct which will lead to summary dismissal without further warning.

11. Frivolous, mischievous or malicious accusations of misconduct by members of the University’s staff will also constitute a disciplinary offence.

12. Where an allegation is dismissed, the University will take reasonable steps to ensure that the reputation of the research worker involved is preserved. Where an allegation has received publicity, the University will offer to release to the media an official statement which has been agreed with the research worker concerned.

13. Similarly, where a complaint which has been dismissed was made in good faith, the University will take all necessary steps to protect the position of the complainant.

14. The University may at any stage seek legal advice on any aspect of the proceedings.

15. A record of all documentation relating to an allegation of scientific misconduct, whether substantiated or frivolous, is to be kept by the Designated Officer for a period of at least five years after the complaint. Such records are to be stored separately from an employee’s personnel file.

16. Except in exceptional circumstances, this Regulation is to be used in conjunction with the University’s existing Disciplinary Procedures. Because these procedures vary for Academic staff (as defined by the University’s Statutes), Research/Analogous Staff, other staff and for students, these four categories of people are dealt with separately below.

17. A file is to be maintained for each complaint. It will include a checklist which is to be used to ensure that the Policy and Procedures are adhered to. It is to be checked off, dated and initialled by the Designated Officer as each stage is completed.

18. The Designated Officer is to review this Policy annually, or following the conclusion of an investigation, if sooner.

ALLEGATIONS OF SCIENTIFIC MISCONDUCT CONCERNING MEMBERS OF ACADEMIC STAFF

19. However an allegation is made, formal notification of an allegation must be made in writing and should be sent in strict confidence to the Designated Officer as defined by the University’s Statutes. It is the responsibility of any employee of the University, who receives or is informed of any allegation of scientific misconduct by another member of academic staff, to ensure that the complaint is made formally in this manner.

20. An allegation of scientific misconduct must conform to Paragraph 14(1) of the Appendix to the University’s Statutes since it constitutes ‘an allegation that conduct or performance may constitute good cause for dismissal or removal from office’.

21. For the purposes of this Regulation the ‘Designated Officer’ described in the University’s Statutes is the Director of Human Resources.

22. The Designated Officer will bring the allegation to the attention of the appropriate Head of Faculty/Department/Division/Centre or other unit who will conduct a preliminary review of the matter. The Head will inform the accused that an allegation has been made and will instruct the individual not to alter or delete any relevant records for the duration of the investigation.

23. The interests of both the complainant and the accused will be taken into account when the Designated Officer selects the investigator. Efforts must be made to ensure that the investigator will be independent and objective and has the knowledge and ability to evaluate the complaint.

24. If the complaint does not wish to bring the matter to the Head of Faculty/Department/Division/Centre or other unit for any reason, then the Designated Officer will consult with the Deputy Rector to determine who should investigate the allegation during the initial stages.

25. Where an allegation of scientific misconduct is made against a Head of Faculty/Department/Division/Centre or other unit, the Designated Officer will report the matter directly to the Deputy Rector. If a complaint is made against the Rector, the complaint is to be referred to the Chairman of the Council.

26. The preliminary review should normally be completed within 21 days of the initial complaint. Otherwise, the College Secretary and the Designated Officer are to be advised of the delay in completing this stage of the investigation.

27. If the Head of Faculty/Department/Division/Centre or other unit finds that the complaint is frivolous, it is the responsibility of the Designated Officer to inform the complainant and the accused of this finding.
34. Where an accused individual admits scientific misconduct, the investigation process may at the discretion of the Panel be discontinued or modified.

35. At the completion of the investigation, the Chairman of the Panel will provide a written report. This report will be completed within two weeks of the conclusion of the investigation. The report will be signed by the chairman and copies sent to the complainant and the respondent. The report will cover all matters discussed during the investigation, including the findings of the investigation and the recommendations made by the Panel.

36. Where the Panel finds that there is prima facie evidence of scientific misconduct, the Panel will make a recommendation to the Rector. The Rector will determine whether the recommendation should be accepted or rejected, taking into account all relevant factors.

37. Where an allegation is found to be proven, in addition to any normal disciplinary consequences, the Rector may recommend further action including:

   a. Informing the editors of all journals in which the respondent has published articles, the status of such articles depending on the outcome of the investigation and, where appropriate, providing notices of retraction or confirmation;

   b. Where appropriate, in the case of a clinically-qualified individual, informing the appropriate police authorities;

   c. Where the member of staff is supported by outside funds, informing the sponsoring organisation;

   d. Extending the scope of its enquiries as far as appears necessary or desirable; this might include the commissioning of further experimental or clinical work;

   e. Forming conclusions on the substance of the allegation, putting these to the complainant and respondent with supporting evidence and then considering such further evidence as may be forthcoming.

38. Where the Tribunal finds that the allegation is not proven and is of a frivolous, mischievous or malicious nature, as findings are to be reported to the Designated Officer for action under the appropriate paragraphs dealing with the Preliminary Examination of Serious Disciplinary Matters (Paragraphs 14(2) - 14(4)), the Tribunal will dismiss the allegation.

39. Research and Analogous Staff are employed by the University to carry out research work and activities generally related to research. It is therefore possible that allegations of scientific misconduct may be made against such staff.

40. Allegations of scientific misconduct concerning members of other staff will be referred to the Designated Officer in the manner described in Paragraphs 19 - 29 above.

ALLEGATIONS OF SCIENTIFIC MISCONDUCT CONCERNING MEMBERS OF OTHER STAFF

41. It is recognised that, while it is unlikely that other categories of staff will engage in scientific misconduct without the knowledge and/or leadership of an academic supervisor, this is not a prerequisite for the occurrence of such misconduct.

42. The University has established procedures for the investigation of allegations of scientific misconduct, which are designed to ensure that such allegations are investigated thoroughly and fairly. These procedures are set out below.
impossible. Where an allegation of scientific misconduct by such staff is received it is to be referred
to the Designated Officer as defined in Paragraph 21 above. The investigations and all subsequent
procedures will be in accordance with the normal disciplinary procedure of the University.

ALLEGATIONS OF SCIENTIFIC MISCONDUCT CONCERNING STUDENTS

42. Where an allegation of scientific misconduct is made against a student of the University,
whether undergraduate or postgraduate, the procedure to be followed is necessarily different to that
for members of staff. Furthermore, the disciplinary code for students is not appropriate for the
consideration of allegations of scientific misconduct. The procedure for the consideration of
allegations of scientific misconduct by students is set out below. However, where a student against
whom an allegation has been made, is also an employee of the University, the allegation will be
considered under the procedure for members of staff set out in Paragraphs 19 - 41 above.

43. However an allegation is received, formal notification of it must be made in writing and
should be sent in strict confidence to the Head of Faculty/ Department/ Division/ Centre or other
unit. This is to be acknowledged in writing by the Head of Faculty/ Department/ Division/ Centre or
other unit, who is to endeavour to ensure the anonymity of the complainant until such time as it is
decided to proceed with an investigation.

44. Where an allegation is made in respect of conduct which would constitute an examination
offence as defined in Paragraph 14.7 of the University’s Academic Regulations and Paragraph 2 of
Appendix 2 (Examination Offences) of the College Examination Instructions, the Head of Faculty/
Department/ Division/ Centre or other unit is to refer the case to the Academic Registrar forthwith
for consideration in accordance with the procedures described in the aforesaid Appendix 2
(Examination Offences) of the University’s Examination Instructions.

45. Where an allegation is made in respect of conduct which does not constitute an examination
offence, the Head of Faculty/ Department/ Division/ Centre or other unit is to take such steps as are
necessary to determine whether there is a prima facie case to be investigated. Such steps may
include withholding and securing the files and records of the person against whom the allegation
has been made to the extent necessary to determine whether further action is warranted. This
decision is to be taken within one month of the date of the initial complaint. If in the view of the
Head of Faculty/ Department/ Division/ Centre or other unit no further action is warranted, the
complainant and the Pro-Rector (Educational Quality) are to be informed of this decision in writing.

46. Where the Head of Faculty/ Department/ Division/ Centre or other unit determines that there
is a case to be considered, he or she is to convene an assessment panel comprising him or herself, a
Dean of the relevant Faculty, one other member of academic staff in the Faculty/ Department/
Division/ Centre or other unit, the Director of Undergraduate Studies or Director of Postgraduate
Studies as appropriate, and the Senior Tutor or Postgraduate Tutor as appropriate.

47. The Assessment Panel is to be convened to meet within two months of the date of the initial
complaint. If this is not possible, it must meet as soon as is practicable, and the College Secretary
and the Designated Officer are to be advised of the reasons for the delay.

48. The Assessment Panel is to carry out the investigation in the manner described in
Paragraphs 31 - 38 above and is to report its findings to the Senate as reserved business. The
Academic Registrar and Pro-Rector (Educational Quality) are also to be informed of the outcome of
any investigations, together (in confidence) with details of the allegation and the names of the
complainant and the respondent.

49. Where an allegation against a student is found to be proven, the Academic Registrar is to
determine the appropriate penalty in consultation with the Head of Faculty/ Department/ Division/
Centre or other unit (for undergraduate science and engineering students and for all postgraduate
taught students) or the Head of Undergraduate Medicine for undergraduate medical students.

50. Where a research student is found to have committed scientific misconduct prior to having
submitted his or her thesis, the Academic Registrar is to determine the appropriate penalty in
consultation with the Head of Faculty/ Department/ Division/ Centre or other unit.

51. Penalties may include resubmission of the work, suspension from the University for a period
of time or withdrawal from the University.

52. There may be instances where issues other than academic ones may have to be considered,
for example where a student is found to have physically stolen work from another student. In such
instances the Academic Registrar is to request a College Tutor to impose an appropriate penalty.
It should not be necessary or desirable to hold a disciplinary hearing to try the case again, but, if the
case is sufficiently serious, the College Tutor may request that a College Discipline Committee is
convened to look at the report and recommendations of the Assessment Panel and to decide on an
appropriate penalty.

53. A student who is found to have committed scientific misconduct has the right of appeal. On
behalf of the Senate, the Pro-Rector (Educational Quality) in his dual role as Chairman of the
Undergraduate Studies Committee and the Graduate Studies Committee are to consider any such
appeals, jointly with the appropriate Dean.

54. Once a student has completed the University’s internal appeals or complaints procedures,
the University will issue the student with a Completion of Procedures Letter. If the student is still
dissatisfied, the student may direct their complaint to the Office of the Independent Adjudicator
within three months of the date on which the Completion of Procedures Letter was issued.
Information on the complaints covered by the Office of the Independent Adjudicator and the review
procedures is available at:


RECORDING ALLEGATIONS OF SCIENTIFIC MISCONDUCT

55. The Head of Human Resources Operations will maintain a register of all Scientific
Misconduct cases which are investigated within the University, including those where there was
found to be no case to answer. This Register is to be available for external inspection and is to
include the following information:

a. The file reference number;
b. The type of allegation made;
c. The potential cost to the University;
d. The status of the investigation.
ORDINANCE D18

INVESTIGATION OF PUBLIC INTEREST DISCOVERIES

PREAMBLE

1. The University is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner, taking into account the requirements of the funding bodies and the standards in public life set out in the reports of the Committee on Standards in Public Life. This Regulation constitutes the University’s policy on, and procedures for, dealing with instances of Public Interest Disclosure and is intended to satisfy the recommendation made by the Nolan Committee that local public spending bodies, such as the University, should institute codes of practice on ‘whistle blowing’, that is, allegations made by individuals relating to the running of the institution or the activities of colleagues within the institution.

2. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer’s affairs. However, where an individual discovers information which he or she believes shows malpractice or wrongdoing within the institution, then that information should be disclosed without fear of reprisal, and may be made independently of line management. Under the Public Interest Disclosure Act 1998 an employee making a qualifying disclosure is protected against being dismissed or penalised by their employers as a result of disclosing such concerns publicly.

3. This Ordinance is intended to assist individuals who believe they have discovered malpractice or impropriety in Imperial College London. It is not designed to allow them to question financial, strategic or business decisions taken by the University; nor may it be used to enable them to require reconsideration of any matters which should have already been addressed under the University’s grievance or disciplinary procedures. The University expects its members to follow the provisions of this Ordinance rather than to air their complaints outside the University.

4. An employee who has discovered information which he or she believes shows malpractice or wrongdoing has a duty to bring this to the attention of the University. Normally this will be achieved by raising the matter with the appropriate College Officer, usually the employee’s Head of the Faculty/Department/Division, concerned in the matter. The University recognises that the majority of such cases will be dealt with by this means. There will, however, be instances when the nature of the alleged malpractice or wrongdoing is such that the employee considers it necessary to make use of these Procedures.

SCOPE OF POLICY

5. This Policy is designed to enable employees, Governors, students, or other members of the University to raise, at a high level, concerns or to disclose information which the complainant in good faith believes shows malpractice or impropriety.

6. The University has a number of related policies and procedures already in place, including those for grievance and discipline, scientific misconduct and the treatment of fraud. Allegations which fall within the scope of those procedures should normally be made and considered in accordance with them. This Ordinance is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately, but might then revert to such other existing procedures. Examples of these types of concern include:

   a. Commission of a criminal offence;
   b. Failure to comply with a legal obligation or with the Statutes, Ordinances and Regulations of the University;
   c. Miscarriage of justice;
   d. Dangers to health and safety or the environment;
   e. Financial or non-financial maladministration and malpractice;
   f. Obstruction or frustration of the exercise of academic freedom;
   g. Academic or professional malpractice;
   h. Improper conduct or unethical behaviour;
   i. Suppression or concealment of any information relating to any of the above.

PRINCIPLES

7. No detrimental action of any kind will be taken against a person making a complaint of the nature described above, provided that the complaint is:

   a. Made in good faith and without malice;
   b. Made in the reasonable belief of the complainant that it is “substantially true” and tends to show malpractice;
   c. Not made for personal gain; and,
   d. Made to an appropriate person or body as defined in Paragraphs 18 - 21 of this Ordinance.

8. Where the complainant makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against the complainant. The University will also take reasonable steps to protect the position of the complainant.

9. A complainant who persists in making allegations which, having previously been investigated under these procedures, were deemed to be without foundation may be subject to disciplinary action including, in extreme cases, summary dismissal for gross misconduct.

10. A complainant who makes malicious or vexatious allegations or who persists in making such allegations or who discloses concerns or allegations of malpractice or misconduct publicly without having first made use of these procedures may also be subject to disciplinary action including, in extreme cases, summary dismissal for gross misconduct.

11. Under the Public Interest Disclosure Act 1998, a worker who makes a qualifying disclosure under the Act has the right not to suffer any detriment (such as straightforward dismissal, dismissal
under cover of redundancy, bullying, demotion or failure to receive promotion) as a result of that disclosure. If a worker does suffer such a detriment as a result of a disclosure he or she has the right to submit a complaint to an employment tribunal. It is for the Tribunal to determine the facts of the case including whether a ‘qualifying disclosure’ as defined under the Act, had been made, and any appropriate remedy for the worker.

12. The University will treat all complaints made in accordance with these procedures in a confidential and sensitive manner. The identity of the complainant will be kept confidential, if so requested, for as long as possible provided that this does not hinder or frustrate a proper investigation. However, the investigation process may reveal the source of the information, and the complaint may need to provide a statement as part of the evidence required. If further action is taken under the University’s disciplinary or other procedures as a result of the complaint, the complainant may also be required to provide a statement or give evidence as part of that process.

13. Where a complaint concerns another or other members of staff of the University, the person or persons identified in the complaint will be informed of the allegation and of the evidence supporting it and will be allowed to comment before any investigation, or further action, is concluded - except in cases of alleged fraud or where there is a criminal investigation where this could provide the individual(s) concerned with an opportunity to destroy or conceal evidence.

14. Individuals are encouraged to put their name to any disclosure they make. Anonymous complaints may be reported, investigated and acted upon or may be set aside at the discretion of the University, having regard to the seriousness of the issue raised, the credibility of the complaint, the prospect of being able to conduct a proper investigation, and fairness to any individual mentioned in the complaint.

15. Investigations should not be carried out by the person who will have to reach a decision on the matter. Any investigations are to be conducted as sensitively and as speedily as possible, having regard to the nature and complexity of the complaint.

16. An official written record will be kept of each stage of the procedure.

17. The Designated Person is to review this Ordinance annually, or following the conclusion of an investigation, if sooner.

THE PROCEDURE

STEP 1

18. A person who believes in good faith that they have discovered evidence of malpractice within the University should make a complaint in writing to the College Secretary and Clerk to the Council (the ‘College Secretary’) as the Designated Person under this Ordinance. The College Secretary will, as soon as is practicable, inform the Rector and the Chairman of the Council of the complaint except where:

a. Specifically requested not to do so by the complainant;

b. The allegation of misconduct concerns the Rector or the Chairman;

c. The Rector or the Chairman is likely to be involved in any subsequent hearing or appeal.

19. In cases where financial malpractice is alleged, the College Secretary shall act throughout in close consultation with the Rector, as the Accounting Officer for the University’s public funding, and with the University’s Internal Auditors as required by Financial Regulations.

20. If the allegation concerns the actions of the College Secretary, or the complainant otherwise considers it inappropriate to refer the matter to the College Secretary, the disclosure should be made directly to the Rector who will then act as the Designated Person and inform the Chairman of the Council of the disclosure, except where the provisions noted under Paragraph 18 above apply. The Rector will consult with the University’s Internal Auditors in the event of a matter arising under the provisions of the University’s Financial Regulations.

21. If the allegation concerns the actions of the Rector, or the complainant has grounds to consider it inappropriate to refer the matter to the College Secretary or the Rector, the disclosure should be made to either the Chairman of the Audit Committee, where the allegation falls within the terms of reference of that Committee, or directly to the Chairman of the Council. Whichever Chairman receives a disclosure will then become the Designated Person for the purpose of these procedures.

STEP 2

22. The Designated Person to whom the complaint has been addressed will decide, after appropriate consultation, whether the matter is to be investigated further and will determine the form such an investigation will take. This would normally be:

a. To investigate the matter internally;

b. To refer the matter directly to the police or other outside body; or,

c. To call for an independent inquiry.

23. Although a preliminary internal investigation will usually be necessary first, some complaints may require immediate referral to an outside body for consideration and investigation (for example, the Police, the General Medical Council, the Health and Safety Executive, the National Audit Office, or the Higher Education Funding Council for England (HEFCE)).

24. Where the matter is to be the subject of an internal investigation, the Designated Person will then consider how best to determine whether there is a prima facie case to answer. In doing so, the Designated Person should decide:

a. Who should be appointed as the ‘Investigating Officer’ to undertake the investigation;

b. The procedure to be followed for the investigation; and,

c. The scope and nature of the concluding report.

25. Where the allegation concerns a breach of the University’s Financial Regulations, the University’s Internal Auditors will normally undertake this investigation as the Investigating

11. Where the Designated Person is either the Chairman of the Council or the Chairman of the Audit Committee and the allegation concerns senior members of the College, the Investigating Officer may be an independent person.
26. Where the allegation does not involve a breach of the University's Financial Regulations, the investigation may be undertaken by another member of staff of the University appointed as the Investigating Officer by the Designated Person for this purpose.

27. Where a decision is taken not to investigate or take any further action, the complainant and the Audit Committee should be so informed.

STEP 3

28. The Investigating Officer will report his or her findings to the Designated Person who will, as a result of this report, determine whether there is a prima facie case to answer and, if so, what further action may be required. This may include:
   a. Appropriate management action to correct the error;
   b. Further action under the University's Disciplinary Procedures;
   c. Further action under the University’s Policy and Procedures for the Investigation of Allegations of Scientific Misconduct;
   d. Referral to an outside body such as the police, the General Medical Council, the Health and Safety Executive, the National Audit Office, the HEFCE; or,
   e. Referral to an independent inquiry.

29. The Designated Person will inform the complainant in writing of what action, if any, is to be taken. Where the Designated Person’s decision is that no action is to be taken the complainant shall be informed of the reasons for this. Such an appeal must be made within fourteen days and may be made to the Chairman of the Audit Committee or to the Chairman of the Council as appropriate.

30. The Chairman will consider all the information presented, the Investigating Officer’s report to the Designated Person, the procedures that were followed and the reasons given by the Designated Person for not taking any further action. The Chairman will then decide either:
   a. To confirm the decision of the Designated Person that no further action is required; or,
   b. That further action is required in accordance with Paragraph 28 above.

31. The complainant will be informed of the outcome of his or her appeal in writing. Where the decision is to confirm that no further action is to be taken the complainant shall be informed of the reasons for this.

STEP 4

32. If, having exhausted the University's internal procedures, a complainant is dissatisfied with the outcome of a complaint and there are no other opportunities for taking the matter further internally, the complainant may request that the Clerk to the Council refers the matter to the Visitor. Under Article 25 of the University’s Charter, the Visitor is Her Majesty the Queen acting through the President of the Privy Council.

33. Where the decision is to confirm that no further action is to be taken the complainant has the right to raise their concern with an external body, such as the HEFCE, or the University's external auditors, provided they have sufficient evidence to support their concern.

34. However, the University would strongly advise that, before reporting a concern externally, the complainant seeks advice from one of the following:
   a. Employees’ representatives in the University: i.e. UCU, UNISON, MSF and AEEU;
   b. Public Concern at Work (see Annex B).

REPORTING OF OUTCOMES

35. A report of all complaints and any subsequent action taken will be made by the Designated Person who will retain such reports for a period of 6 years. A report of all complaints and of the outcomes of any investigation will be made to the Audit Committee in confidence. Where the issue falls within its terms of reference or within the scope of the University Fraud Policy the Committee will receive a detailed report. In all other cases the Committee will receive a summary report so as to monitor the effectiveness of these procedures.

36. The College Secretary will maintain a register of all confirmed Public Interest Disclosure cases which are investigated within the University. This Register will be available for external inspection and should include the following information:
   a. The date the complaint was made;
   b. The file reference number;
   c. The type of allegation made;
   d. The potential cost to the University;
   e. The status of the investigation.
### Annex A

#### KEY UNIVERSITY CONTACTS UNDER THE POLICY

(in order of approach)

<table>
<thead>
<tr>
<th>Designation</th>
<th>Contact details</th>
<th>Telephone No. &amp; e-mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 College Secretary and Clerk to the Council</td>
<td>Room 4.05, Faculty Building South Kensington Campus</td>
<td>020-7594 8801 <a href="mailto:a.mitcheson@imperial.ac.uk">a.mitcheson@imperial.ac.uk</a></td>
</tr>
<tr>
<td>2 Rector</td>
<td>Room 4.17, Faculty Building South Kensington Campus</td>
<td>020-7594 5000 <a href="mailto:rector@imperial.ac.uk">rector@imperial.ac.uk</a></td>
</tr>
<tr>
<td>3 Chairman of the Audit Committee</td>
<td>c/o Head of the Central Secretariat Level 4, Faculty Building South Kensington Campus</td>
<td>020-7594 5535 <a href="mailto:jonathan.hancock@imperial.ac.uk">jonathan.hancock@imperial.ac.uk</a></td>
</tr>
<tr>
<td>4 Chairman of the Council</td>
<td>Clerk to the Council c/o Room 4.05, Faculty Building South Kensington Campus</td>
<td>020-7594 8801</td>
</tr>
</tbody>
</table>

Contacts for concerns not necessarily arising under the Policy

<table>
<thead>
<tr>
<th>Type of Concern</th>
<th>Contact</th>
<th>Telephone No. &amp; e-mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fraud, or other financial irregularity, breaches of financial regulations, or conflicts of interest</td>
<td>Internal Auditors c/o The Chief Operating Officer Level 5, Sherfield Building South Kensington Campus</td>
<td>020-7594 1403 <a href="mailto:m.knight@imperial.ac.uk">m.knight@imperial.ac.uk</a></td>
</tr>
<tr>
<td>Misuse of IT equipment or systems</td>
<td>Director of Information and Communications Technologies 477, Mechanical Engineering Building, South Kensington Campus</td>
<td>020-7594 6910 <a href="mailto:h.allan@imperial.ac.uk">h.allan@imperial.ac.uk</a></td>
</tr>
<tr>
<td>Unsafe working practices or environment</td>
<td>Safety Director Level 5, Sherfield Building South Kensington Campus</td>
<td>020-7594 9420 <a href="mailto:j.gillett@imperial.ac.uk">j.gillett@imperial.ac.uk</a></td>
</tr>
<tr>
<td>Health matters</td>
<td>Director of Occupational Health Services Level 4, Sherfield Building South Kensington Campus</td>
<td>(020) 7594 9385 <a href="mailto:a.swann@imperial.ac.uk">a.swann@imperial.ac.uk</a></td>
</tr>
<tr>
<td>Breaches of data protection standards, corporate governance or Council Ordinances and Regulations</td>
<td>Head of Central Secretariat Level 4, Faculty Building South Kensington Campus</td>
<td>(020) 7594 5535 <a href="mailto:jonathan.hancock@imperial.ac.uk">jonathan.hancock@imperial.ac.uk</a></td>
</tr>
<tr>
<td>Physical security issues</td>
<td>Director of Facilities Management Level 5, Sherfield Building South Kensington Campus</td>
<td>020-7594 9187 <a href="mailto:n.roalfe@imperial.ac.uk">n.roalfe@imperial.ac.uk</a></td>
</tr>
<tr>
<td>Grievance or disciplinary issues</td>
<td>Head of Human Resources Operations Level 3, Faculty Building South Kensington Campus</td>
<td>(020) 7594 5540 <a href="mailto:llindsay@imperial.ac.uk">llindsay@imperial.ac.uk</a></td>
</tr>
</tbody>
</table>

### Annex B

#### PUBLIC CONCERN AT WORK

1. Public Concern at Work is an independent charity which promotes good practice, compliance with the law and accountability in the workplace.

2. Public Concern at Work is recognised as a leader in its field and its work has been endorsed by Government, the Committee on Standards in Public Life, the TUC, the CBI and the Institute of Directors. Among the services it provides to organisations in the public, private and voluntary sectors is a helpline staffed by qualified lawyers providing advice, free of charge, to employees.

3. Public Concern at Work can be contacted at:

   Suite 306
   16 Baldwin’s Gardens
   London EC1N 7RJ

   Tel: 020 7404 6609
   Fax:020 7404 6576

   e.mail: whistle@pcaw.demon.co.uk
ORDINANCE E1

STUDENTS OF THE UNIVERSITY

STUDENTS

1. The Students, as defined in Statute 1(1)(j), are persons registered as pursuing a course of study leading to:
   a. A degree of the University;
   b. Another award of the University referred to in Paragraph 2 of Ordinance B1.

GENERAL PROVISIONS

2. The Academic Registrar shall maintain the register of the persons registered with the status of Student.

ADMISSION

3. Policy relating to the admission of students to the University shall be determined by the Senate, subject to any directions given by the Council.

TERMINATION

4. The registration as a student of any student who fails to satisfy the examiners in any examination prescribed in the Academic Regulations or by the Senate for the course of study being pursued may be terminated.

5. Termination of registration as a student on academic grounds other than failure in any examination falling within Paragraph 4 above shall be in accordance with a procedure laid down by the Senate which shall provide an opportunity for the student to make representations.

6. The Rector, acting in accordance with Academic Regulations approved by the Senate, may suspend or terminate the registration as a student, or not confer the award of a degree, diploma or certificate and withhold the certificate in respect of that award from any student who is in debt to the University.

7. The Senate shall establish procedures to confer or revoke any degree, diploma, certificate or other award, qualification, prize or distinction granted by the University and all privileges connected therewith, if at any time it shall be discovered and proved to the satisfaction of the Senate that there was any material irregularity in the events or circumstances leading to the grant of the degree, diploma, certificate or other award, qualification, prize or distinction.

ORDINANCE E2

CODE OF STUDENT DISCIPLINE

GENERAL PRINCIPLES

1. This Code of Student Discipline provides for the hearing of complaints concerning breaches of discipline by students, and for rights of appeal where appropriate, and sets down the penalties that may be imposed, including termination of membership of the University. In particular the Code provides that any student subject to disciplinary proceedings shall be entitled:
   a. To receive adequate notice of the details of the charge or charges and the date on which any hearing is to be held;
   b. At any hearing, to be present and to be represented by a person of their choice other than a lawyer acting in a legal capacity, to give evidence and otherwise be heard, to have access to all relevant documents to be submitted to the hearing and to call and examine or cross-examine witnesses.

2. Pending the determination of such a hearing, the Rector may suspend a student or impose restrictions on membership, attendance at the University or access to its property.

DISCIPLINE IN IMPERIAL COLLEGE

3. The Council has approved the following procedures for dealing with student disciplinary offences of a non-academic nature.

4. Students must note that conduct of a nature which would be inappropriate in a member of some professions could require additional disciplinary action. In particular, students of the Faculty of Medicine must note that conduct which would be improper in the case of a member of the medical profession could constitute a disciplinary offence which will be considered under these procedures. Additionally, students whose courses of study lead to provisional registration as doctors and whose conduct falls to be considered under these procedures may also fall to be considered under the University’s Procedure for the Assessment of Fitness to Practise Medicine.

5. Any case of misconduct on the part of a member of the University staff who is also a registered student of the University will be dealt with in accordance with the appropriate disciplinary procedure for University staff and not in accordance with these procedures for student disciplinary offences.

JURISDICTION

6. For discipline purposes, there are six jurisdictional areas or activities:
   a. Union premises and Union activities whether on or off University premises;
   b. The residences and residence activities whether on or off University premises;
c. Departmental buildings and departmental activities including field trips;

d. Other University areas;

e. Misconduct of a nature which is likely to affect the good name and standing of the University;

f. Misuse of computer facilities or activities.

THE DISCIPLINARY STRUCTURE

7. Summary Punishment

a. The power and responsibility for curtailing or containing the immediate effects of misconduct and imposing summary punishment where appropriate rests with the responsible authority. The Responsible Authority is as follows:

(1) For Union premises and Union activities, including the area used to control entry to union activities, the President of Imperial College Union or his or her nominee;

(2) For the residences and residence activities, the Warden or Assistant Warden;

(3) For departmental buildings and departmental activities, the Head of Department or his or her nominee;

(4) In other University areas, a College Tutor, except that the responsible authority referred to in Paragraphs 7.a(1), (2) and (3) may also impose summary punishment where misconduct occurs in the vicinity of the area for which he or she is responsible;

(5) In the case of misconduct arising outside the University, a College Tutor;

(6) In the case of misconduct involving several of the above areas, a College Tutor;

(7) In the case of computing offences, a College Tutor;

(8) For Medical Faculty buildings and activities, the Deputy Principal of the Faculty of Medicine or his or her delegate.

b. Where summary punishment is appropriate, it shall be imposed on the spot (or with the least possible delay) and shall be limited to one, two or three of the following:

(1) A reprimand;

(2) Expulsion, not exceeding seven days, from the use of the area where the misconduct occurred;

(3) Suspension, not exceeding seven days, from the use of a particular facility;

(4) A charge, up to a maximum to be determined, from time to time, by the College Tutors and the President of the Imperial College Union, to meet the cost in whole or part of replacing the damaged property or equipment;

(5) A fine, up to a maximum to be determined, from time to time, by the College Tutors and the President of the Imperial College Union;

(6) ‘University service’, i.e. work on University campuses of benefit to the University community.

c. The authority imposing summary punishment must inform the person being disciplined of his or her right of appeal.

8. Cases where Summary Punishment is Inappropriate

a. Misconduct which in the opinion of the responsible authority cannot be dealt with adequately by means of summary punishment shall be dealt with as follows:

(1) Where the responsible authority is a Warden or Assistant Warden, the matter shall be referred to the Residence Tribunal;

(2) Where the responsible authority is the President of Imperial College Union, the matter shall be referred to the Union Disciplinary Committee, membership of which is defined in the ICU Disciplinary Policy. A Deputy President of Imperial College Union or his or her nominee shall act as Clerk to the Committee, and shall be a non-voting member when disciplinary cases are under consideration;

(3) In all other cases, the responsible authority shall refer the matter to the University Discipline Committee.

b. In cases involving misuse of University equipment or facilities, breaches of University safety regulations or instances of potential danger to students, staff or other persons and where the responsible authority refers the matter to the University Discipline Committee or the Residence Tribunal, suspension or expulsion from the area or from the use of the facilities may be imposed, by the Responsible Authority, until such time as the Committee or Tribunal has reached a decision.

c. In cases of serious misconduct by a medical student, the Responsible Authority may consider that the issue is so serious that restrictions should be placed on the student’s activities. In such circumstances, the Responsible Authority should report the allegations against the student to the Principal of the Faculty of Medicine who shall consider the information supplied and invite the student to make representations. Taking the protection of the public as the paramount consideration, the Principal of the Faculty of Medicine shall decide whether and, if so, what restrictions should be placed on the student’s activities. And

12. Students may be summarily expelled from their halls of residence only if there is a perceived danger to other residents.

23rd March 2007
restrictions imposed shall remain in place until either the student is acquitted by a disciplinary authority or the Fitness to Practise Medicine Panel, or the Principal of the Faculty of Medicine directs otherwise.

d. The Residence Tribunal shall have a Chairman and two Deputy Chairmen appointed by the Rector. The Chairman, or in his or her absence a College Tutor, may appoint one of the Deputy Chairmen to act as Chairman of the Tribunal for a particular meeting, but otherwise Deputy Chairmen shall not attend meetings of the Tribunal. The other members shall be: a Warden or a former Warden; an academic staff member to be appointed by the Chairman of the Tribunal in consultation with the President of the Imperial College Union; and the President of the Imperial College Union or his or her nominee. A Clerk to the Tribunal will be appointed by the Academic Registrar.

e. The Chairman of the Residence Tribunal may decide, after examining documentary evidence, that a case should be referred to the University Discipline Committee, instead of being heard by the Residence Tribunal.

f. The University Discipline Committee shall consist of four members, of whom two shall be students and two members of the academic staff, together with a Chairman who shall normally be a Dean of a Faculty. The student members will be chosen from among the Union Council. The academic staff members shall be chosen from a Panel appointed by the Rector. Selection of the Chairman and the staff members by the Academic Registrar (or his or her nominee), and student members by the President of the Imperial College Union shall in each instance be random, after exclusion of members concerned with the case to be heard (see Paragraph 16 below). The Academic Registrar (or his or her nominee) will appoint a Clerk to the Committee.

THE DISCIPLINARY PROCEDURES

9. Students whose cases are referred to the Residence Tribunal, to the Imperial College Union Disciplinary Committee or to the University Discipline Committee shall be informed in writing of the charges against them, and of their right to be represented at the hearing by a person of their choice who is a member of the University, and to bring witnesses. If they wish to be represented, to call witnesses or present documents, either bearing on the charge or in mitigation of any penalty which may be imposed, they shall, in advance of the hearing, give the Clerk to the Tribunal or Committee reasonable notice of this.

10. The Tribunal or Committee hearing will normally be held within ten University working days of the referral.

11. In advance of the hearing the responsible authority shall, through the Clerk to the Tribunal or Committee, give the student reasonable notice of any documents to be submitted or any witnesses to be called.

12. The Tribunal or Committee shall base its decision on evidence presented and examined in the presence of the person bringing the charge and the student charged. The proceedings of the Tribunal or Committee shall not be invalidated by the failure to appear of the student charged following notification of the proceedings in accordance with Paragraphs 9-11. Evidence of earlier misconduct by the student charged which has already been the subject of previous disciplinary procedures shall not be presented until after a decision has been reached on the facts of the case, but may then be admitted and considered in deciding on any punishment.

13. All Tribunals and Committees shall reach their decision by simple majority voting, save that on questions of guilt no person shall be found guilty if more than one member of the Tribunal or Committee dissents. The Chairman may exercise a casting vote. The Clerk in each case shall not be entitled to vote.

14. Hearings shall normally be in private and confidentiality shall be observed, but a written account of the proceedings may be released at the Chairman’s discretion. Students may request that the hearing is held in public. A full record shall be made and retained for possible use in connection with an appeal (see Paragraph 29 below). The Clerk to the Tribunal or Committee will write to the appellant within five working days of the hearing taking place, informing him or her of the Committee’s decision, and providing reasons for the judgement reached in relation to submissions made at the hearing.

15. In keeping with the Human Rights Act 1998, should the student wish, the decision of the Tribunal or Committee will be posted on the relevant departmental or hall of residence notice board.

16. No person shall sit as a member of the Residence Tribunal, the Imperial College Union Disciplinary Committee or the University Discipline Committee if he or she is:

a. The subject of a charge;

b. The complainant;

c. A witness or a potential witness (i.e. has personal knowledge of the facts surrounding the case);

d. Successfully challenged for any good cause. The Chairman of the Tribunal or Committee concerned shall decide whether to uphold the challenge or not, prior to the hearing;

e. Connected with the student being charged or any other person involved with the case.

17. Students should be aware of the implications of misconduct which is also a criminal offence. This could invoke criminal investigation in addition to University disciplinary procedures. If considered necessary, University disciplinary procedures may be suspended pending the outcome of criminal procedures.

THE DISCIPLINARY PENALTIES

18. The Residence Tribunal may impose one or more of the following penalties or, if it so decides, refer any disciplinary matter to the University Discipline Committee:

a. A reprimand;

b. A fine;

c. A charge to meet the cost in whole or in part of replacing damaged property or equipment;
d. Expulsion or suspension from any part of the residences other than his or her own room for such period as the Tribunal may determine;

e. That a resident shall not be entitled to remain in his or her room after a certain date;

f. ‘University service’, i.e. work on University campuses of benefit to the University community.

19. The Residence Tribunal may extend the penalty imposed under Paragraph 18.d until such time as the University Discipline Committee reaches a decision.

20. The Imperial College Union Disciplinary Committee may impose any of the penalties described in the ICU Disciplinary Policy or, if it so decides, refer any disciplinary matter to the University Discipline Committee.

21. The University Discipline Committee may impose one or more of the following penalties:

a. A reprimand,

b. A fine,

c. A charge to meet the cost in whole or in part of replacing damaged property or equipment,

d. Expulsion or suspension from any part of the University for such period as the Committee may determine,

e. Expulsion from the University for such period as the Committee may determine, which may include permanent expulsion,

f. ‘University service’, i.e. work on University campuses of benefit to the University community.

22. Following a decision of any of the above, failure to pay (unless there are extenuating circumstances such as financial hardship) within ten University working days any fine, or to pay compensation for damage, or to abide by any other penalty shall itself constitute a disciplinary offence for which the University Discipline Committee may, without any further hearing, impose a further penalty including expulsion from the University.

23. Except in the case of summary punishment no student shall be suspended or excluded from the University or any of its facilities nor shall his or her status as a student be prejudiced pending determination of the proceedings against him or her, save that this provision shall not apply where suspension or exclusion is imposed in accordance with Paragraph 8.b above.

24. Where misconduct leads to prosecution in an outside court, the Residence Tribunal, the Imperial College Union Discipline Committee and the University Discipline Committee shall take note of the fact and the outcome in imposing any University punishment.

25. All monies collected from fines shall be donated to the Student Hardship Fund.

**DISCIPLINARY APPEALS PROCEDURE**

26. Appeals may be on the grounds of procedural irregularity, unreasonable decisions or an excessive or inappropriate penalty. All appeals must be made within five University working days in accordance with the guidance given below.

27. **Appeals Against Summary Punishment**

a. Any student wishing to appeal against summary punishment must submit a written notice of appeal within five University working days, stating the full grounds of appeal, as follows:

   1. In the case of appeals to the Imperial College Union Disciplinary Committee, the notice is to be delivered to a Deputy President, Imperial College Union;

   2. In all other cases the notice is to be delivered to the Academic Registrar.

b. The appeal will be considered by the following bodies:

   1. If the punishment was imposed by a Warden or Assistant Warden, the Residence Tribunal,

   2. If the punishment was imposed by the President of the Imperial College Union or his or her nominee, a Deputy President,

   3. In all other cases, the University Discipline Committee.

c. The Residence Tribunal or University Discipline Committee will hear the appeal in accordance with the procedures detailed in Paragraphs 9-16, unless the provisions in Paragraph 27.d apply.

d. Where the appeal is made on the grounds of procedural irregularity, the Chairman of the Residence Tribunal or University Discipline Committee may determine on the basis of the evidence presented that the appeal may be considered by correspondence. The student will be informed of the Tribunal or Committee’s decision in accordance with the procedure detailed in Paragraph 14. If a unanimous decision cannot be reached by correspondence, the appeal will be heard by the Residence Tribunal or University Discipline Committee in accordance with the procedures detailed in Paragraphs 9-16.

28. **Appeals Against the Imperial College Union Disciplinary Committee** In cases where a student wishes to appeal against a decision of the Imperial College Union Disciplinary Committee, the appeal should be made within five University working days to the Imperial College Union Appeals Committee. The notice should be delivered to a Deputy President, Imperial College Union, in accordance with the ICU Disciplinary Policy.

29. **Appeals Against the Residence Tribunal or the University Discipline Committee**

a. In cases where a student wishes to appeal against penalties imposed by the Residence Tribunal or the University Discipline Committee:

   1. A student may appeal within five University working days to the Rector in writing, stating the grounds for appeal. The factual basis of the decision shall not be
open to appeal unless evidence is produced which the Rector regards as both new and significant;

(2) The Rector shall be supplied with a full report of the proceedings prepared by the Clerk of the Tribunal or Committee. The report shall contain a statement of the matters investigated, a summary of the evidence given by each witness and the reasons for the decisions reached. The appellant will be supplied with a copy of the report in advance and may submit comments;

(3) The Rector may seek the advice of a Discipline Review Panel before reaching a decision. The Discipline Review Panel shall consist of two members of the academic staff, two students and a Chairman, all appointed by the Rector.

30. After an appeal hearing, the original decision may be confirmed, reversed or modified, or in the case of appeals to the Rector, the Rector may, in addition, direct that the case be re-heard.

31. Once a student has completed the University’s internal appeals or complaints procedures, the University will issue the student with a Completion of Procedures Letter. If the student is still dissatisfied, the student may direct their complaint to the Office of the Independent Adjudicator within three months of the date on which the Completion of Procedures Letter was issued. Information on the complaints covered by the Office of the Independent Adjudicator and the review procedures is available at:


32. The University reserves the right to reject a complaint when it is issued more than three years after the substantive event(s) to which it relates.

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**ORDINANCE E3**

**PROCEDURE FOR DEALING WITH COMPLAINTS BY STUDENTS**

**INTRODUCTION**

1. Imperial College aims to give the highest specialised instruction and to provide the fullest equipment for the most advanced training and research; furthermore the University strives to achieve a standard of overall administrative performance, in terms of service quality and operating efficiency, which complements and reinforces the excellence of its teaching and research. The University recognises, however, that, if students consider they have grounds for complaint about either academic or administrative services, a clear, consistent procedure should be available through which these complaints can be investigated and considered.

2. This Ordinance does not cover appeals and other matters which are dealt with under the following procedures:

   a. Procedure for appeal against withdrawal due to academic insufficiency. (14)

   b. Procedure for consideration of representations by candidates for first degree and taught masters degree examinations. (14)

   c. Procedure for consideration of appeals by candidates for research degrees. (15)

   d. Appeal against the refusal to transfer a student from MPhil to PhD registration. (15)

   e. Appeals against disciplinary decisions (appeals against summary punishment; appeals against the decisions of the Imperial College Union Disciplinary Committee, the Residence Tribunal and the University Discipline Committee). (16)

   f. Regulations for proceedings in respect of Examination Offences for University Awards: appeal against the decision of an Examination Offence Hearing Committee. (17)

   g. Scientific Misconduct: Policy and procedures for the investigation of allegations (Ordinance D17).

   h. Public Interest Disclosure (Ordinance D18).

3. The Council has approved this Procedure for dealing with those student complaints which are not covered by the above procedures.

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13. Advice about dealing with sexual and racial harassment is given in the Freshers’ Handbook, and will be pursued under the College’s procedure for dealing with student disciplinary offences, or under the appropriate staff disciplinary procedure (obtainable from the Human Resources Division).

14. This procedure is available from the Undergraduate Examinations Office in the Registry.

15. This procedure is available from the Higher Degrees Office in the Registry.

16. This procedure is available from the Academic Registrar’s Secretariat in the Registry.
4. A copy of it is published in the Freshers’ Handbook which is provided to all students on their registration at the University. Copies are also available from the Imperial College Union office and the Academic Registrar's office.

7. Complainants are invited, from the outset of their action, to indicate what, if any, specific form of redress they are seeking, without prejudice to any final remedy which may be determined. Students are reminded that an informal resolution to their complaint is possible at any stage.

10. It is expected that complaints will be raised as quickly as possible. Where a complaint relates to a specific event, it should be raised with the individual concerned within 10 days of that event. Where the complaint relates to an ongoing aspect of academic provision, it is expected that this will be raised as soon as the dissatisfaction becomes apparent and no later than three weeks before an examination or assessment is to be undertaken which the complainant considers may be adversely affected. (Complaints regarding the conduct of examinations are dealt with under the Procedure for Consideration of Representations by Candidates for First Degree and Taught Masters Degrees). It is expected that complaints will be raised as quickly as possible. Where a complaint relates to a specific event, it should be raised with the individual concerned within 10 days of that event. Where the complaint relates to an ongoing aspect of academic provision, it is expected that this will be raised as soon as the dissatisfaction becomes apparent and no later than three weeks before an examination or assessment is to be undertaken which the complainant considers may be adversely affected. (Complaints regarding the conduct of examinations are dealt with under the Procedure for Consideration of Representations by Candidates for First Degree and Taught Masters Degrees).

STAGE 2

11. If the complaint cannot be satisfactorily resolved at Stage 1, the complaint may be taken to the next level of responsible authority. The responsible authority is determined by the subject of the complaint.

12. If the complaint cannot be satisfactorily resolved at Stage 1, the complaint may be taken to the second Stage. This may or may not be the final response by the responsible authority, depending on the level of investigation required.

13. The responsible authority will investigate the complaint and attempt resolution. At this stage, the complainant is required to provide written details of their complaint in the form of a letter to the Academic Registrar. Students can expect a response within 10 working days of the complaint being raised at the second Stage. This may or may not be the final response by the responsible authority, depending on the level of investigation required.

STAGE 3

14. Where the complaint is not resolved at the second Stage, the Academic Registrar will investigate the complaint and attempt resolution. This may or may not be the final response by the responsible authority, depending on the level of investigation required. The academic registrar may choose to meet with the complainant, the responsible individual and the responsible authority before attempting to conclude the matter. The complainant is referred to the Academic Registrar who will investigate the complaint and attempt resolution. This may or may not be the final response by the academic registrar, depending on the level of investigation required. The academic registrar may choose to meet with the complainant, the responsible individual and the responsible authority before attempting to conclude the matter.

15. Where the complaint has not been resolved at the third Stage, the Academic Registrar will make a report on the complaint to the Pre-Rector (Educational Quality). A copy of this report will be filed in the Registry. The complaint is referred to the responsible individual and the responsible authority before attempting to conclude the matter. The student's letter of complaint and the Academic Registrar's response will be filed in the Registry. The Pre-Rector (Educational Quality) may choose to meet with the complainant, the responsible individual and the responsible authority before attempting to conclude the matter. The student's letter of complaint and the Academic Registrar's response will be filed in the Registry.

16. Where the complaint has not been resolved at the third Stage, the Academic Registrar will make a report on the complaint to the Pre-Rector (Educational Quality). A copy of this report will be filed in the Registry. The complaint is referred to the responsible individual and the responsible authority before attempting to conclude the matter. The student's letter of complaint and the Academic Registrar's response will be filed in the Registry.

STAGE 4

17. For undergraduate medicine students this is the Head of Undergraduate Medicine.
THE OFFICE OF THE INDEPENDENT ADJUDICATOR

17. Once a student has completed the University’s internal appeals or complaints procedures, the University will issue the student with a Completion of Procedures Letter. If the student is still dissatisfied, he or she may direct his or her complaint to the Office of the Independent Adjudicator within three months of the date on which the Completion of Procedures Letter was issued. Information on the complaints covered by the Office of the Independent Adjudicator and the review procedures is available at:


18. The University reserves the right to reject a complaint when it is issued more than three years after the substantive event(s) to which it relates.

PRINCIPLES OF THE COMPLAINTS PROCEDURE

19. It is the intention of the University that no student should be discriminated against or in any way penalised for raising a complaint at any level of the Complaints Procedure.

20. The student will be kept informed of the progress of his or her complaint and any unforeseen delay in the proceedings will be communicated to the student.

21. At all stages of the process, when a complaint is not upheld, reasons shall be given to the student.

22. Where a complaint is upheld as valid, any remedial action will be taken, and the complainant will be informed by the Academic Registrar. If appropriate, any incidental expenses incurred by the complainant will be reimbursed.

23. In keeping with the Human Rights Act 1998, should the student wish, details of the final outcome of a complaint will be posted on the relevant departmental/divisional notice board.

24. The Academic Registrar shall prepare each year a report on the complaints brought to Stages 3 and 4 of the Procedure, using the information arising from complaints which will be filed within the Registry. In doing so, the confidentiality of individuals will be preserved. The report shall be presented to the Senate.

25. The University recognises the rights of individuals who may be wrongly accused in the circumstances of a complaint. Where it is found that a student has raised a frivolous or vexatious complaint or used false information, the University may use its Disciplinary Procedure in respect of the student’s conduct.

26. Usually a complaint cannot be raised by a third party on behalf of another. In exceptional circumstances, applications by a third party to raise a complaint on behalf of another student may be considered at the discretion of the Academic Registrar.

ORDINANCE E4

CONSTITUTION OF THE IMPERIAL COLLEGE UNION

[The Imperial College Union Constitution is as approved by the Council on 24 November 2006]

ORDINANCE E5

MEMORANDUM OF UNDERSTANDING WITH THE IMPERIAL COLLEGE UNION

[The Memorandum of Imperial College Union is as approved by the Council on 30 March 2001]