MINUTES OF THE PROCEEDINGS

at the

Sixteenth Meeting of the

COUNCIL

of the

IMPERIAL COLLEGE OF SCIENCE, TECHNOLOGY AND MEDICINE

The Sixteenth Meeting of the Council was held in the Council Room, 170 Queen’s Gate, South Kensington Campus, at 10:00 a.m. on Friday, 9th July 2010, when there were present:

The Lord Kerr of Kinlochard (Chairman), Mrs. P. Couttie, Professor M.J. Dallman, Sir Peter Gershon, Ms. C. Griffiths, Dr. M.P. Knight, Professor Sir Peter Knight, Professor J. Kramer, Ms. J.R. Lomax, Mr. J. Newsum, Mr. S. Newton, Ms. K. Owen, Professor S.M. Richardson, Professor S.K. Smith, the Lord Tugendhat, the Rector (from Minute 3 onwards), the President of the Imperial College Union and the Clerk to the Court and Council.

Apologies: Professor D.K.H. Begg, Professor Dame Julia Higgins and Baroness Manningham-Buller.

In attendance: The Imperial College Union President Elect and the Assistant Clerk to the Court and Council.

WELCOME

1. The Chairman welcomed Mr. Alexander Kendall, the ICU President elect, to his first Meeting of the Council.

CHAIRMAN’S BUSINESS

Appointment of the Rector (Paper A)

2. The Chairman presented Paper A and said that the Nominations Committee had also consulted with all the other members of the Council before making its recommendation that Professor Sir Keith O’Nions be appointed as the Rector. He was pleased to report that there had been no dissent from the proposal; indeed, it had met with a high degree of support from all governors.

Resolved:

That Professor Sir Keith O’Nions FRS be appointed as Rector of Imperial College for the period 1 January 2010 to 31 December 2013.

3. The Chairman invited the Rector to join the Meeting and congratulated Sir Keith on his unanimous appointment and also on the progress the College had made in the period since he had taken up appointment as Acting Rector in January 2010. The Chairman then informed members that the Nominations Committee had also
considered the position of Deputy Chairman. He advised members that Sir Peter Gershon’s second term of office was due to end in September and that the Statutes precluded appointment for a third term of office except in exceptional circumstances. The Council therefore needed to appoint a new Deputy Chairman to succeed Sir Peter. The Nominations Committee had considered all the possible options and had decided to recommend that the Council appoint Baroness Manningham-Buller to this position.

Resolved:

That Baroness Manningham-Buller be appointed as Deputy Chairman from 1 October 2010, in succession to Sir Peter Gershon.

LORD FLOWERS

4. The Chairman then advised members that the Lord Flowers, one of Imperial’s longest-serving and most popular Rectors, had died at the age of 85. As Imperial’s tenth Rector Brian Flowers had led Imperial for twelve years from 1973 with the ambition to make a good institution even better. He had invigorated the College and introduced new approaches to academic activities and had set many of the priorities that were now central to the College’s strategy. It was his vision and drive that had laid the foundations of the modern College as it now was. As well as being a highly distinguished physicist, Lord Flowers had had a significant influence on higher education in the UK. Following his term as Rector of Imperial, Lord Flowers had also served as Chairman of the CVCP (now Universities UK), Vice Chancellor of the University of London and Chancellor of the University of Manchester. On behalf of the Council, the Chairman asked that the College’s debt to Lord Flowers be recorded in the Minutes.

5. The Rector said that Lord Flowers had been a very distinguished physicist and also a very important figure in the College’s history. Following the announcement of Lord Flower’s passing he had spoken to Lady Flowers, who was very keen for a memorial service for Lord Flowers to be held at the College. He too believed it would be appropriate for this service to be held at Imperial, given Lord Flowers long and close association with the College. He said a proposal was now being prepared and he hoped that it would be possible to hold the service in the autumn.

6. Remembering Lord Flowers, Professor Sir Peter Knight said that during his term his term as Vice Chancellor of the University of London, Brian Flowers had become known for making extensive notes during committee meetings. There had been a quite a bit of speculation at the time about why he was making so many notes and there had been some thought that he hadn’t trusted the clerk’s minutes. All became clear when his textbook on computer programs was published. In the preface he had confessed that he would write snippets of programs which could later be tried out at home “during interminable committee meetings” as this was less visible than other pastimes, “such as wood carving or taking snuff.”

MINUTES

Council – 7th May 2010

7. Mr. Newton proposed the following corrections to the Minutes:
a. In Minute 38, he suggested that the final sentence of the Minute be deleted as he did not recall making this statement.

b. Similarly, he suggested that in Minute 41 the second sentence be amended to read: “Although government expenditure would be severely constrained in the immediate future, there was now a lot of cash in the private sector held by companies such as Microsoft and Apple.”

8. Subject to the corrections noted above, the Minutes of the fifteenth Meeting of the Council, held on Friday, 7th May 2010 were taken as read, confirmed and signed.

9. The Chairman noted that the last Meeting, which had been held on the day after the general election, had been Baroness Wilcox’s last Meeting as a member of the Council. Baroness Wilcox had tendered her resignation from the Council on 17 May on being appointed as a Minister in the new Government and the Chairman said it was typical of her commitment to Imperial that she had attended the Council Meeting on 7th May despite this being so soon after the election. On behalf of the Council the Chairman expressed his gratitude to her for her valued contribution to the work of the Council and for the support she had given to the College during her period as a Governor.

RECTOR’S BUSINESS

Staff Matters (Paper B)

10. Paper B was received for information.

Oral Report by the Rector

11. The Rector reported that three newspaper league tables had recently been published. Although the worth of these tables was arguable, they did give a useful indication of the College’s standing in relation to its peers. In the tables published by the Times and the Independent, the College was placed third, just behind Oxford and Cambridge. The Guardian, which gave much more weight to student satisfaction measures, had the College in 7th position. Although the College’s performance in student satisfaction surveys had improved this year, this had not been enough to affect its position in this league table. The Rector confirmed that, regardless of its impact on league tables, the Management Board was very concerned about student satisfaction and was looking at a number of measures to improve the student experience at the College.

12. The Rector then drew members’ attention to the large number of prizes and awards that had recently been received by College Staff. Professors Peter Cawley, Russell Cowburn and Elizabeth Simpson had all been elected as Fellows of the Royal Society; Professors Marc Feldmann and Sir Ravinder Maini had been elected as foreign associates of the US National Academy of Sciences – a very rare honour; while Professors Eric Aboagye, Jeremy Nicholson and Richard Wise had been elected Fellows of the Academy of Medical Sciences. As well as these honours, five College members had been elected as Fellows of the Royal Academy of Engineering: Professor Johannes Cilliers, Professor Stephen Muggleton, Professor Alexander Taylor, Professor Guang-Zhong Yang and Professor Constantinos Pantelides. In addition, seven staff members had been recognised in the Queen’s
Birthday Honours list, including three from the Business School alone: Professors Marc Feldmann and John Beddington had been knighted, Professors David Gann and Carol Propper had been appointed CBE, Professor Dot Griffiths and Dr. Mahara Barakat had been appointed OBE and Mr. Arthur Spirling, the Director of ICT, had been appointed MBE. The Rector said that all were to be congratulated on their achievement, but the last award to Arthur Spirling had been particularly well-received within College as Arthur Spirling had worked in various support roles at the College for over 45 years. Finally, the Rector congratulated Professor Sir Peter Knight who had recently been awarded the Royal Society’s Royal Medal – one of its highest honours – in recognition of his pioneering work in quantum optics.

13. The Chairman then advised members that the Deputy Rector (Research) Professor Sir Peter Knight would shortly be leaving the College to become the first Principal of the Kavli Royal Society International Centre at Chicheley Hall in Buckinghamshire. The Centre would provide a residential centre where scientists from across the world could meet to develop their work. Paying tribute to Sir Peter Knight’s contribution to the College, the Chairman reminded members that he had first joined Imperial in 1979 as a Science and Engineering Research Council Advanced Fellow following a distinguished early career in the US, at institutions including Stanford and John Hopkins. Sir Peter was a distinguished scientist and internationally recognised physicist and had been largely responsible for establishing the UK as a leader in the field of quantum optics. He had been a driving force for the advancement of optics on a global scale and had made seminal contributions to the field. He had received numerous honours, including the Ives Medal of the Optical Society of America, Germany’s Humboldt Prize, the Glazebrook and Thomas Young Medals of the Institute of Physics and, as the Rector had just noted, most recently the Royal Society’s prestigious Royal Medal. He was a Fellow of the Royal Society, the Institute of Physics and the Optical Society of America, and had been knighted in the 2005 Birthday Honours. At Imperial he had served in a number of senior roles including Head of Physics from 2001, Principal of Natural Sciences from 2005 and Senior Principal from 2008. He had been appointed Deputy Rector (Research) at the end of 2009. He had also been an energetic advocate of interdisciplinary research and had been instrumental in establishing the College’s global institutes, most notably the Grantham Institute for Climate Change. Happily, the Chairman said, Sir Peter was not ending his association with the College and would retain a strong connection with the Physics Department.

14. Sir Peter Knight thanked the Chairman for his fulsome tribute and said it had been a privilege to be associated with the College for some 31 years. As the Chairman had indicated, he would be leading the new Kavli Royal Society International Centre for three days a week, but when not there he would be returning to his academic work and his research in the Physics Department and would also continue to assist the Rector on special projects. He was, he said, immensely proud of the College and its achievements and was delighted that the global institutes such as the Grantham Institute of Climate Change were proving so influential. The next three years were likely to be particularly challenging for UK universities, but he was confident that Imperial was much better placed to weather the storm than many of its competitors. He hoped that, despite the difficult times ahead, the College would be able to maintain its confidence and sense of direction. Turning to his recent activities as Deputy Rector (Research), he said that in the last week he had met with Government ministers to discuss the importance of science to the UK economy and he believed they now understood that the work undertaken in the best universities, such as Imperial, was a vital part of the solution for the Country’s economic woes. Maintaining support for the best universities and for scientific research was therefore an important investment in the Country’s future.
Oral Report by the Principal of the Faculty of Natural Sciences

15. Professor Dallman reported on recent developments in the Faculty of Natural Sciences. The Head of Department of Mathematics had tendered his resignation at the beginning of the week. She was pleased to say though that a very good interim Head, Dr. Emma McCoy, had been appointed and that the search for a longer term replacement would now start in earnest. Moving on, she said that the College had now submitted the scientific vision for Imperial's involvement in UK CMRI to the UK CMRI Board. The College’s submission was an exciting and challenging one and she was sure it would be welcomed by UK CMRI and would act as the precursor for the College’s greater involvement in this exciting project.

Oral Report by the Principal of the Faculty of Medicine

16. Professor Smith said that the Faculty had now completed its restructuring successfully. He was pleased to say that this had been achieved without the need for any compulsory measures. Moving on, he advised members that the Faculty was currently in discussion with UCL, King’s College London and the MRC about a proposal to establish a consortium to take over the MRC-GE Imanet PET facility at the Hammersmith Campus. The Hammersmith Imanet facility was an imaging research centre built around Positron Emission Tomography (PET), a powerful, quantitative imaging technology that provided information on biochemical, and physiological processes, and drug-receptor interactions at a molecular level. The centre at the Hammersmith Campus offered a fully integrated clinical PET service with a wide range of 11C and 18F radiotracers as well as access to other imaging modalities, including MRI and CT scanners. This made it one of the leading imaging research centres in the country. However, the current facility agreement with the MRC and GE was due to expire in April 2011, at which point it was hoped the consortium would take on responsibility for the centre. This would provide the College with world-leading imaging facilities.

Oral Report by the Deputy Rector and Principal of the Faculty of Engineering

17. Professor Richardson first reported on his activities as Deputy Rector. The newly established Space Committee was now considering the introduction of centralised timetabling software for use across the College. Centralising timetabling in this way would allow the College’s lecture theatres and seminar rooms to be used much more efficiently than at present; in some cases usage rates could be improved by as much as 30 – 40%. This would reduce the demand for new teaching space from the academic departments. If agreed, the new system would be implemented in time for the 2011-12 academic year.

18. Turning to Faculty matters, Professor Richardson said that the reorganisation of the Institute of Biomedical Engineering with the Department of Bioengineering was progressing well. Importantly, the Foundation that had provided funding for the Institute’s original establishment was content with the Faculty’s proposals.
Oral Report by the Senior Dean

19. Professor Kramer said that the annual promotion round had been very well handled this year and he thanked all the Faculty Principals for the smooth running of these promotions in each of the Faculties. He then said that, unusually, this year the terms of office of three of the six elected deans were coming to an end simultaneously; Professor Alan Atkinson, Professor John Gibbon and Professor Geoff Pasvol. All three had been very good deans and he paid tribute to the work they had done during their periods in office. Elections had been held and their successors would be announced shortly.

FINANCIAL MANAGEMENT REPORT (PAPER C)

20. Presenting Paper C, the Chief Operating Officer, Dr. Knight, said that the final financial management report of the academic year gave a good indication of the likely year end outcome. The College was now predicting a significant surplus of £36M. As he had said before, there was a risk that such a large surplus could encourage a degree of complacency that was not warranted by the external financial climate. To counteract this he had consistently made it clear that, however strong the College’s current performance, there were difficult times ahead and the College needed to maintain a very tight control on its budget and expenditure in the coming years. Moving on, he said that one of the key factors in this year’s outturn was the improvement in the cash flow forecast and the College’s borrowing requirement. This latter had reduced from the budgeted £52M to £32M. Dr. Knight said that this could be a cause for concern in that, if it was possible for the College’s forecasts to be so out of line with the final outturn in this way (which was positive for the College), it was also theoretically possible for them to be wrong the other way. However, he said that experience suggested that academic departments rarely if ever spent income at the rate they predicted and so he was reasonably comfortable that this degree of variance was not a serious risk for the College.

PENSIONS UPDATE

21. Dr. Knight then updated the Council on the latest pensions discussions. He reminded members that the universities in the USS pension scheme had been negotiating with the unions for some time over the proposed changes to the pension scheme. These changes were required to reduce the exposure of the scheme to potential future pension liabilities and included an increase in employees and employers contributions and the introduction of a CARE (career average) scheme in place of the current final salary scheme. Although these discussions had been continuing for some time, there had been a concern that the particular governance arrangements for the USS Joint Negotiating Committee (whereby the casting vote was in the hands of an independent Chairman) would make agreement on the need for change more problematic. However, Dr. Knight was pleased to say that, at the Joint Negotiating Committee (JNC) meeting on 7 July, its independent Chairman, Sir Andrew Cubie, had cast his vote in favour of the employers’ proposals. These proposals, which had now been accepted by the JNC, included the introduction of a normal pension age of 65 with future increases linked to the state pension age; an increase in employee contribution rates to 7.5%; pension increases to be linked to the Consumer Prices Index (CPI) rather than the higher Retail Prices Index (RPI) and subject to a 5% inflationary cap; implementation of a CARE benefits structure for new entrants; and future cost increases to be shared 65:35 between employers and employees respectively. These proposals would now have to be approved by the
USS Board of Trustees before they could take effect. However, provided these were now implemented, Dr. Knight said that the pensions liability risk to the College was now significantly reduced, although he acknowledged that there was still a residual risk relating to the nature of both major schemes as multi-member schemes. Both were ‘last man standing’ schemes. This meant that, if a university in the scheme failed, its pension liabilities would have to be met by the remaining members in the scheme, probably through increased contributions. Having said that, Dr. Knight took some comfort from the fact that the new universities (which were more likely to be vulnerable to government cutbacks than the chartered institutions) had different pension arrangements and were not members of either of the College’s main pension schemes. This meant that the risk was less than it might otherwise be.

22. The Chairman welcomed the news that the Chairman of the USS JNC had decided to cast his vote in favour of the employers. He then noted that the Wellcome Trust had indicated that it would no longer employ staff in the USS scheme as it was concerned about the long term liabilities associated with schemes such as this. Although the College had previously stated that it would be very difficult to offer alternative pension schemes to new employees as this could compromise the College’s relationship with USS, he said that he still believed that this option should be explored further. Sir Peter Gershon also welcomed the news and the confirmation that this would reduce the College’s potential pensions exposure. Although the risk was now much less, he also agreed that the College should continue to review the options available to it, particularly given the ‘last man standing’ issue that had been highlighted by Dr. Knight.

THE COLLEGE BUDGET FOR 2010-11 (PAPER F)

23. The Chief Operating Officer, Dr. Knight, introduced Paper F and also gave the Council a detailed presentation on the budget proposals. The presentation set out the context for the budget, detailed the reductions in expenditure proposed and set out the budget risks and upsides. Dr. Knight concluded his presentation and said he believed it was a realistic budget given the circumstances, which would provide the College with a stable cash flow position and a strong surplus. This surplus would allow the College to safeguard its core academic activity if HEFCE’s grant was subject to further cuts as expected; provide sufficient head room to cover the risks which he had identified; and would provide the College with time to plan for the medium term.

24. Sir Peter Gershon noted that, in the section of the presentation concerned with Commercial Services, Dr. Knight had reported that the College was one of a very few institutions that provided students with free sport centre facilities. Despite this, the College tended to score poorly in student satisfaction surveys. He asked if the College gained sufficient credit from the student body for keeping this facility free for students. Dr. Knight said that most students’ frames of reference were restricted to what the College provided. As they had a limited understanding of what other universities provided and at what cost, it was perhaps understandable that they did not give the College the full credit for not charging for its sports facilities. The ICU President, Dr. Brown, said that students did appreciate the sports centre; however, he advised the Council that, when the Sports Centre had opened, rents in the halls of residence had risen to reflect their proximity to these facilities.

25. Mr. Newton noted that the consolidated budget included the College Fund’s budget and he reminded members that the Fund’s assets included the College’s majority shareholding in Innovations, which was valued at its market valuation rather than the
net value of its assets. Sir Peter Gershon asked what would happen if there was a further issue of shares in Innovations and he queried whether it would be possible for the College’s shareholding to be diluted below 50%. Dr. Knight said that it was clearly understood by the Innovations’ Board that the College’s shareholding could not be reduced below 50% without a formal resolution by the Council. The Chairman confirmed Dr. Knight’s statement but said that the Council should return to this issue at a future meeting. At the time of the initial IPO it had been right for the Council to impose this restriction. However, he suggested that Innovations was now maturing as a company and there could come a time when the College’s insistence on retaining a majority holding might inhibit Innovations’ further development. He suggested that the Council should consider the circumstances under which it would be sensible and appropriate for the College to reduce its shareholding in Innovations. Dr. Knight agreed and noted that there were other investors keen to invest in Innovations but who were unable to do so because of the unavailability of additional shares in the company.

26. Mr. Newton then presented the College Fund Budget and said that the Fund’s assets were budgeted to increase from £292m to £336m over the coming year. This increase would be driven by £19m to be realised from property sales, and a £13m increase in the value of the Fund’s investment assets, including £11m for the Fund’s investment in Innovations shares. He then said that the success of the Fund in increasing its capital base since its creation highlighted both the strategic foresight shown by Dr. Knight when he created the Fund, and also Imperial’s ability to create value in surprising and innovative ways. Mr. Newton said he had been involved in the College Fund, and had also been a member of the Council, since 2007. In that time, he had been very impressed with the College’s willingness to take tough decisions when required. He suggested that the external environment would be very difficult in the coming years, but said that there would still be opportunities for institutions like Imperial that were bold and strong.

27. Mrs. Couttie said she supported the budget as presented. However, she too agreed that the external environment would only get tougher and she noted that the public funding environment would be much clearer in the autumn, by which time the Government would have detailed the cuts it was expecting to make in the public sector. She suggested that the Council review the budget again in November to make sure that it was still appropriate and realistic in the light of the Government’s spending review. Ms. Lomax also confirmed her support for the budget as presented; it was pragmatic and should provide the College with sufficient flexibility to respond to changes in the external environment. Dr. Knight said that, even if the external situation deteriorated in the coming year, he did not believe that the College would be adversely affected in 2010-11. This Budget not only provided a solid basis for the College in the coming year, but would stand Imperial in good stead for the following years, even if these proved to be more difficult than anticipated.

28. Mr. Newsum said that, if additional flexibility was required, the College had the option of delaying or deferring some of its capital expenditure programme. Indeed, he suggested that it was worth considering delaying some capital expenditure now where this was possible. Having said that, he recognised that the College was able to construct a positive budget such as this because its actions in the previous two years had prepared the essential groundwork for more straightened times. He understood that other organisations were having to take urgent action now to address the forthcoming cuts and were finding this sudden shift much more difficult to manage. Lord Tugendhat endorsed this last point and said that the College was in a strong position in comparison to the rest of the sector. He also believed that it was important for the College to continue to generate a healthy surplus in the coming
years. Paradoxically, he said that the ability to demonstrate the College's good financial health would assist its fundraising efforts as it would show that Imperial was a well run organisation.

29. Sir Peter Gershon said that the benefit of any deferral in capital expenditure had to be balanced against the savings the College might be able to make in terms of reduced costs for building projects; because of the downturn in the construction industry, he suggested that the College should be able to make considerable savings on its capital project contracts.

30. The Chairman noted that the College inflation rate had tended in the past to be higher than the underlying CPI and he encouraged Dr. Knight to be vigilant and to keep the College inflation rate as close as possible to the budgeted assumption of a 3% inflation rate. He also noted that the budget included an assumption that salary costs would increase by 0.5% while the national pay award offer was currently 0.4%. Although universities were not subject to Government edict, he expected that the Government would nonetheless seek to place considerable pressure on the HE sector to follow the rest of the public sector and freeze pay for the next two years. He urged the College to keep the increase in salary costs as low as possible. In relation to this, he noted that staff costs in the Imperial College Business School were set to rise by 15.7%.

31. Dr. Knight assured the Council that the College worked assiduously to keep costs down; indeed, he noted that since 2005 support and academic service costs had reduced as a percentage of total costs from 18.4% to 14.2%. Turning to the Business School’s costs, he said that this increase was a result of the expansion of the School’s activities and a sign of its success; the School had to grow if it was to become more competitive with the best business schools across the world. The Rector agreed and said that, with its close links with the other faculties, the Imperial College Business School was unique. If it was to get into the premier league of business schools, as it intended to do, it would have to grow. Although there was a financial risk associated with this growth, the Business School’s position with regard to its competitors had improved considerably in recent years and it had been very successful in enlarging its activities and scope. This was, he suggested, a wise investment for the College.

32. Sir Peter Gershon acknowledged this, but noted that the Business School was budgeted to make a deficit. He asked at what point the Business School would be expected to produce a positive budget position. Dr. Knight said that its budgeted deficit was, in part due to the way the College’s vote formula worked. The student element of the vote formula was based on the previous year’s student numbers and, because the Business School had been growing year-on-year, this meant that there was a slight lag in its vote formula allocation. Provided the Business School continued to generate a positive cash return for the College, as it had done consistently in recent years, Dr. Knight said he was comfortable with its current position. The Chairman said the Business School’s position in the College was an interesting one, both in terms of its integration with the other faculties, its strategy for the next few years and its capacity to generate additional income through its executive programmes and the links it was developing with global businesses. He suggested that the Council could consider the Business School’s strategy in more detail at its Away Day.

Resolved:

That the College Budget for 2010-11, as set out in Paper F, be approved.
33. The Clerk presented Paper D on behalf of the Governance Review Group's Chairman, Sir Rob Margetts, who had not been able to attend this meeting of the Council. The Review Group’s recommendations had not changed greatly since the first draft of its report had been presented at the Council’s last Meeting. The Group had considered the appropriate size, structure and composition of the Council for a long time and had looked at various other models. While it was acknowledged that, ideally, the size of the Council should be reduced, the Group had eventually concluded that it was impossible to do so without compromising in other areas. The Review Group was therefore recommending no change in the size or structure of the Council, although it did propose a change to the way in which the elected staff member on the Council was chosen. The other changes proposed by the Review Group would provide greater clarity to the delegation of powers from the Council to the Rector, widen the scope and number of the committees reporting directly to the Council and bring the College’s high level development activities more clearly within the purview of the Council, something which the Council had also recognised was necessary. Finally, the Group had recommended that the Court should be reconstituted as a stakeholder body which would meet more regularly and have the power to appoint the Chairman and Deputy Chairman on the recommendation of the Council. Bringing his introduction to an end, the Clerk noted that Paper D included a number of amended Ordinances showing the changes that would be necessary to bring the Group’s recommendations into being. He advised members that these were first drafts and might well be subject to further improvements before these ordinances were presented to the Council for formal approval at its next Meeting in September.

34. The Chairman said he welcomed the Report and in particular the recommendations concerned with the articulation of the Council’s relationships with and delegations to the Rector, the Management Board and the Senate. He suggested that in future, the Council should have regular reports from the Management Board and the Senate as well as from its other committees; this could best be managed by the presentation of these bodies’ minutes to the Council. With regard to the other recommendations, the Chairman said that the creation of several new committees would mean that the external members would necessarily have to increase the level of their commitment to the College as all would now have to sit on at least one committee. In addition to the Council members on these new committees, he expected that the proposed Risk and Development Committee would also include other external members who were not members of the Council but who could nonetheless bring considerable expertise and experience to bear on these issues. Finally, he said that the first draft terms of reference for the Development Committee proposed that it should be chaired by the Chairman of the Council. He suggested that the Rector should instead chair this committee to ensure that the College’s development objectives were fully aligned with Imperial’s strategic priorities.

35. The current elected member, Professor Kramer, said that he agreed with the recommendation that a special election be held to appoint the elected staff member. While he, as Senior Dean, was elected by the staff of the College, he and the other deans believed that a more direct election process for the Council would be appropriate.

36. Ms. Lomax said that she recognised that the separation of audit and risk as recommended in the report was becoming more prevalent in the private sector;
indeed, this was now mandatory in the banking sector. However, she felt there were some distinct disadvantages in doing so. Firstly she suspected that the experience and expertise required of members of these committees would be similar and that there could well be a considerable overlap of members. It was likely as well that the same issues would be considered by the two committees, leading to an unnecessary duplication of effort. If there was no such duplication, there was a converse risk that some issues could fall into the gap between the two committees. She expected as well that the College already had several committees dealing with risk, although these might not be explicitly acknowledged as risk committees. Indeed, she said that one of the Management Board’s prime functions would be dealing with strategic and operational risks. Mrs. Couttie agreed and said that, in order to report to the Council on the College’s risk management arrangements (as it was required to do) the Audit Committee would have to consider reports on risk management. She suggested that this would necessarily entail the consideration of much of the same material that the new Risk Committee would also be considering. She also said she was surprised that she, as Chairman of the Audit Committee, had not been made aware of the proposal before it was presented to the Council. However, she said she was not opposed to the creation of a separate Risk Committee provided the boundaries between it and the Audit Committee were clearly defined.

37. The Chairman said he understood these points, which had also been discussed by the Governance Review Group, and he agreed that the Audit Committee would have to retain its role in assessing how the College was managing its financial risks. However, he had been persuaded that the different focus that could be taken by a Risk Committee on, for example, the reputational risks facing the College and how these could be ameliorated, would be beneficial. Audit Committees also tended to be retrospective and procedural – it was their responsibility to review the processes already put in place and ensure these were operating correctly. But a Risk Committee could be more forward looking and discursive in its consideration of strategic risks and their potential impact on the College. He acknowledged that there might be some degree of overlap in certain areas, but this was, he believed, acceptable given the other areas that would be covered by the new committee. He said there was also a danger that, if the Audit Committee was asked to take on all areas of risk, this extension of its remit might prove unmanageable and it would then have less time to devote to the oversight of the College’s financial statements and its financial management – its prime responsibility. Dr. Knight agreed and said that audit Committees remits had been growing steadily in recent years; any further extension into non-financial matters could impinge on its ability to fulfil its primary function.

38. Ms. Griffith said she too was concerned about the links between the two committees and any potential gaps. Risk management was a big issue and she was aware that considerable progress in this area had been made within the College, although there was still much that could be done to further improve matters. She said she hoped that the creation of this new committee would not mean that the Council itself would be delegating responsibility for risk matters to the new Committee. It had previously been suggested that the Council should spend some time looking at the College’s risk register and its risk appetite and she hoped that there would still be opportunities for it to do so; the Council needed to have ownership of the College’s strategic risks. The Chairman agreed and said that this had already been noted as a potential topic for the Away Day. In future, he expected that the Council’s discussion of risk would assisted by reports from its new Risk Committee.

39. Mr. Newton said he supported the creation of a separate risk committee, although he agreed that its relationship with the Audit Committee would need to be carefully
defined. He also agreed with the Chairman’s suggestion that the Council should in future receive regular reports from each of its committees. However, one issue that had not been considered by the Review Group was the respective roles and responsibilities of the Chairman and Deputy Chairman. He believed that the Council should define the responsibilities of both these important posts. He also believed that the newly redefined Nominations Committee should conduct a review of the Council’s membership and seek to define the skills and experience of the external members. New members could then be chosen on the basis of the skills they brought to the Council. This would also ensure that the Council could draw on a wide range of skills and experience. Finally, he noted that the report included clear recommendations on how the search for a new Rector should be handled and he asked if the same process would be used when identifying a new Chairman. If it was, he queried whether the Chairman would chair the Search Committee for his successor.

40. The Chairman said that, while the search process was likely to be similar, he would not himself chair that Committee. The Chairman then announced his intention to step down from the Council by summer 2011. He said it was important for Imperial that the appointment of new rectors and chairmen did not coincide for reasons of continuity. As the Council had now appointed the Rector until 2013, and as his own second term of office was due to expire shortly thereafter, there was now a risk of this happening. He therefore thought that, to avoid this, a new Chairman should be in place in good time to begin the search for the next Rector. To enable this to happen, he had decided to stand down before his full term had expired. As part of this process, he said the Council would need to decide what sort of Chairman it would require in the coming years. This would be the appropriate time for the Council to consider the responsibilities of the Chairman and Deputy Chairman.

Turning to the Development Board, the Chairman reminded members that they had previously discussed the need for the Council to take a closer interest in the College’s development and fundraising activities. The inclusion of Council members on the newly reconstituted committee would help to achieve this, but he suggested that some of the current Development Board members should also be considered for membership of the Council.

41. Turning to recommendations on the Court, he said that this was a potentially significant change. If the Court was to be reconstituted as a stakeholder body and given an active role in the College’s governance, this would require a significant amount of work and needed to be considered carefully. Before the Council committed to this change, he suggested that members of the Court should be consulted for their views on this specific proposal. The Council could then return to this recommendation at its next Meeting. Ms. Owen said that the creation of a stakeholder body was a bold move and asked if any other universities had a similar body. She also asked if there were other examples of good practice in the sector which might offer an alternative option for engaging with the Court. It was suggested that most universities with large Courts found them to be rather unwieldy and had problems in fully engaging with their members. The Chairman said that, although there did not appear to be an ideal solution elsewhere, he would be reluctant to abolish a body that could offer the College real support; he believed it was right for Imperial to try and find a way to make better use of the Court. Lord Tugendhat said that at Bath University, where he was the Chancellor, a number of events and presentations were arranged for the Court on the day of its meeting. While these were time-consuming, they did encourage members to feel they were actively involved in the University. Dr. Knight said that, if the Court was to be a stakeholder body, its membership should include senior representation from key bodies that had a direct interest in the College, for example, the leaders of the local authorities in
which the College’s campuses were located. He also suggested that the size of a reconstituted Court should be limited to a select group of invited stakeholders.

42. Concluding the discussion, the Chairman confirmed the Council’s endorsement for all of the Review Group’s recommendations, with the exception of the one recommendation concerned with the role and structure of the Court, on which further consultation would now be held. The various amendments to the Statutes and ordinances required to implement these recommendations would be finalised over summer and would then be presented to the Council for formal approval at its next Meeting. The full report would also be circulated to the members of the Court to ascertain their views on the future of the Court before the Council returned to this one final recommendation.

COLLEGE STRATEGY (PAPER E)

43. Introducing Paper E the Rector said that the strategy presented here was the culmination of a journey that had started in January. There had been wide consultation across the College on the strategy as it developed and he was pleased to say that a high degree of consensus had been reached on its main elements. In particular, the intention to concentrate on the College’s core strengths and to provide for continued investment in these core disciplines had been welcomed. The clear statement that all departments should aim to be recognised as being in the top three departments in the country for each discipline had also met with a high degree of agreement. The Rector reminded members that, at the Council dinner on the preceding evening, he had discussed the realities of the financial and academic context within which the strategy had been prepared and within which it would have to be implemented. He then reiterated his concluding remarks and asked the Council to consider whether the strategy was sufficiently defensive to ensure that the College would be able to weather the storms ahead. At the same time, he asked members to consider if it was also positive enough as he thought that the College should have a strategy that demonstrated Imperial’s confidence in its own future.

44. The Chairman thanked the Rector and noted that the Council had discussed the developing strategy at its last two meetings. The consultation process had clearly been well handled and the strategy that had emerged was stronger as a result. The draft College Strategy was an impressive document that met the twin objectives the Rector had set out; it provided sufficient flexibility to deal with the difficult funding environment ahead while also setting out a clear and confident vision for the future.

45. The Rector advised members that it was not intended to publish the strategy immediately but to aim for publication in September. This would allow time for it to be reformatted to provide the best presentation of the College Strategy. There were also a few sections in the document that were concerned with proposals such as the Singapore Medical School where further progress was imminent. Delaying the publication date until September would mean that these sections, which had been highlighted in the draft Strategy, could be updated before the final Strategy was published. For this reason, the Council was being asked to approve the Strategy as currently presented, but also to agree an approval process for any drafting amendments that were required before its final publication.

46. Mr. Newton welcomed the Strategy but said he believed the College should state it had a specific strategic aim to strengthen its financial position through fundraising. The Rector responded by saying that, when this process had started in January, he had been unsure how strong the real appetite for fundraising was within the College.
However, since then he had been reassured that there was considerable enthusiasm, both within the College and on the Council, to strengthen this activity. He agreed that the statements on fundraising in the Strategy could be made bolder and he suggested that this be addressed alongside the other minor updates that would be made before September. Ms. Owen welcomed the Strategy and agreed with the Chairman’s comments that the development and consultation process had been exemplary, and that this had resulted in an excellent document.

Resolved:

(i) That the College Strategy 2010-14, as set out in Paper E, be approved, subject to any further detailed amendments that may be required.

(ii) That the Chairman be given delegated authority to approve any such detailed amendments on behalf of the Council.

RESTRICTURING IN THE DEPARTMENT OF LIFE SCIENCES (PAPER G)

47. Professor Dallman introduced Paper G and said that the proposal to restructure the Department of Life Sciences was entirely in line with the Strategy which the Council had just been discussing. The prime purpose of this restructuring was to maintain academic excellence and to invest in the areas in which the College was already, or had the capability to be, world class. The secondary driver in this case was the Department’s financial position. Life Sciences’ finances were not strong and had been fragile for some time. This position could not be allowed to continue and, as well as ensuring the Department’s academic future, the proposal was designed to address these financial problems and put the Department onto a more secure footing. All the Department’s sections had been reviewed and two sections had been identified which were not currently world-leading and were unlikely to be able to achieve the level of excellence demanded by the College Strategy. The review had also identified another area which was already excellent and which, with greater investment, could improve its position even further. It was therefore proposed to dissolve the two underperforming sections – Plant and Microbial Sciences and Cell Biology and Functional Genomics – and to invest additional resources in Integrative Cell Biology. Taken together these actions should ensure the future academic and financial health of the Department. Professor Dallman advised the Council that the consultation process with staff had commenced on 5 July, with final decisions on the restructuring to be taken by October. As this was a major restructuring, she said that it was likely to excite national interest. The restructuring might also cause negative publicity because some of the scientists who had transferred to the Department from Wye College were members of the sections covered by this proposal.

48. The ICU President, Dr. Brown, said that the primary concern for the Union was the impact this restructuring might have on students and he asked Professor Dallman how the Department’s educational provision would be affected. Professor Dallman said that investing in academic excellence encompassed both teaching and research and there was no intention to change the Department’s academic programmes or to reduce the content of its degrees. Preserving the integrity of these programmes was important to the Department and she assured Dr. Brown that the experience of students in Life Sciences should not be unduly affected by this restructuring.
Resolved:

That the Rector, or another person so authorised by the Rector, be given delegated authority in accordance with the procedures set out in Ordinance D11, the Dismissal of Members of Staff by Reasons of Redundancy, to implement the selection process and subsequent proposed redundancies in the Department of Life Sciences if the Rector or his nominee consider this appropriate following the comments and counter-proposals gathered during the consultation period.

RESTRICTURING IN THE HUMANITIES DIVISION (PAPER H)

49. As this restructuring proposal concerned a single, identifiable member of staff, this Paper fell under the terms of ‘reserved areas of business’ in the Statutes. The President and President Elect of the Imperial College Union therefore both left the Meeting while this item was considered.

50. The Deputy Rector Professor Stephen Richardson then presented Paper H which concerned a proposed restructuring of the Humanities Division.

Resolved:

That the Rector, or another person so authorised by the Rector, be given delegated authority in accordance with the procedures set out in Ordinance D11, the Dismissal of Members of Staff by Reasons of Redundancy, to implement the selection process and subsequent proposed redundancies in the Department of Humanities if the Rector or his nominee consider this appropriate following the comments and counter-proposals gathered during the consultation period.

SINGAPORE MEDICAL SCHOOL (PAPER I)

51. The Rector presented Paper I and was pleased to announce that the negotiations with the Singapore Government had just been concluded. The agreement that had been reached was, he thought, an excellent one that would benefit both the Singapore Government and the College. The Government was keen to formally announce the agreement to create the Joint Medical School on 29 August, which was Singapore Day and therefore a very significant date on which to make this announcement. The formal agreement would have to be signed before then and he therefore asked the Council to delegate authority to the Chairman to approve the final Collaboration Agreement on the Council’s behalf.

52. The Chairman welcomed this news and said that, ever since this collaboration had been first mooted at the Away Day in September, it had seemed to the Council to be an excellent proposal with very good prospects of success. On behalf of the Council he congratulated the Pro-Rectors for Enterprise and International Affairs, Mr. Edward Astle and Professor Mary Ritter, on the skill and success of their handling of discussions with the Singapore Government.

Resolved:

That authority to approve the terms of the Collaboration Agreement between Imperial College and Nanyang Technical University be delegated to the Chairman, as set out in Paper I.
PRINCE’S GARDENS (PAPER J)

53. Paper J was received for information.

COLLEGE FUND REPORT (PAPER K)

54. The Chairman of the College Fund, Mr. Newton, introduced Paper K and highlighted the importance of the postgraduate accommodation schemes being developed by the Fund. The importance of these schemes to the Fund should not, he said, be underestimated. As well as providing much needed accommodation for the College’s postgraduate students, it was clear that the way in which these schemes had been structured should ensure that they would provide a good financial return for the Fund. He then asked Dr. Knight to update the Council on progress with each of the schemes.

55. Dr. Knight said that the Winstanley Road scheme was progressing extremely well and was ahead of schedule. Indeed, it was now possible that the accommodation would be ready for occupation in time for the 2011-12 academic year, a year earlier than originally planned. The Winstanley Road II scheme, which he reminded members was an extension to the original scheme, was also progressing well and the planning application would shortly be submitted to the local authority. No problems with this application were anticipated. The Woodlands scheme, however, was less straightforward. The local authority had originally advised the College to submit a planning application for the postgraduate accommodation alongside an outline masterplan for the whole site. More recently, the authority had indicated that this might delay the planning application and it was now proposed to submit the application for the postgraduate accommodation as a stand-alone proposal. The masterplan would then be dealt with separately. Finally, Dr. Knight advised the Council that the planning application for the Withersdane site in Wye was now being subjected to an Examination in Public. The point at issue was whether Withersdane could be dealt with separately or had to be tied to the use of the Campus North and the other College sites in Wye. He was hopeful of a positive outcome with respect to the Withersdane site.

IMPERIAL COLLEGE UNION

Report from the President of the ICU (Paper L)

56. Dr. Brown presented Paper L and reminded members that in the past the Union President had presented a glossy Annual Report at this meeting of Council, with a description of the past year’s activities together with the annual accounts from the preceding year. As the period of activities described did not match the period for the financial statements he suggested that this was unsatisfactory and instead proposed that the Annual Report be presented to the Council in November. This would bring the two periods covered in the report into alignment. In lieu of the more detailed report to come in November, the paper included a brief summary of the Union’s year.

57. The Chairman thanked Dr. Brown for this report and, on behalf of the Council, thanked him for the wise and valuable contribution he had made to the work of the Council during his year in office.
Proposed Amendments to the ICU Constitution (Paper M)

58. Dr. Brown then presented Paper M and said that the proposed amendments to the Union’s Constitution were required primarily to reflect the recent restructuring of the Union’s staff team and the formal composition of its representative structure.

Resolved:

That the amendments to the Imperial College Union Charter, as set out in Paper M, be approved.

CLERK’S BUSINESS

Proposed Amendments to College Ordinances (Paper N)

59. The Clerk presented Paper N and advised members that the revisions to these three ordinances took account of changes in legislation, best practice guidance and the experience of operating these ordinances since they had come into force in 2007.

Resolved:

That the revisions to Ordinance D13, Fixed-Term Employment or end of External Project/ Research Funding, Ordinance D14, Academic Appointments Containing a Review Period, and Ordinance D17, the Investigation of Allegations of Research Misconduct, as set out in Paper N, be approved.

Postgraduate Qualification Framework (Paper O)

60. The Clerk presented Paper O and noted that the establishment of a Postgraduate Certificate and Postgraduate Diploma, as set out in the Paper had been recommended by the Senate. If approved, the new Regulations would take effect from October 2010.

Resolved:

That the establishment of a Postgraduate Certificate and Postgraduate Diploma, and the associated amendments to the Academic Regulations, as set out in Paper O, be approved with effect from October 2010.

ANY OTHER BUSINESS

61. There was none

NEXT MEETING

62. The Clerk reminded members that the Council’s next Meeting would be its strategic Away Day and would be held on Friday, 24 September 2010. There would also be a dinner for the Council on the preceding evening.
1. Following Sir Roy Anderson’s departure at the end of 2009, Council appointed Sir Keith O’Nions as Acting Rector in November 2009 for the period from 1 January 2010 to no later than 30 September 2011. Council then commissioned a review of governance to report in July 2010 so that any changes to the constitutional structure or internal relationships could be agreed before commencing a search for the next rector.

2. Sir Rob Margetts’ report, before us today, makes no recommendation for major structural change but does propose changes to the committees of Council and improvements in its processes.

3. Our Acting Rector has now been in post for 6 months and would, on his present contract, be looking to commence his final year as rector. We believe he is doing extremely well, and see no cause to change, particularly as our external environment is becoming harsher and the direction and position of the College in several important areas will need unambiguous handling. To commence a search for a replacement rector could undermine the stability that has clearly emerged over the first 6 months of 2010.

4. Accordingly, after consulting a range of executive, non-executive and external sources, the Committee, in accordance with Ordinance D1 (paragraph 8) recommends to the Council that Sir Keith O’Nions be offered the substantive post of Rector until 31 December 2013, this being the unexpired part of the term of the previous Rector plus six months.

5. Sir Keith has indicated that he would accept the post and term if it were offered.
HEAD OF DEPARTMENT OF MATERIALS

Professor Neil ALFORD, formerly Professor of Physical Electronics and Thin Film Materials at Imperial College London, has been appointed to the post of Head of the Department of Materials, with effect from 1 August 2010 for a period of five years.

ACADEMIC REGISTRAR

Mr Nigel WHEATLEY, formerly Acting Academic Registrar at Imperial College London, has been appointed to the post of Academic Registrar.

FACULTY OPERATING OFFICER

Mr Nigel BUCK, formerly Director of Property Management at Imperial College London, has been appointed to the post of Faculty Operating Officer in the Faculty of Medicine, with effect from 14 June 2010.

DIRECTOR OF EXECUTIVE EDUCATION

Mr Jerome Etienne COUTURIER, has been appointed to the post of Director of Executive Education, Imperial College Business School, with effect from 1 May 2010.

VISITING PROFESSORS

Professor Michael PAECH, formerly Chair of Obstetric Anaesthesia at the University of Western Australia, has accepted an association with the College as Visiting Professor in the Division of Surgery, Oncology, Reproductive Biology and Anaesthetics, Faculty of Medicine, with effect from 1 May 2010 for a period of three months.

Professor Guy POPPY, formerly Head of the School of Biological Sciences at the University of Southampton, has accepted an association with the College as Visiting Professor in the Division of Biology, Faculty of Natural Sciences, with effect from 1 May 2010 for a period of three years.

RETIREMENTS

Dr Paul Christopher HIROM, Institute Manager, National Heart and Lung Institute, Faculty of Medicine, retired from his full time role on 7 May 2010. He will continue as Institute Manager on a part time basis.

Mr Phillip Victor BLISSETT, Faculty Operating Officer, Faculty of Medicine Centre, Faculty of Medicine, retired on 26 May 2010.
RESIGNATIONS

Dr Angela CLARKE, Reader in Biochemistry and Cell Biology, National Heart and Lung Institute, Faculty of Medicine, resigned with effect from 30 June 2010, to take up an appointment at the Institute for Cardiovascular and Metabolic Research, University of Reading.

Professor Matthew Richard COOP, Professor of Experimental Soil Mechanics, Department of Civil and Environmental Engineering, resigned with effect from 30 June 2010.

DEATH IN SERVICE

Professor Jaroslav STARK, Chair in Applied Mathematics, in the Department of Mathematics, Faculty of Natural Sciences, died on 6 June 2010.
MANAGEMENT ACCOUNTS TO 31 MAY 2010

1. The figures for the 10 months ending May 2010 continue to show a small growth in income, up 2% compared to last year with research income running 1% up, and costs remaining under control. The surplus is £39.8m, which is some £11.7m ahead of budget. Cash also remains favourable on the back of the I&E surplus position, with net debt of £14m.

FULL YEAR FORECAST

2. As part of the budget process the full year forecast has been reviewed, leading to a £1m increase in the year end surplus to £36m.

3. It should be noted that this forecast does not reflect any Imperial Innovations numbers. In the year end accounts there will be an exceptional loss item relating to the dilution of the College’s holding in Innovations from 52.3% to 50.4% following the issue of new shares on the exercise of employee share options in January 2010. This item will be for ~£1m.

4. There are a number of factors that are worth noting:
   a. Overall income is forecast to be 2% higher than last year.
   b. Research income is forecast to increase by ~0.5% over last year to £288m (pg 8). Research contribution at £55m is slightly ahead of budget.
   c. All Faculties, with the exception of Medicine, are forecasting to have bottom line outturns either in line with or better than budget (pg 7). The forecast for Medicine is a breakeven position against a £1.0m surplus budget, principally due to the delay on a slightly reduced restructuring programme.
   d. Academic Services are forecasting an overspend of £1.2m, principally due to not achieving the £1.3m budgeted cost reduction target (pg 13). Support Services are forecasting a £0.2m favourable outturn (pg 13).
   e. Corporate and project costs are now forecast to be £8m lower than budget. The highlights are favourable variances on depreciation, interest (due to the better than budgeted cash position), SIF only partially being used and the non usage of the contingency, partially offset by higher project expenditure write offs.
   f. The College Fund is forecasting to generate a surplus of £2.2m, which is some £1.9m ahead of budget, generated from asset switches, higher donations and

1. The Financial Management Report Booklet is not included with these minutes.
lower than budget distributions to unit holders, partially offset by adverse income due to a lower proportion of income yielding investments (pg 16).

5. The cash flow forecast has also improved by £7m to give a reduced cash outflow of £26m, reflecting the improved I&E position, lower forecast capex due to timing as spend slips into the 2010/11 financial year and also a change in the proportion of internally and externally funded capital expenditure, reflecting the timing of HEFCE capital grant payments. Net borrowing is forecast to be £38m at 31 July 2010, as compared with a budgeted figure of £52m.

6. So, the forecast for the University and the College Fund, is for an operating surplus of £36.4m, a College capital expenditure figure of £50m, a cash outflow of £26m and a net debt position of £38m. All of these figures are better than budget. The net effect is to position the College satisfactorily for the difficult year ahead.

MPK July 2010
EXECUTIVE SUMMARY

The Council should remain a supervisory, not an executive, body at its current size and composition. We recommend that the delegation of authority from the Council to the Rector explicitly include reference to the Management Board as the senior executive body advising the Rector. The Management Board should always include in its membership those executives who are also members of Council. Council should approve the appointment of those executives who sit on Council and the Rector should invite an external member of Council onto their appointment panels. The executive members of Council should always include the officer responsible for the financial affairs of the College. Direct election by the academic community should replace the Senior Dean as the staff representative on Council.

The Court should be reformed to form a stakeholder forum for the College and should approve the periodic appointment of the Chairman and Deputy Chairman.

The Remuneration and Nominations Committee should be split into its constituent parts and the Nominations Committee should, in addition to the Chairman as its Chair, have equal numbers of representatives from the executive and external members of Council. Search committees for the Rector and Chairman should likewise normally have equal representation from the executive and external members of Council.

A risk committee of Council should be formed and take responsibility for the oversight of how risks of all kinds are managed. The committee would absorb some of the responsibility currently undertaken by the Audit Committee. A Development Committee of Council should replace the Development Advisory Board.

The Council should regularly review its processes.
INTRODUCTION

(i) It is good practice for any Board periodically to review the governance of the organisation it is responsible for and to consider its effectiveness. The College has undertaken such reviews twice in recent years, in 2000 and 2004, and the College Council determined in November 2009 that it was timely to undertake a further exercise. A brief history of the College’s governance and its reviews is given in Annex 9.

(ii) The terms of reference for the review were agreed by Council in January 2010 and were as follows:

1. To review the constitutional structures in place for the governance, leadership and effective management of the College, and in particular
   a. the relationship (including delegated powers and oversight arrangements) between the Council and the College’s executive;
   b. the roles and responsibilities of the Rector and other executive members of Council, in relation to the Council as a whole, to the senior management group, and to the wider university;
   c. the role, composition and effectiveness of the Council and its committees, and frequency of meetings, and the role of the Chairman, other non-executive members of Council, and committee chairs;
   d. the role and composition of the Court.

2. To do so taking into account the experience of those knowledgeable in these matters and the practice of other leading universities in the UK and elsewhere.

3. To report on progress at every meeting of Council, to receive and consider Council feedback as appropriate, and to deliver a final report, with recommendations, to Council by July 2010.

(iii) Council determined that the review should be chaired by an outsider and the group be composed of approximately equal members coming from the senior executive team, external members of Council and independents.

(iv) Our membership was as follows:

Sir Rob Margetts (Chairman) Chairman, Legal and General group plc; former Vice-President, Royal Academy of Engineering; former member of the College Council
Sir Cyril Chantler Former Principal of Guys and St Thomas’s Medical School; former Chairman of Great Ormond Street Hospital NHS Trust
Mr Iain Conn Chief Executive, Refining and Marketing, BP plc; Senior Independent Director, Rolls-Royce plc; alumnus
Dame Julia Higgins Chemical Engineering
Lord Kerr Chairman of the Council
Dr Martin Knight Chief Operating Officer
Ms Rachel Lomax External member of the Council
Sir Keith O’Nions Acting Rector
Professor Stephen Richardson Deputy Rector
Dr Rodney Eastwood (Secretary) College Secretary
(v) We met five times between February and June 2010. We sought a wide range of views from inside and outside of the College. Our Chairman met individual members of Council, senior staff and the President of ICU and received correspondence from members of the Court. We also created a web site through which members of College could submit their views. At one meeting we invited two external experts on university governance in the UK and USA to give their views and we are most grateful to Alan Schofield and Michael Johns respectively for giving their time to help us in our deliberations.

(vi) We produced an interim report for the meeting of Council in May and held an open meeting for members of College just before our final meeting in June.

(vii) Some of the Annexes to our report contain draft Ordinances which, if accepted by Council, will need to be ratified formally by them. The structure and wording of the final Ordinances may well change from the drafts formulated here.

(viii) We thank all those who contributed to this review. It was clear that many had given considerable and constructive thought to the issues at hand and our report contains many of their suggestions.

ROLE AND RESPONSIBILITIES OF COUNCIL, RECTOR AND MANAGEMENT BOARD

1. The Charter¹ determines that the Council “shall be the governing and executive body of the University and shall exercise all the powers of the University,...” (clause 9) though it may delegate almost all of its powers to committees or officers (clause 11). The Statutes further say that the Council should “be responsible for the efficient management and good conduct of all aspects of the affairs of the University (including its finances and property).”² Council has determined, through adoption of a Statement of Primary Responsibilities (see Annex 1), to delegate authority to the Rector for the academic, corporate, financial, estate and personnel management of the College (point 4 of Statement).

2. We heard evidence of how different universities govern themselves both in the UK and US and how this was changing over time. We considered different roles for our Council, including one which was modelled on boards of businesses, but our view is that the Council should remain primarily a supervisory body, not an executive one. This structure has served the College well for over 100 years and is the predominant model in UK higher education. The Committee of Chairs of University Councils (CUC) states, for example, that the governing body is responsible for “overseeing the institution’s activities” and that executive powers are delegated through the head of the institution: “the head of the institution is responsible for the executive management of the institution”. In our view, current and foreseeable circumstances do not necessitate any radical restructuring of the governance arrangements, though improvements in process and accountability can be identified. Fundamental change to the constitution of the College and its Council is therefore not recommended.

3. We looked at the chain of accountability and delegated authorities running down from the Council. We support the Statement of Primary Responsibilities (which is based on the CUC recommended model as endorsed by HEFCE) as providing the principal framework for

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¹ https://www8.imperial.ac.uk/content/dav/ad/workspaces/secretariat/CharterJul09.pdf
² Statute 5 (e) – see page 11 of https://www8.imperial.ac.uk/content/dav/ad/workspaces/secretariat/CharterJul09.pdf
delegations from the Council to the executive and **recommend** that it be incorporated into Ordinance A4 rather than lie simply as a Council resolution.

4. Ordinance A4 specifies which matters the Council shall not delegate, but, other than for capital projects, is silent on those matters which it does delegate. The effect of point 4 of the Statement of Primary Responsibilities and Ordinance A4 is to give the Rector wide powers in the exercise of his delegated authority.

5. Whilst accepting that the Council rightly delegates authority to its chief executive, as currently constituted the Rector has no check or balance on the exercise of that authority. We consider that it would be helpful for the constitution to require him to take advice from a senior board as, of course, in practice he does. We **recommend** that the Rector be required to take advice from the Management Board and that this be incorporated into Ordinance A4. The amended Ordinance A4 incorporating the Statement of Primary Responsibilities, as amended, is attached at Annex 2.

6. Ordinance D2\(^3\) describes the duties and responsibilities of the **Rector** in general terms. It may be helpful to the Rector and Council if the authority delegated from the Council to the Rector was more specific, always recognising that the Rector’s remit, as chief executive, should not be unduly constrained.

7. The draft amended Ordinance D2 (Rector’s duties and responsibilities), essentially mirroring the list of Management Board responsibilities (below) and requiring the Rector to consult the Management Board, is attached at Annex 3.

8. The existence of the senior executive team acting as a group is not recognised currently in the constitution. Essentially, this group, the **Management Board**, is responsible for devising and delivering strategy and policy, for proposing and monitoring budgets, agreeing financial, staffing and organisational plans, for holding organisational units to account for delivery of their plans, for initiating projects, and generally for ensuring the good, safe, healthy, effective and efficient running of the university. Currently, the Rector, as the delegate of the Council’s authority, determines which senior staff sit on the Board.

9. We **recommend** that the Board with these functions and responsibilities be recognised in Ordinance and, as proposed above, that the Rector be required to consult the Board on matters within its purview. We recommend that the Council determine, in Ordinance, that the Board should be chaired by the Rector and contain in its membership those staff who are members of the Council. It is important that the Rector has the ability to select members of his cabinet so that the full membership of the Board should not be constrained by Ordinance.

10. A proposed new draft Ordinance (A11) is attached at Annex 4.

11. The institution of the changes suggested above should clarify the line of specific delegated authority from the Council to the Rector, as advised by the Management Board, keeping leadership of the university clearly with the Rector whilst promoting good decision making and protecting against any arbitrary application of delegated authority.

12. One of the most important responsibilities of Council is the selection and **appointment of the Rector**. The current Ordinance which governs this (D1\(^4\)) specifies that the search committee shall be the Remuneration and Nominations Committee together with co-opted members agreed by Council, but excluding the current Rector or any possible

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3. [http://www3.imperial.ac.uk/secretariat/governance/charterandstatutes/d2](http://www3.imperial.ac.uk/secretariat/governance/charterandstatutes/d2)
4. [http://www3.imperial.ac.uk/secretariat/governance/charterandstatutes/d1](http://www3.imperial.ac.uk/secretariat/governance/charterandstatutes/d1)
candidate. The Remuneration and Nominations Committee has as its members the Chairman and Deputy Chairman plus two other external non-executive members of Council. For the last search, the Committee invited onto it the senior Dean and one other senior member of academic staff plus the President of the Royal Society. The resultant balance of the committee was such that it did not contain any member of the Management Board though the choice of academic staff was constrained as suitable members were potential candidates for the Rector’s post. It seems to us that the search committee for the Rector should include those who have an intimate, inside, knowledge of the university at senior level and the complex requirements of the role. Such a requirement is likely to be met by executive members of Council. We recommend that the search committee for a new Rector should be chaired by the Chairman, serviced by the Clerk with membership, recommended by the Nominations Committee and approved by Council, normally drawn primarily from executive and non-executive members of Council in equal numbers with the ability to co-opt outside independent advisors. The Council will have agreed the job description and person specification proposed by the Nomination Committee before the search committee begins its work.

13. Ordinance D1 has been amended to reflect this (see the attached draft at Annex 5).

14. The Remuneration Committee and the Nominations Committee were merged at the last governance review and for much business, a single committee makes sense. However, the Nominations Committee plays a crucial role in shaping the Council and appointing search committees for the Rector and chairman. The current membership consists of the Chairman, Deputy Chairman and two other external members of Council, with the Rector and the deputy Rector in attendance. A membership equally balanced between the executive and non-executive elements of Council, though retaining a non-executive majority through the Chairman, is likely to be better placed to identify suitable candidates for membership of Council (and see paragraph 27 for discussion of the range of expertise and experience sought for external members of Council). Clearly such a composition would not be appropriate for the Remuneration Committee and so we recommend that the restitution of the two separate committees should be made, that the Nominations Committee be chaired by the Chairman and have its other members drawn equally from executive and external members of Council and that the Remuneration Committee be chaired by the Chairman and have its membership drawn only from external members of Council. The current terms of reference for the committee are silent on the need to appoint a search committee for the Chairman. Selecting the right person for this role needs as much attention as a search for a Rector. We recommend that the Ordinance make clear that the Nominations Committee establishes a search committee when a new Chairman needs to be identified and recommended to Council and that the Council agrees the role description and person specification proposed by the Nominations Committee before the search committee begins its work.

15. Draft terms of reference for committees of Council (Ordinance A9) are attached in Annex 6.

16. Apart from the Rector, the Council under Statute 8 (6) is formally responsible for appointing the deputy Rector, an undefined number of Pro-rectors, its Clerk and the College Secretary (usually one person fulfilling both roles) all on the recommendation of the Rector and (and with the exception of the Clerk role) to carry out duties assigned by the Rector. This seems broadly sensible except that appointment of staff to other posts (the

Faculty Principals) which are designated in Ordinance A3\(^7\) as carrying membership of
Council is not formally the responsibility of Council. We make three **recommendations** for
change. Firstly, that in addition to the deputy Rector and Clerk/College Secretary all
executive appointments to Council (specified in Ordinance A3) should be approved by
Council (on the recommendation of the Rector). The Statement of Primary Responsibilities
should also be amended to take this into account (see the draft amended Ordinance A4 in
Annex 2). The Council similarly should be responsible for extending the term of appointment
of these posts or removing the post-holders from office (on the recommendation of the
Rector). We also **recommend** that the **executive responsible for the financial affairs** of
the College always, by statute, be a member of Council. At present, Ordinance A3 includes
the Chief Operating Officer as one of the designated posts which are members of Council,
but the holder of the finance brief may not always be the COO. In addition to these posts,
the Council appears to appoint some 20 or more other officers under Statute 8 (6) and
Ordinance D3\(^8\). It is not clear in the constitution whether the Council formally appoints these
staff to their substantive posts or simply recognises the list of specified post-holders as
officers of the university. The latter is preferable and, of course, current practice. We
**recommend** that the Statute should make clear that Council appoints only those executives
who are members of Council; the current reference to Pro-rectors should be removed.

17. The process by which the Rector arrives at recommendations for Council
appointments is not specified. It is entirely appropriate that the Rector has the ultimate
responsibility for identifying a suitable candidate to join his senior team. In doing this,
though, it may be helpful to him to have access to advice from the non-executive side of
Council. A suitable external member of Council would be in a position to advise on potential
candidates and on the scope of the role in a way that may not be appropriate for another
member of the senior executive team. We **recommend** therefore that the Rector invite an
external member of Council, as agreed with the Chairman, onto interview panels for
selection to those positions whose post-holders would, on appointment, become members of
Council themselves ie those currently in Ordinance A3 namely Deputy Rector, Faculty
Principals, Chief Operating Officer plus the Clerk/College Secretary. The Rector may wish
also to include an external member of Council on panels recommending appointment of Pro-
rectors, but this would be a matter for him.

18. In summary, all appointments to executive posts on Council should be approved by
Council, the Rector on the recommendation of a search committee and the others on the
recommendation of the Rector, with an external member of Council serving on the
appointment panel. A draft new Statute implementing these changes in attached in Annex 7.

19. The College is unusual in having only three committees of Council – **audit,
remuneration and nominations** (one committee) and the **College Fund** Board. We have
already suggested that the remuneration and nominations committee split to form two
separate committees (see 14 above). The Council has no finance, estates or HR
committees though it is common practice elsewhere. At the last governance review, the
Finance and Estates committees were disbanded, with these issues dealt with by
management and in Council directly. We support this approach. The Audit committee’s
remit is broad and growing, covering environmental (ie carbon reduction) issues, data
quality, health and safety as well as traditional internal and external audit, risk, control and
financial practice issues. Risk and associated topics might be better managed through a
separate, forward looking, committee rather than included in the broad scope of the Audit
Committee which necessarily looks at outcomes. We **recommend** that a separate **risk
committee** of Council be established.

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7. http://www3.imperial.ac.uk/secretariat/governance/charterandstatutes/a3
20. One increasingly important activity of the college is currently not scrutinised or supported well by Council and that is fund-raising. A Development Advisory Board was established some years ago but is not sufficiently integrated into the governance structure for it to be completely effective. We believe that this should become a formal committee of Council. Its chair and membership should be recommended by the Nominations Committee and drawn from the Council but include others who are experienced in this field, co-opted as appropriate. We recommend the dissolution of the Development Advisory Board and the establishment of the Development Board as a committee of Council.

21. The overall organisational structure of the governance of the College, should our recommendations be accepted, is shown in the figure below. The link between the management structure and Council is through the Rector and other members of the Management Board who are members of Council.

22. The Senate is the body responsible for the educational work of the College and acts “under the general superintendence and control of Council”⁹. Its minutes are received by Council at every meeting. The new committees we are recommending should routinely also submit their minutes to Council along with the Audit Committee and the Nominations and Remuneration committees, as appropriate. Similarly, we propose that the Management Board, although not a committee of Council, also submit its minutes to Council at every meeting and any report of business that it wishes to draw to the attention of Council which has not arisen through other channels.

⁹ Charter section 14
https://www8.imperial.ac.uk/content/dav/ad/workspaces/secretariat/CharterJul09.pdf
23. A representative of the academic staff is a member of Council. Currently this is the ‘Senior Dean’, though the method of election by the community is indirect. Deans are elected by the academic community and aim to uphold the academic standards of the college by serving on appointment and promotion panels. Six Deans are elected by academic staff in three constituencies for three years. One of those whose term of office expires at the end of the current year becomes the senior Dean in the following year and serves in that capacity on Council for one year only (see Ordinance D410). Should two or more Deans have terms of office expiring at the same time, the other Deans vote for one of the candidates to become the Senior Dean. No direct election to the post of Senior Dean is made.

24. We consider that the whole academic community should have the opportunity to elect its representative on the Council directly. In order that those elected might be in a position to contribute fully to the proceedings of Council, it would be desirable that those standing for election should have held senior positions in the College (though not currently be part of the management line) and serve for a term of two years. We suggest that the process of electing an academic to become of member of Council be divorced from the decanal system and so the person elected would not be the Senior Dean as a consequence of the election. We therefore recommend that the representative of the academic staff be elected by the whole academic staff, serve for two years (renewable twice) and be drawn from those academic staff who are, or have been, Deans for a minimum of two years or have been (but are not currently) heads of academic departments or medical divisions for a minimum of two years. Annex 8 contains the draft amendment to the Ordinance regulating the election of a staff representative.

25. The student member of Council is the serving President of the Students’ Union. Student Presidents provide essential and distinctive insights into the life of the College for the Council and we would wish to see their role on Council continue.

COMPOSITION OF COUNCIL AND FREQUENCY OF MEETINGS

26. We considered a range of suggestions relating to the optimum size of the Council. At its current minimum size of 19 it is larger than desirable for the efficient conduct of business. The restraints imposed by the Privy Council on the ratio of external to executive members and the need to include the Faculty Principals as members in order to cover the large scope of activity which the College undertakes mean, though, that a reduction in size would, in practice, be inappropriate. Given this, the culture, style and processes of the Council become critical to ensure its effectiveness.

27. We received considerable comment on the balance of skills, interests and experience of external members of Council. In no way were these comments a reflection of the quality or relevance of their experience but were about the balance of backgrounds amongst the whole group. We concur with the view that more external members of Council should be alumni and come from science, engineering, medical or higher education backgrounds to complement those having business, property, financial or government experience. The Council has previously expressed its commitment to equality and diversity and to ensuring that its membership takes account of, as far as possible, the ethnic diversity of the College. We recognise the improvement that has been made in recent years in the gender balance on Council and ask Council to consider how best to achieve a similar change in its ethnic composition.
28. The Council currently meets four times a year for about three hours each time with an additional ‘Away Day’ coupled with a short business meeting. Recently, informal evening discussion meetings with dinner have preceded the main business meetings. The Council will need more time, though, to engage fully on risk, the changed economic environment and strategy. We consider that good practice would be for Council to have a programme of strategy reviews for each of the major activities, present and projected, of College. Annually a Strategy Day should be set aside for the integration and updating of the component parts in order to renew the overall College strategy and to take note of the implications for finance, HR, property and risk. Arising from this process would be the generation of some key performance indicators that the Council could use to monitor progress. We would suggest that at least one additional meeting a year is scheduled and that consideration be given to extending the meeting period from lunch time to lunch time the next day, at least for some meetings. Occasionally, only the external members of Council might meet with or without the Rector and/or Chairman in order that any concerns are identified, shared and fed back appropriately. It is important the Council keeps these and all its processes under review and so we recommend that Council establishes a regular review process to drive improvement.

29. We considered whether it would be desirable to remunerate external members. An honorarium to some office holders (eg Chairman and chairs of committees) might be appropriate in future to recognise their obligation and time commitment. Views received by the group were mixed but the general one was that it was not necessary and that payment would not affect the choice of members or their willingness to serve. On the other hand, the situation should be kept under review.

ROLE OF THE COURT

30. The Court’s original purpose was to act as a forum for those organisations which had some historic connection with the College eg learned societies, professional institutions, livery companies, governments of the former British Empire. Until the latest revision to the statutes, its formal responsibility was to approve the Council’s recommendation for the appointment of the chairman, deputy chairman and honorary treasurer. It also supplied three members for the then much larger (32) Council. These powers were removed in 2004 and now its only constitutional function is to approve any proposals by Council to the Privy Council for changes to the charter. Its present membership is over 150 strong, though attendance at the annual meeting has declined in recent years and is now not more than about 50, of whom about half are college staff, students or members of Council. The annual meeting of Court receives reports from the Chairman, Rector and Chief Operating Officer, and listens to a talk from one of our eminent scientists.

31. The opportunity should be taken of making some radical reforms. One such might be to establish the Court as a true stakeholder forum with, for example, representatives of our associated NHS Trusts, funding agencies, alumni, schools with whom we have strong links, companies, public sector bodies and charities which fund our research and employ our graduates. Staff and students would retain their existing constituencies in a reformed Court. If it were thought that an AGM style meeting of stakeholders would be suitable for the Court, then the extent of any Council accountability to the Court would need to be considered. One possibility would be for the Court to approve the appointment of the Chairman and Deputy Chairman (as recommended by Council). Such a requirement would offer stakeholders external to the Council a voice on crucial appointments.

32. We recommend that, following consultation with the Court, the Court be restructured with a membership representative of our principal stakeholders, normally meet no more than

11. http://www3.imperial.ac.uk/secretariat/governance/charterandstatutes/a7
twice a year and be responsible for the periodic appointment of the Chairman and Deputy Chairman of Council, on the recommendations of Council.

SUMMARY OF RECOMMENDATIONS

33. We recommend:

a. that the Statement of Primary Responsibilities be incorporated into Ordinance A4 rather than lie simply as a Council resolution (paragraph 3)

b. the Rector be required to take advice from the Management Board and that this be incorporated into Ordinance A4 (paragraph 5)

c. that the Management Board with functions and responsibilities listed in paragraph 8 be recognised in Ordinance, that the Rector be required to consult the Board on matters within its purview and that the Council determine, in Ordinance, that the Board should be chaired by the Rector and contain in its membership those staff who are members of the Council (paragraph 9)

d. that the search committee for a new Rector should be chaired by the Chairman, serviced by the Clerk with membership, recommended by the Nominations Committee and approved by Council, normally drawn primarily from executive and non-executive members of Council in equal numbers with the ability to co-opt outside independent advisors (the Council having agreed the job description and person specification proposed by the Nomination Committee before the search committee begins its work) (paragraph 12)

e. that the Nominations and Remuneration committee be split up into separate Nominations and Remuneration committees, that the Nominations Committee be chaired by the Chairman and have its other members drawn equally from executive and external members of Council, that the Remuneration Committee be chaired by the Chairman and have its membership drawn only from external members of Council and that the new Ordinance makes clear that the Nominations Committee establishes a search committee when a new Chairman needs to be identified and recommended to Council and that the Council agrees the role description and person specification proposed by the Nominations Committee before the search committee begins its work (paragraph 14)

f. that in addition to the deputy Rector and Clerk/College Secretary all executive appointments to Council (specified in Ordinance A3) should be approved by Council on the recommendation of the Rector (paragraph 16)

g. that the executive responsible for the financial affairs of the College always, by Statute, be a member of Council (paragraph 16)

h. that the Statute should make clear that Council appoints only those executives who are members of Council; the current reference to Pro-rectors should be removed (paragraph 16)

i. that the Rector invite an external member of Council, as agreed with the Chairman, onto interview panels for selection to those positions whose post-holders would, on appointment, become members of Council themselves (paragraph 17)

j. that a separate risk committee of Council be established (paragraph 19)
k. the dissolution of the Development Advisory Board and the establishment of the Development Board as a committee of Council (paragraph 20)

l. that the representative of the academic staff be elected by the whole academic staff, serve for two years (renewable twice) and be drawn from those academic staff who are, or have been, Deans for a minimum of two years or have been (but are not currently) heads of academic departments or medical divisions for a minimum of two years (paragraph 24)

m. that Council establishes a regular review process to drive improvement (paragraph 28)

n. that, following consultation with the Court, the Court be restructured with a membership representative of our principal stakeholders, normally meet no more than twice a year and be responsible for the periodic appointment of the Chairman and Deputy Chairman of Council, on the recommendations of Council (paragraph 32).

2 July 2010
THE COUNCIL OF IMPERIAL COLLEGE LONDON

STATEMENT OF PRIMARY RESPONSIBILITIES

The Council's principal responsibilities are:

1. To approve the mission and strategic objectives of the College, its long-term business plans and key performance indicators, and to ensure that these take account of the interests of the College's stakeholders.

2. To safeguard the good name and values of the College.

3. To appoint the Rector, the College's chief executive, and to put in place suitable arrangements for monitoring his/her performance.

4. To delegate authority to the Rector, as chief executive, for the academic, corporate, financial, estate and personnel management of the College.

5. To ensure the establishment of systems of control and accountability, including financial and operational controls, risk assessment, and procedures for managing conflicts of interest; and monitor the effectiveness of these systems.

6. To ensure that processes are in place for regular monitoring and evaluation of the performance and effectiveness of the College against its approved plans and key performance indicators.

7. To conduct its business in accordance with best practice in higher education corporate governance and with the principles of public life drawn up by the Committee on Standards in Public Life.

8. To be the principal financial and business authority of the College, to ensure that proper accounts are kept, to approve the annual budget and financial statements, and to have overall responsibility for the university's assets, property and estate.

9. To be the College's legal authority and, as such, to ensure that systems are in place to ensure that all its legal obligations, including those arising from contracts and other legal commitments made in its name, are properly met.

10. In accordance with the College's Charter and Statutes, to act as trustee for any property, legacy, endowment, bequest or gift in support of the work and welfare of the College.

11. To ensure that the College's Charter and Statutes are adhered to at all times, with appropriate advice available as necessary.

12. To approve the College's human resources strategy.

13. To establish processes to monitor and evaluate the performance and effectiveness of the Council itself.
14. To appoint a Clerk to the Council and ensure that accountability for his/ her performance in that capacity is properly separated from such managerial responsibilities as her/ she may have in the College.

*Note: The Statement is based on a model recommended by the Committee of Chairs of University Councils and endorsed by HEFCE. It was adopted by the Council in September 2005.*
STATEMENT OF PRIMARY RESPONSIBILITIES

1. The Council’s principal responsibilities are:

   a. To approve the mission and strategic objectives of the College, its long-term business plans and key performance indicators, and to ensure that these take account of the interests of the College’s stakeholders.

   b. To safeguard the good name and values of the College.

   c. To appoint the Rector, the College’s chief executive, and to put in place suitable arrangements for monitoring his/her performance.

   d. To appoint other executive member of Council as specified in Statutes

   e. To delegate authority to the Rector, as chief executive, as advised by the Management Board, for the academic, corporate, financial, estate and personnel management of the College.

   f. To assess risk to the College and to position its management and mitigation.

   g. To ensure the establishment of systems of control and accountability, including financial and operational controls, and procedures for managing conflicts of interest; and monitor the effectiveness of these systems.

   h. To ensure that processes are in place for regular monitoring and evaluation of the performance and effectiveness of the College against its approved plans and key performance indicators.

   i. To conduct its business in accordance with best practice in higher education corporate governance and with the principles of public life drawn up by the Committee on Standards in Public Life.

   j. To be the principal financial and business authority of the College, to ensure that proper accounts are kept, to approve the annual budget and financial statements, and to have overall responsibility for the university’s assets, property and estate.

   k. To be the College’s legal authority and, as such, to ensure that systems are in place to ensure that all its legal obligations, including those arising from contracts and other legal commitments made in its name, are properly met.
1. In accordance with the College’s Charter and Statutes, to act as trustee for any
property, legacy, endowment, bequest or gift in support of the work and welfare of the
College.

m. To ensure that the College’s Charter and Statutes are adhered to at all times, with
appropriate advice available as necessary.

n. To approve the College’s human resources strategy.

o. To establish processes to monitor and evaluate the performance and effectiveness of
the Council itself and all its members and to identify opportunities for improvement.

p. To appoint a Clerk to the Council and ensure that accountability for his/ her
performance in that capacity is properly separated from such managerial responsibilities as
her/ she may have in the College.

DELEGATION OF POWERS

2. 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.”

3. 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 other than Non-Core Assets held within the College Fund.
   
   e. Final approval, prior to drawdown, of any borrowing facility exceeding £5M.
   
   f. Final approval of the University’s Investment Policy.
   
   g. The appointment of the Rector.
   
   h. The appointment of the Deputy Rector and other executive members of Council as
      specified in Statutes
   
   i. The appointment of the Chairman of the College Fund Board;
   
   j. The appointment of the Clerk to the Council and of the College Secretary.

CHAIRMAN’S ACTION
4. 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.

5. 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.

6. 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.

7. 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.

Approved by the Council: 23 March 2007
Effective from 8 July 2007
Revised by the Council: 13 July 2007
Revised by the Council: 14 March 2008
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, working with the Management Board, 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 co-operation with other bodies.
   
   b. Ensuring that the highest standards of excellence in teaching and research are promoted throughout the University.
   
   c. 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.
   
   d. Maintaining and promoting the efficient and proper leadership of the University, including responsibility for proposing and monitoring budgets, agreeing financial, staffing and organisational plans, for holding organisational units to account for delivery of their plans, for initiating projects, and generally for ensuring the good, safe, healthy, effective and efficient running of the university.
   
   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.

Approved by the Council 23 March 2007
Effective from 8 July 2007
POWERS AND FUNCTIONS OF THE MANAGEMENT BOARD

1. The Management Board is the College’s senior management committee and is chaired by the Rector. It is primarily responsible for devising and delivering strategy and policy, for proposing and monitoring budgets, agreeing financial, staffing and organisational plans, for holding organisational units to account for delivery of their plans, for initiating projects, and generally for ensuring the good, safe, healthy, effective and efficient running of the university. It also considers and approves, or recommends to Council the approval of, major projects.

2. Its terms of reference are:
   a. In conjunction with the Rector, to develop the vision and overall strategy, priorities and total budgets for the College;
   b. To oversee the strategic planning process and to recommend the draft Strategic Plan and supporting strategies for approval by Council;
   c. To ensure delivery of the Strategic Plan;
   d. To ensure that resources are deployed effectively and to that end, oversee the annual budgeting process and recommend the budget for approval by Council;
   e. To hold the Planning Units (the Faculties, Support Service Divisions and others) to account for delivery of their plans and budgets;
   f. To approve and track major projects in line with the financial authorities delegated to it by the Council;
   g. To ensure that effective management and legal compliance structures are in place within College;
   h. To respond to major external opportunities and threats and to review periodically the College's Risk Register to ensure that key risks affecting the College are being appropriately managed, and to make appropriate reports and recommendations to the Audit Committee and the Council;
   i. To receive regular reports on significant health and safety matters and to advise the Rector on health and safety matters as appropriate;
   j. To approve all tuition fees and fee bands, subject to prior consultation with the Council on major changes in strategy;
   k. To oversee the College's arrangements for ensuring economy, efficiency and effectiveness, and to make appropriate reports and recommendations to Audit Committee and Council.
l. To approve the Annual Operating Statement, Corporate Planning Statement and other statutory returns for submission to HEFCE.

m. To ensure effective internal and external communication of College activities;

n. To develop and nurture relationships which will enhance the reputation, image and funding of the College;

o. To frame recommendations requiring Council approval, including those relating to the acquisition and disposal of property.

p. To submit the minutes of its meetings to Council and any reports as appropriate.

CONSTITUTION

Chairman
Rector

Ex-Officio Members
Deputy Rector
Chief Operating Officer / Chief Finance Officer
Principal of the Faculty of Engineering
Principal of the Faculty of Medicine
Principal of the Faculty of Natural Sciences
Principal of the Imperial College Business School
College Secretary

Other Members
The Rector may appoint other members of the Senior Staff of the College as members of the Management Board, as he sees fit.

Secretary
Head of Central Secretariat

MODUS OPERANDI

3. The Management Board is the College’s senior management committee.

4. It has delegated authority from the Council to approve project expenditure up to a maximum of £10M, where the project has previously been approved as part of the College’s Capital Investment Plan. The Board also has delegated authority to approve Projects with a total value of less than £5M which have not been included in the Capital Investment Plan.

5. Health and safety is considered as a priority standing agenda item at each Management Board meeting.

6. Reports for the Council and proposals for expenditure above the delegated limits must be submitted to the Management Board for consideration before they are presented to the Council.

QUORUM

7. The Quorum is to be the Rector, or Deputy Rector and four members, two of whom are to be Principals.
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 on the recommendation of the Nominations Committee. The Search Committee will normally be chaired by the Chairman and may include those who are not members of the University.

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.

Approved by the Council 23 March 2007
Effective from 8 July 2007
ANNEX 6

IMPERIAL COLLEGE LONDON

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, risk management and corporate governance arrangements, 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 auditors, including the auditors’ formal opinion, the statement of members’ responsibilities and the statement of internal control, in accordance with the funding council’s accounts direction.

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 discuss with the external auditors, before the audit begins, the nature and scope of the audit.

6. To discuss with the external auditors problems and reservations arising from the interim and final audits, including a review of the management letter, incorporating management responses, and any other matters the external auditors may wish to discuss (in the absence of management where necessary).

7. To consider and advise the governing body on the appointment and terms of engagement of the internal audit service (and the head of internal audit if applicable), the audit fee, the provision of any non-audit services by the internal auditors, and any questions of resignation or dismissal of the internal auditors.

8. To review the internal auditors’ audit needs assessment, strategy and programme; 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.

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

10. To ensure that all significant losses have been properly investigated and that the internal and external auditors, and where appropriate the funding council’s accounting officer, have been informed.
11. To oversee the University’s policy on fraud and irregularity, including being notified of any action taken under that policy

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

13. To monitor annually the performance and effectiveness of external and internal auditors, including any matters affecting their objectivity.

14. To report to the Council at least annually on its activity for the year and to give its opinion on the adequacy and effectiveness of the University’s risk management control and governance arrangements; its arrangements for promoting economy, efficiency and effectiveness; and the arrangements for the management and quality assurance of data submitted to the Higher Education Statistics Agency (HESA), HEFC and other funding bodies.

15. In the event of the merger or dissolution of the University, to ensure that the necessary actions are completed, including arranging for a final set of financial statements to be completed and signed.

16. 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

17. 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.

18. **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.

19. **In Attendance**

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

20. **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:


   b. Arrangements for promoting economy, efficiency and effectiveness (value for money).

   c. The arrangements for the management and quality assurance of data submitted to the Higher Education Statistics Agency (HESA), HEFC and other funding bodies

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.

DEVELOPMENT BOARD

TERMS OF REFERENCE

1. The role of the Development Board is to provide independent objective guidance to Imperial College on its fundraising activities and to assist with the realisation of its financial goals. Board members are asked to be advocates and enthusiastic communicators of Imperial’s mission and vision, and to play an integral role in our fundraising activities. The fundraising success of the College, and hence its ability to deliver its mission, will greatly depend on the personal commitment and active involvement of this group of individuals.

2. Its terms of reference are:

   a. To support the College’s goals and fundraising plans and hence assist the College in achieving its long term strategic plans.

   b. To help implement agreed fundraising and communications strategies through a combination of personal influence, support and advice.

   c. To be involved in establishing and implementing fundraising plans.
d. To help identify individuals and organisations that might support Imperial College.

e. To assist in the process of engaging potential supporters and to help secure gifts.

CONSTITUTION

3. Members.
   a. The Chairman of the Council (Chairman)
   b. The Rector, ex officio
   c. Three external members of the Council, appointed by the Council
   d. Co-opted external members to be senior, successful and influential individuals with the motivation to support Imperial College.

4. Secretary
   To be appointed by the Director of Development

MEETINGS

5. The Board shall meet at least three times a year.

6. Members are also expected to attend up to 2 one-to-one update meetings per year with the Director for Development and also to attend up to 3 cultivation events each year (e.g. dinners, receptions, lectures). Members are also expected to have a personal involvement in approaches to potential donors, as appropriate (including signing letters and possible one-to-one meetings, supported as appropriate by the Development Office).

QUORUM

4. The quorum shall be the Chairman (or his nominated deputy) and three other members of the Board.

NOMINATIONS COMMITTEE

TERMS OF REFERENCE

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

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

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

4. To recommend to the Council persons for nomination by those Appointing Bodies requesting nominations to be made for them.
5. To make recommendations to the Council for the membership and terms of reference of a separate Search Committee for the identification of a new Rector in good time before the termination of the Rector’s term of office, or on notification of the Rector’s resignation.

6. To make recommendations to the Council for the membership and terms of reference of a separate Search Committee for the identification of a new Chairman in good time before the termination of the Chairman’s final term of office, or on notification of the Chairman’s resignation, and to make recommendations to the Council for the role description and person specification for the Chairman before the Search Committee begins its search.

7. 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 Court and Council.

8. To recommend to the Council the appointment of persons to other external bodies in cases where the Council is the Appointing Body.

9. 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.

CONSTITUTION

9. **Members**
   a. The Chairman of the Council (Chairman)
   b. Three external members of the Council, appointed by the Council
   c. Three senior staff and/or ex-officio members of the Council, not including the elected member of the staff or the Imperial College Union President, appointed by the Council.

10. **Secretary**
    The Clerk to the Council

MEETINGS AND REPORTING

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

QUORUM

12. The quorum shall be the Chairman and two other members, including at least one external member and one staff or ex-officio member.
REMUNERATION 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.

CONSTITUTION

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

10. **Secretary**
    The Director of Human Resources

MEETINGS AND REPORTING

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

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

QUORUM

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

TERMS OF REFERENCE

1. The Committee’s primary objective is to consider the strategic risks facing the College and the actions proposed to mitigate these risks.

2. Its terms of reference are to:
   a. Keep under review the College’s Risk Register, its overall risk management vision, and its strategies and policies for managing risk.
   b. Review annually and recommend to the Council the College’s risk appetite.
   c. Keep under review the College’s policies in relation to strategic, reputational, financial, and enterprise risks, including the process for identifying and assessing business risks and the management of these risks by the College.
   d. Keep under review the College’s management of its health and safety risks and the operation of the College Health and Safety Management System.
   e. Keep under review the College’s Disaster Recovery strategies and policies.

CONSTITUTION

3. Members
   a. Chairman to be appointed by the Council from among the external members of the Council.
   b. Two members to be appointed by the Council from among the external members of the Council.
   c. The Rector, ex officio
   d. The Deputy Rector, ex officio
   e. The Chief Operating Officer, ex officio
   f. The Committee shall have the power to co-opt up to two additional external members, if it sees fit.

4. In Attendance
   a. The College Secretary
   b. The Director of Risk Management
   c. The Safety Director

5. Secretary
To be appointed by the Head of Central Secretariat and Assistant Clerk to the Court and Council

MEETINGS AND REPORTING

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

QUORUM

4. The quorum shall be the Chairman and two other members, including at least one external member and one staff or ex-officio member.

Approved by the Council 23 March 2007
Effective from 8 July 2007
3. THE COUNCIL

(1) Membership of the Council

(a) The Council shall consist of the following persons:

The Chairman (who shall be the person appointed under Statute 3(5)(b));

The Rector ex officio;

The Deputy Rector ex officio; or where no Deputy Rector has been appointed, another member of the senior staff appointed in a manner to be prescribed by Ordinance;

The Chief Finance Officer, ex officio;

4 Members appointed from the senior staff of the University in a manner to be prescribed by Ordinance, so as to reflect the breadth of disciplines and executive responsibility within the University;

1 Elected Member, elected by and from among the academic staff in a manner to be prescribed by Ordinance;

At least 9 and not more than 13 External Members, co-opted by the Council;

The President of the Imperial College Union ex officio.

(b) The Deputy Chairman of the Council shall be the person appointed under Statute 3(5)(c).

(2) Period of Membership of the Council

(a) Procedures for the appointment, election and co-option of members of the Council, including procedures for the filling of casual vacancies, shall be as prescribed by Ordinance.

(b) Ex officio members shall be members of the Council for the period for which they hold the position designated; the other appointed or co-opted members shall be appointed for a term of four years and shall be eligible for re-appointment except that members shall not normally be appointed for more than two consecutive terms of four years.

(c) The elected member shall be a member of the Council for a term of two years and shall be eligible for re-appointment except that members shall not normally be appointed for more than three consecutive terms of two years.
(d) 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 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)(b).

(3) Cessation of Membership of the Council

(a) *Ex officio* members shall cease to be members on vacation of the relevant office.

(b) The elected member shall cease to be a member of the Council if he ceases to be eligible in the category in which he was elected.

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

(d) Where a member of the Council becomes incapable by reason of mental disorder, the Council may resolve that such person’s membership be terminated.

(e) The Council 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.

(f) Any member of the Council may resign by sending notice of resignation in writing to the Clerk to the Council.

(4) Meetings of the Council

(a) The Council shall meet at least three times during the academic year, but additional meetings shall be called as required by the Chairman or at the written request of no fewer than one-third of the members.

(b) The quorum for a meeting of the Council shall be ten.

(5) Powers and Functions of the Council

Subject to the Charter and Statutes, the Council shall exercise all the powers of the University, and without limiting the above, the Council’s functions shall be:

(a) to appoint a Chancellor, if it sees fit, for such period and with such powers and responsibilities as the Council shall determine;

(b) to recommend to the Court the appointment of the Chairman who shall be a person not holding honorary status in the University as defined by Ordinance, or a student of the University, or an employee of the University;

(c) to recommend to the Court the appointment of the Deputy Chairman of the Council from amongst the external members of the Council;
(d) to appoint the Rector;

(e) to be responsible for the efficient management and good conduct of all aspects of the affairs of the University (including its finances and property);

(f) to make, amend or revoke such Ordinances, Regulations and decisions as are necessary to fulfil the responsibilities under the preceding sub-paragraph;

(g) to establish committees with such membership as deemed necessary to assist in the discharge of its responsibilities;

(h) to make such appointments, or recommendations for appointments, as are required by the Charter, Statutes or Ordinances;

(i) to define such academic structure of the University, comprising departments, divisions, centres and other units which may be associated to form faculties, schools or other groupings within the University, as the Council, on the recommendation of the Rector, after consultation with the Senate, considers expedient;

(j) to confer or revoke Honorary Degrees of the University.

(6) **Delegation of Powers of the Council**

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.

....

8. **OFFICERS OF THE UNIVERSITY**

(1) The Rector

(a) The Rector of the University shall be appointed by the Council.

(b) The Rector shall hold office for such period and on such terms and conditions as the Council shall determine.

(c) Subject to the provisions of the Charter and these Statutes, the Rector shall be responsible for ensuring that the objects of the University are fulfilled, for maintaining and promoting the efficient and proper management of the affairs of the University, and for such other duties as may be prescribed by Ordinance or determined by the Council from time to time.

(d) Subject to any directions or limitations imposed by the Council, the Rector shall have power to delegate any powers and duties to any person or committee.

(2) Deputy Rector
The Council shall, on the recommendation of the Rector, appoint for such period as
the Council shall determine a Deputy Rector of the University who shall undertake
such duties as shall be assigned to him by the Rector.

(3) **Chief Finance Officer**

The Council shall, on the recommendation of the Rector, appoint for such period as
the Council shall determine a Chief Finance Officer of the University who shall
undertake such duties as shall be assigned to him by the Rector.

(4) **Senior Staff Members of the Council**

The Council shall, on the recommendation of the Rector, appoint the 4 Members of
the Council appointed from the senior staff of the University under Statute 3(1)(a).

(5) **Clerk to the Council**

The Council shall, on the recommendation of the Rector, appoint a person to act as
Clerk to the Council, with the responsibility of providing the necessary secretarial
services for the Council.

(6) **College Secretary**

The Council shall, on the recommendation of the Rector, appoint a person to act as
College Secretary who shall undertake such duties as are assigned by the Rector.

(7) **Other Officers**

The Council may, on the recommendation of the Rector and in accordance with such
Ordinances as are deemed appropriate, designate other College posts as College
Officer posts to discharge such responsibilities and duties as shall be assigned to them
by the Rector.
ANNEX 8

IMPERIAL COLLEGE LONDON
ORDINANCE A3

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

SENIOR STAFF MEMBERS

1. The four 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 and the Principal of the Business School.

2. In accordance with Statute 8(4), the Faculty Principals and the Principal of the Business School will be appointed by the Council, on the recommendation of the Rector. The selection panels for these posts will normally include one external member of the Council, appointed by the Rector in consultation with the Chairman.

3. The four members of the Council appointed from the senior staff of the University under the terms of Statute 3(1)(a) shall also be ex-officio members of the Management Board, as set out in Ordinance A10.

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. The elected staff member is an experienced Professor who, having been elected by the academic staff members of the University enjoys the confidence of his or her colleagues and may therefore be expected to act as a conduit for academic opinion which complements that coming through the normal management structure.

4. The persons eligible to stand for election to the Council are professors who are, or have been, elected Deans for a minimum of two years or who have been (but are not currently) heads of academic departments or medical divisions for a minimum of two years.

5. The electorate for the elected staff member of the Council shall be the academic staff employees of the University with the status of Professor, Assistant Professor, Associate Professor, Reader, Senior Lecturer and Lecturer but excluding Probationary Lecturers.

6. No later than the end of the Spring Term in the session preceding that in which a vacancy will occur, the Clerk to the Council shall invite nominations for election to the Council by notice in writing to all members of the academic staff eligible to stand for election. Each person nominated for
election to the Council shall be nominated by two members of the academic staff of the University, and nominations must reach the Clerk to the Council in writing by the closing date given in the notice, which shall be not less than three weeks from the date of that notice. The person nominated must confirm in writing by the closing date that he or she is prepared to stand for election.

7. If only one nomination is received to fill the vacancy on the Council, that person will be declared elected without a ballot.

8. If more than one nomination is received, a ballot will be held. The ballot notice shall include in each case only the candidate’s name and permanent appointment in the University (that is without civil honours, academic and professional qualifications or temporary University appointments), together with the names of the proposer and seconder. Included with the ballot notice will be a brief *curriculum vitae* in respect of each candidate. The ballot notice must state the closing date for the election, which shall be not less than three weeks from the date of that notice. The person to be elected shall be determined by the operation of the single transferable vote system.

9. As soon as possible after the closing date for the election, the Clerk to the Council shall inform the candidates, their proposers and seconders of the result which shall also be announced in a University Notice to be issued as soon as possible thereafter.

Approved by the Council 23 March 2007
Effective from 8 July 2007
Imperial College's current governance structure dates from 1998 and was introduced as a result of the merger with the Charing Cross and Westminster Medical School and the Royal Postgraduate Medical School and the resultant creation of the Imperial College School of Medicine (now the Faculty of Medicine).

Prior to this, Imperial College had a Governing Body, consisting of some 55 members, most of whom were appointed by external bodies such as the Crown, the University of London, the Royal Society, the City and Guilds of London Institute etc. The Rector, Deputy Rector and three other senior staff were ex-officio members and there were four elected members from the academic staff. The President and two deputy presidents of the Imperial College Union were also members. Finally there was provision for three external co-opted members. The Governing Body met four times a year, in November, December, March and June.

It was supported in its work by an Executive Committee (essentially a sub-group of the Governing Body consisting of 29 members), which met three times a year; in October, February and May. It was also supported in its work by a number of Governing Body committees with specific remits:

- Athletics Committee
- Audit Committee
- Estates Committee
- Fellowships Committee
- Finance Strategy Committee
- Health and Safety Audit Committee
- House Committee
- Investments Committee
- Nominations Committee
- Remuneration Committee

Academic matters were dealt with by the Board of Studies, the precursor to the Senate.

The Charter of 1998

In 1997 the Imperial College of Science and Technology merged with the Charing Cross and Westminster Medical School and the Royal Postgraduate Medical School and became the Imperial College of Science, Technology and Medicine. These mergers were enacted by the Imperial College Act 1997 (chapter ii) and resulted in the College being granted a Supplemental Royal Charter, the Charter of 1998. This Charter introduced the College’s current governance structure and created the Court, the Council and the Senate.

This new structure was broadly in line with best practice in governance noted in the Dearing Report on Higher Education, which was published in 1997 and with guidance produced by the Committee of University Chairmen (CUC). Sir Ron Dearing recommended that Governing Bodies or Councils should be small (ideally not more than 25 in number) and that institutions should ensure that the Governing Body or Council was the ultimate decision-making body,
with a Court taking a wider representative role, to inform decision-making but not to take decisions.

The College’s new Charter and Statutes confirmed that the new Council was the “the governing and executive body of the College” and its membership was reduced from 55 to 32. The Council now consisted of 15 internal members, including the Rector and Deputy Rector, 5 members of the senior staff and 6 elected members of the academic staff, and 17 external or non-executive members. In addition to the Chairman, the Council also had positions for a Deputy Chairman and an Honorary Treasurer, both of which were filled by external members of the Council.

The Court, which had very few powers, consisted of up to 156 members, most of whom were again appointed by outside bodies.

The Council now met six times a year, while the Court met just once, to receive the annual accounts.

The Senate replaced the Board of Studies as the body responsible for academic matters.

The Council Committees remained as before: Athletics Committee (subsequently renamed as the Sport and Leisure Committee), Audit Committee, Estates Committee, Fellowships Committee, Finance Strategy Committee, Health and Safety Audit Committee, House Committee, Investments Committee, Nominations Committee and Remuneration Committee. These were later supplemented with a Vacation Powers Committee and a Chairman’s Committee.

**Effectiveness Review - 2000**

In 2000 the Committee of University Chairmen published a report on the effectiveness of governing bodies in higher education. This report recommended that governing bodies should review their own effectiveness periodically (usually at least once every five years) and provided a template questionnaire to assist in the conduct of these reviews. In May 2000 the Council established a Governance Committee to conduct this review. The review was led by the Deputy Chairman, the Hon. Mrs Sara Morrison and reported its conclusions in October of that year.

Prior to the granting of the new Charter in 1998, it was recognised that the College’s governance arrangements had been rather rudimentary. However, the College was fortunate in that its post-1998 governance structure was still relatively new and had been created in the knowledge of best practice recommendations in the Dearing Report and elsewhere. This placed the College in a better position than some other universities. The review showed that, although there was much that could still be done to improve the Council’s effectiveness, a great deal had been achieved in the two years since the new Charter had been granted. The Review made four recommendations for improvement, all of which were implemented:

1. That an induction programme for new governors be developed to provide an introduction to their roles and responsibilities as governors and to include information on the College and the wider higher education sector.

2. That the performance indicators being developed for regular review within the College should be reported to the Council at least annually.
3. That the Finance Strategy Committee should be replaced by a new Finance Committee with specific responsibility to recommend the College’s annual budget for approval, monitor the College’s finances throughout the year and consider the Annual Accounts.

4. That the Health and Safety Audit Committee should provide a report to Council after each of its meetings.

**Effectiveness Review – 2004**

In December 2003 the Lambert Review of Business-University Collaboration was published. The Review was commissioned by the Treasury and was intended to consider the ways in which universities and business were collaborating on research and to make recommendations to help shape policy. The Review included a consideration of governance and management in universities and concluded that, although there were examples of best practice in management and governance across the sector with marked changes for the better in recent years in the way that universities were run, a renewed effort was required to ensure that both management and governance in universities were fit for modern times.

Taking the Lambert Review as a lead, the Acting Chairman of the Council, Dr Eileen Buttle, initiated a review of the effectiveness of the Council in May and June 2004. This Review confirmed that the role of the College’s governing body should be:

- To appoint the College’s most senior executive, the Rector;
- To approve its mission, strategy, business plans, and budgets;
- To establish and monitor systems of control and accountability; and
- To keep the performance of the College under review.

However, the review also concluded that the Council was not as effective a governing body as it should be, principally because it had too many members and too many persons in attendance at each meeting. Moreover, it was agreed that if it were a smaller body, and if the delineation between its role and that of the Executive were to be clearer, the number of its Committees could be markedly reduced.

The review included a number of far-reaching recommendations, all of which were accepted by the Council:

1. Membership of the Council to be reduced from 32 to 19, comprising an external Chairman, 9 external members and 9 internal (or staff) members (*i.e.* the Rector, the Deputy Rector, 5 senior staff members nominated by the Rector, an elected staff member and the President of the ICU).

2. The quorum for Council Meetings to be 10 members.

3. The post of Honorary Treasurer to be discontinued and its functions to be transferred to the Executive.

4. The Council to meet four times a year with the dates of meetings set annually for four years ahead.

5. Other College staff to attend Council Meetings only for specific agenda items as required by the Rector.
6. The Audit Committee to be restructured so that its membership was exclusively drawn from the Council and its remit extended to include oversight of the management of health and safety risks in the College.

7. The Remuneration and Nominations Committees to be combined, with a restructured membership drawn exclusively from the Council.

8. The House, Sport & Leisure, Fellowships, Finance, Health and Safety Audit, and Investments Committees to be disbanded as their functions had been assumed by the College’s management. However, the Council should nominate 2 of its non-executives to take part with the relevant management committee in the selection of candidates for Fellowships, Associateships and Honorary Degrees.

9. The Vacation Powers and Chairman’s Committees to be disbanded.

10. The Council to be more closely involved in the early development of College strategy and, to that end, it would hold an annual away day on strategic issues each Autumn.

11. The Court to remain in being in its present form.

These recommendations were fully implemented in January 2005, when the smaller Council of 19 members was introduced.

This structure was amended slightly in 2009 when the number of external members of the Council was increased to a maximum of 14, giving a total Council membership of up to 23 members.
1. The drafting of the College Strategy 2010-2014 has been completed and is attached. The Management Board has considered the document and commends it to the Council.\(^{1}\)

2. The Council is invited to review this draft and, if thought fit, approve the main body text.

3. All suggested schematics and illustrations presented in this draft along with the case studies may be developed further before final production.

**NEXT STEPS**

4. A final design and production plan will be agreed between the College’s Planning and Communications Divisions and implemented following Council approval, with a view to a launch and distribution of the document by September 2010.

5. The Council is asked to give the Rector authority to make detailed amendments that may be necessary between Council approval and publication.

KON
2\(^{nd}\) July 2010

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1. The draft College Strategy is not included with these Minutes as the College Strategy will be published separately.
OVERVIEW

1. Set out below is the consolidated budget for Imperial College ("IC"), which includes the University, the College Fund, the 50% shareholding in Imperial Innovations and all the wholly owned subsidiary companies.\(^{(1)}\)

2. Appendices 1 and 2 set out the details of the University budget and the College Fund budget, with a commentary and detailed financial numbers.

INTRODUCTION

3. The IC 2010/11 budget must be considered against the uncertain economic and investment backdrop, especially the continuing uncertainty over the impact on College of prospective cuts in government expenditure. Whilst the emergency Government budget was held on 22 June it did not reveal the details of potential cuts to College income, although it was announced that spending on education could be cut by up to 25% over the next 4 years. The full details of the impact on College will emerge over the autumn and winter as the Government announces details of the comprehensive spending review and then its 2011/12 budget, and as HEFCE work through the implications on their grants to the sector.

4. Notwithstanding this uncertain backdrop, the College is budgeting an operating surplus of some £37m, a reduction of £2m from 2009/10.

5. But in addition to this operating surplus, the College Fund is also budgeting to conclude a sale of a part of the Woodlands site, for the envisaged postgraduate accommodation, to realise a £19m exceptional profit. The total surplus of IC for 2010/11 is, including the deduction of the minority interest share in Innovations, therefore budgeted at £54m.

6. There are two key points to highlight. Firstly, within the University there is a deliberate move to invest more money in the academic mission by cutting budgets in support areas. This has allowed increased funds to be distributed to the Faculties and particularly for making specific investments in Natural Sciences and the Business School and provision for strategic academic investments of £5m. Secondly, as is to be expected against this backdrop, there are no new significant capital projects being funded on the IC balance sheet. Given this surplus and project picture, the net consolidated debt position is a relatively comfortable £10m, with a cash outflow of £4m.

INCOME AND EXPENDITURE

7. The detailed highlights (pg 4) are:

   a. Total income rises by 3%, compared to the 2009-10 forecast, to £703m.

1. The detailed College Budget is not included with these Minutes.
b. Research income rises by 3% to £296m with Research contribution rising by 2% to £57m.

c. The HEFCE grant falls by £2m to £172m.

d. Student fee income increases by 8% to £126m, with overseas student fee income up by 10% to £85m. It is worth noting that student fee income now comprises nearly 20% of the College's total income, of which overseas student fees equal 12% of total income.

e. Expenditure rises by 3% year on year. Central costs, primarily Support Services and Academic Services, reduce by 2%. This has enabled a 4% increase in Faculty recurring expenditure (pg 4).

f. There are investments which are budgeted and planned totalling £5m in FoNS and £1.6m in the Business School. This however includes redundancies of £1.9m which will be provided for in the 2009/10 accounts, giving a net investment beyond this year of £4.7m.

g. The VAT increase from January 2011, arising from the Government’s 22 June 2010 Budget, has been factored into this budget and will cost College £1.5m in additional irrecoverable VAT. It was hoped that the 2011 increase in NIC would be reversed to help mitigate some of the VAT increase, but this will now not be the case despite the pre election debate.

h. The College Fund is budgeting an operating surplus of £1.0m, up from £0.1m this year.

i. A £5m contingency is included in the University budget. This is considered a prudent position to adopt when considering the risks outlined below and when the budget is viewed against the uncertain backdrop highlighted above.

**CAPITAL EXPENDITURE**

8. Total capital expenditure, both College and externally funded, is £88m which is broadly the same as in 2009/10. Of this, the College funded capital expenditure is budgeted to be £53m, an increase of £12m on 2009/10 due to the high proportion of total capital expenditure in the current year being funded by the HEFCE capital grant.

9. Within the £53m College funded capital, £28m is already committed, and projects totalling £14m have already been identified for the balance, including £9m for core infrastructure maintenance and £2m at Woodlands, including the demolition of the existing buildings. But very little further capital expenditure is envisaged and it is noteworthy that by the end of July 2011 there will only be 2 currently approved projects still to be completed.

**CASH**

10. Net cash outflow is budgeted to be £4m (pg 6), including cash generated from operations of £65m. There is a £14m outflow on working capital. This, on the face of it, is a concern. But in fact this size of outflows is principally caused by two one-off factors: the utilisation of the HEFCE capital grant advance and the reduction in the project creditor in the
balance sheet consequent on the reduction in the capital programme. Neither of these factors will recur.

RISK ANALYSIS

11. The risk analysis identifies a number of areas of significant uncertainty, balanced by elements of upside potential. For 2010/11, this analysis has more risk items than opportunities, reflecting both the challenges to deliver the cost savings in the operating budget for the University and the ongoing uncertainty over the future prospects for Government spending.

12. The downsides are analysed as follows:
   a. The budgeted HEFCE grant has been reduced by £1m to reflect the College’s likely share of the additional £82m of efficiency cuts already announced by HEFCE. The actual cut in our grant could be larger. Indeed there is a significant risk that HEFCE will cut the grant again in 2011 as the detailed reductions in Government spending are introduced.
   b. The national pay award offer is currently 0.4%. Local pay bargaining has now started with proposals to be tabled in early July. Our budgeted pay award rate is a 0.5% increase. This may not hold, particularly if the pensions issue causes an aggrieved reaction.
   c. The terms of trade on research grants may move against the College, adversely affecting the cash flow benefits generated from the previously growing figure for payments in advance. The increase in overseas and EU grants represent the biggest risk here.
   d. A weakening of sterling against the US dollar will hurt the cost base, for example on equipment, library periodicals and IT kit. The overseas student fee figure already assumes a weak sterling.
   e. The budget assumes price inflation of 3%, but analysis has shown that College inflation has tended to be higher than underlying CPI. If that rises sharply, as some but not all commentators fear, this will hurt IC.
   f. A reduction in spending by the NHS could flow over to the College, particularly on research grants from the NHS, on which the FoM Budget has a greater reliance than ever before.
   g. The planning permissions for both the master plan and the post graduate accommodation at Woodlands has yet to be secured. The exceptional profit in the College Fund is not, clearly, a certainty.
   h. Market volatility could reduce the returns generated on the investments held by the College Fund. There is no sign that the volatility of the last two years is going to abate soon; and the risk is that the College Fund investment management is less successful in the future than it has been in devising strategies and tactics to overcome this.
   i. Innovations’ share price could come under pressure in the light of the liquidity of the shares and the relative lack of a transparent market price discovery.
j. Costs relating to the reactor might rise significantly.

13. Upsides to the budget outturn do exist:

a. The cuts in government spending, as they impact on HE Institutions, may not be as adverse for Imperial College, relatively speaking, given a commitment to the science agenda.

b. Student fee income may yet again surprise on the upside.

c. The budget assumes no further HEFCE capital grants. This may be too pessimistic.

d. There is a track record of continued tight cost management which has led to expenditure often coming in below budget; and this gives confidence in the ability of the University to deliver a reduced non-academic cost base.

e. The budget includes £1m from commercial projects including the Singapore Medical School, and IP equity realisation from the Innovations portfolio. Other commercial opportunities may present themselves.

f. Imperial Innovations have had three significant investment realisations in the current financial year. With more in the pipeline, there could be more IP equity realisation money flowing into the College.

14. From the above analysis, it would seem reasonable to conclude that there are more tangible, likely downsides than upsides, and so a central contingency of £5m has been included in the budget.

CONCLUSION

15. The budgeted operating surplus, the curtailed capital expenditure programme and the tightly controlled cash flow are designed to achieve 3 things for the College: to safeguard academic activity, even if HEFCE’s grant is reduced again; to provide sufficient head room to cover the risk position; and to give the College time to consider and plan for its medium term future from a stable platform, whilst the overall financial outlook emerges over the coming months.

M.P.K
July 2010
PAPER G

RESTRUCTURING OF THE DEPARTMENT OF LIFE SCIENCES

A Note by the Principal of the Faculty of Natural Sciences

AIM

1. The Council is asked to review the Consultation Paper attached at Annex A, which outlines the proposal to restructure the “Plant and Microbial Sciences” and “Cell Biology and Functional Genomics” Sections of the Department of Life Sciences, Faculty of Natural Sciences. As a consequence of these proposals it is envisaged that 28 members of the academic staff may be at risk. These proposals are covered by Ordinance D11 of the University’s Statutes – The Dismissal of Members of Staff by Reasons of Redundancy, a copy of which is attached at Annex B.

BACKGROUND

2. The Department of Life Sciences wishes to change its organisational structure in order that the Department will remain internationally competitive in all major areas of research activity and in order to secure both the long-term financial position of the Department. Following a review of the research competitiveness and financial health of the seven sections that make up the Department, it is proposed that the “Plant and Microbial Sciences” and “Cell Biology and Functional Genomics” Sections will be deleted. Alongside this planned change to the existing structure, the Department plans to create a new Section “Integrative Cell Biology”. This will present a new area of research focus for the Department, in a field that is already a priority for a number of relevant funding bodies, and which is highly complementary to the Department’s and the Faculty’s existing activities and across the wider College. This organisational change will also necessitate some relatively minor changes in the Divisional structure of the Department.

3. A group meeting, which marked the start of formal consultation, was held with academic staff within the “Plant and Microbial Sciences” and “Cell Biology and Functional Genomics” Sections on 5 July 2010. Copies of the proposal document have also been forwarded to both local and national Trades’ Union representatives.

4. The Department of Life Sciences proposes first to offer voluntary severance terms to those staff who are directly affected by these proposals in the first instance. If any academic members of staff does not agree to the voluntary severance terms Council is asked to:

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

   b. 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 nominee to implement the selection process and subsequent proposed redundancies if the Rector or his nominee considers this appropriate following the comments and counter proposals gathered during the consultation period.
M.D

Annexes:

A. Consultation Paper
B. Ordinance D11 – The Dismissal of Members of Staff by Reasons of Redundancy
Department of Life Sciences

Proposed restructure of the Section of Plant and Microbial Sciences (PMS) and the Section of Cell Biology and Functional Genomics (CBFG)

1. Executive Summary

1.1. As a leading, research-intensive higher education institution, Imperial College London aims to deliver world-class training and research. In order to be academically successful and financially viable in the long term, therefore, one of the expectations of the Department of Life Sciences is that it is internationally competitive in all major areas of research activity.

1.2. To achieve this objective the Department needs to review its ongoing research activities in light of the wider environment, identify and invest in those areas where it considers it can achieve competitive strength, and disinvest from those areas where it considers it cannot realistically achieve such a position.

1.3. Following such a review, the Department has identified integrative cell biology as an area of research strength that it wishes to develop. The Department has also identified two areas where it considers its research performance is substantially below the level required with respect to both research competitiveness and financial performance. These two areas correspond with the Sections of Plant and Microbial Sciences (PMS) and Cell Biology and Functional Genomics (CBFG).

1.4. The Department therefore proposes to restructure the Sections of PMS and CBFG and create a new Section of Integrative Cell Biology. The new Section would incorporate the existing Section of Biophysics, and would be part of the existing Division of Cell and Molecular Biology.

1.5. The Department also proposes four focal research areas and five selection criteria for the new section. If the proposal were to proceed, the Department would collate information from the 28 core-funded academic staff in PMS and CBFG to assess the fit between the activity profiles of individual staff and these research foci and criteria. Redeployment to other units within the Department and the wider College would also be considered, where appropriate.

1.6. The Department intends to consult on this proposal over a two-month period and invites both comments and alternative proposals.
2. The need for change and the rationale behind the change

The prime drivers for change are an expectation from the College that the Department will be internationally competitive in all major areas of research activity, and a need to secure the long-term financial position of the Department of Life Sciences. Research competitiveness and financial viability are closely linked, with research and PhD funding typically contributing over 60% of the Department’s total annual income.

The College’s long-term strategy includes the aim to deliver world-class research and training. As part of this strategy, the College aims to be internationally competitive in all major areas of research activity. It is therefore necessary for the Department to identify and invest in those areas where it considers that it has competitive strength or may be able to realistically achieve such strength in the future, while disinvesting from those areas where it does not consider that it is realistically able to achieve such a competitive position.

In recent years, the Department’s ability to make investments to maintain and strengthen its competitive research position has been severely limited by a weak financial position relative to other units in the College. For instance, in the academic periods 2008/2009 and 2009/2010 the Department of Life Sciences had operating deficits of approximately £1.1M and £0.8M, respectively. Moreover, these deficit positions were incurred despite the allocation of substantial additional funding to the Department in the form of a ‘Flexibility Margin’ (£710k in 2008-2009; £635k in 2009-2010). For the 2010/2011 period the College has made the strategic decision to withdraw Flexibility Margin funding and instead encourage Departments to develop alternative plans for financial sustainability. For the period 2010/2011 the Department has a projected operating deficit of approximately £1.5M, even after identifying substantial further reductions in spending. Such a financial position seriously compromises the Department’s ability to sustain its ongoing research activities or develop new initiatives. It is therefore necessary for the Department to develop an academic strategy that will allow it to be both internationally competitive across its major research areas and financially viable in the College environment.

3. The options that have been considered

The Department has already taken a wide range of steps to strengthen its research activities, increase its income through both research and teaching, and reduce both salary and non-staff costs where appropriate.

With respect to research activity, the Department has made efforts to support ongoing research, facilitate the development of new research areas, and encourage involvement in new interdisciplinary research initiatives, including climate change, synthetic biology and imaging. It has also sought to facilitate applications for external funding to support research and diversify its research funding base.
Similarly with regard to teaching and training, the Department has increased the number of undergraduate (UG) students enrolled up to the maximum that can be accommodated in the available teaching space, and has substantially increased the number of postgraduate taught (PGT) students being trained through the introduction of new degrees and the expansion of existing degrees. It has also introduced premium fees on all of its postgraduate taught courses, as well as on overseas students' fees for both undergraduate students and postgraduate research students.

With respect to salary costs, the Department has previously participated in Faculty-wide schemes for Voluntary early retirement and Accelerated Turnover Payment (2009/2010), frozen a series of academic re-appointments (2009/2010), has not replaced a number of administrative and technical positions (2009/2010) and, in the 2009/2010 period undertook a substantial restructure of technical posts. Where possible, the Department has also moved staff costs from the core Department budget onto project funding. Taken together, these steps led to a decrease in total staff costs between 2008/2009 (£10,045k) and 2010/2011 (£10,022k), despite a number of institutional pay awards and increased employer pension contributions during this period.

The Department is also participating in the new College-wide cost-saving schemes, including voluntary additional holidays, sabbatical and personal refreshment leave, part-time working and it will continue to make use of natural wastage. However, while we anticipate that a small number of staff may wish to take advantage of these schemes, we do not consider that the cost savings will be sufficient to remove the need for the proposals described here.

The Department has also undertaken a wide range of measures across a number of years to reduce non-staff spend. These have included an absolute reduction in spending in many areas through rationalisation of activities, a contraction in space usage, increased recharging for services and facilities, and the movement of non-staff costs from the core Department budget onto project funding. Together, these measures have led to a decrease in non-staff costs between 2008/2009 (£1,761k) and 2010/2011 (£1,608k), despite inflationary pressure.

Taken together, these reductions in spending and increases in income have led to a significant within-year improvement of the Department’s financial position, but have not been sufficient to offset the combined impact of reductions in the College contribution to the Department, a series of institutional pay awards, and increases in employer pension contributions.

4. The proposals for change

The Department’s Strategy and Management Group has undertaken a review of the research competitiveness and financial health of each of the seven major cost centres in the Department. This review was ultimately based on the conclusions of the members of the Strategy and Management Group, but was informed using information for each cost centre on research activity in terms of both output and external funding support.
Based on this review the Department considers that the performance of two cost centres is substantially below that of the other cost centres with respect to both research competitiveness and financial performance. These two cost centres correspond with the Section of Plant and Microbial Sciences (PMS, Division of Biology) and the Section of Cell Biology and Functional Genomics (CBFG, Division of Cell and Molecular Biology). In coming to this opinion the Department took account of the fact that the research activities of both PMS and CBFG are substantially below those of the other cost centres in terms of both the academic impact of research output and the level of external funding secured. This pattern is illustrated in Appendix A using indices of the impact of research output and the level of research funding.

The Department also considered the teaching and administrative activities of each cost centre. In this respect the Department noted that both PMS and CBFG were engaged in a wide range of teaching and training activities and contributed substantially to the administration of these activities. However, having considered the overall relationship between research activity and teaching and administrative activity, the Department considered that the teaching and administrative activities of these two centres did not satisfactorily counterbalance their relatively low research competitiveness. The Department is nonetheless aware that, should the proposal proceed, it could have impacts on some aspects of teaching and training. The Department would therefore take any such impacts on teaching and training into full account when making decisions and would make every effort to mitigate the impact of any proposed changes on its students. The Department would also delay the implementation of any proposed changes in order to facilitate this mitigation process, to again minimise any impact on teaching and training. This approach is consistent with the Department's wider initiative to improve the link between research activities and teaching and training.

Given the pattern of research competitiveness and financial performance, the Department considers that its activities in PMS and CBFG are not internationally competitive in terms of their research quality and this seriously undermines ongoing academic activity and development in these areas.

The Department notes that there is variation in research competitiveness and financial performance within and among other cost centres. However, the Department considers that these issues can be addressed most effectively without restructuring these other groups. This is because other cost centres show a highly competitive research base upon which future developments can be built.

In a parallel exercise to reviewing the performance of the major cost centres, the Department's Strategy and Management Group has also identified an area of activity in which it wishes to establish a major research presence and believes that it is feasible to do so. The area in question is integrative cell biology, which is already a priority for a number of relevant funding bodies, and is highly complementary to the Department's existing activities in theoretical systems biology, infection and immunity, and microbial pathogenesis. A research focus in this area would also be complementary to activities in other Departments in the
Faculty of Natural Sciences, as well as those of the Faculties of Engineering and Medicine, such as the Centre for Integrative Systems Biology and the Institute of Systems and Synthetic Biology. A substantial new unit in this area would therefore strengthen the Department’s capacity to participate in major College initiatives in interdisciplinary projects, including the current initiatives in imaging and synthetic biology.

The Department therefore proposes to restructure the Sections of PMS and CBFG and create a new Section of Integrative Cell Biology within the existing Division of Cell and Molecular Biology. The new section would also incorporate the existing Section of Biophysics, which has complementary research activities and would be placed in the new unit unchanged. This organisational change would also necessitate some relatively minor changes in the Divisional structure of the Department (Appendix B). In addition to the Division of Cell and Molecular Biology, the other two Divisions in the Department would be the existing Division of Molecular Biosciences and the new Division of Ecology and Evolution which would be the new name and hierarchical position for the existing Section of Ecology and Evolution. The Division of Biology, which formerly comprised PMS and the Section of Ecology and Evolution, would no longer exist in the Department.

The Department proposes that this new section would concentrate on four focal areas of activity, as shown below,

Focal research areas for the Section of Integrative Cell Biology

(i) High-throughput platforms
(ii) Systems biology of model organisms
(iii) Functional physiology of microbes
(iv) Systems neurobiology

In order to ensure that the new unit would enhance the Department’s overall research competitiveness and financial viability, membership of the new Section of Integrative Cell Biology would be based on the following five criteria (stated below). Staff would be expected to meet the Research Activity (A) criterion and at least three of the other four criteria.

Selection criteria for Section of Integrative Cell Biology

(A) Research Activity. Members of the new unit would need an international research profile in one or more of the focal areas, demonstrated by a strong record of a leading role in recent publications in international peer-reviewed journals and attracting a substantial volume of citations.

(B) Postgraduate Research Training. Members of the new unit would have a proven record of successful supervision of PhD students in one or more of the focal areas, demonstrated by ongoing supervision, and recent graduation, of a set of PhD students.
(C) **Research Group Funding.** Members of the new unit would have a proven record in winning substantial funds to support a research group in one or more of the focal areas, demonstrated by a record, commensurate with experience, of a leading role in successful applications for major funding from research councils or equivalent sources of competitive external funding.

(D) **Undergraduate and Postgraduate Teaching.** Members of the new unit would have a proven record of substantive involvement in the Department’s UG/PGT teaching programs in areas relevant to one or more of the focal areas. This would be demonstrated by a record of achievement in the development, coordination and delivery of UG/PGT training, satisfactory student feedback, and participation in teaching-related administration where appropriate.

(E) **Professional activities.** Members of the new unit would have a demonstrated record of activities and national or international recognition appropriate to the field and level of experience.

When assessing the fit of the activity profile of individual staff members against these criteria, the Department would take into account the experience of staff and, where appropriate, the following factors: field of research activity; participation in applied areas of research; fellowships; sabbatical leave; part-time working; newly employed staff at the College; and the impact of non-professional commitments.

If, following the assessment of the fit of the activity profiles of individual staff members against these focal areas and criteria, staff are deemed to be at risk of redundancy, redeployment options would be considered. For example, within the Department there would be consideration of redeployment to other cost centres where the above criteria are met and the area of research activity corresponds with a focal research area of the other cost centre. Redeployment to other units in the College would also be considered.

If the proposal were to proceed and the Department were unable to fill all positions in the new section by incorporating existing staff from PMS and CBFG, the Department would advertise to recruit additional academic staff as appropriate. Any such recruitment would be based on the focal research areas and criteria equivalent to those described above and used when mapping positions across from the current structure to the proposed structure.

5. **Details of the current position including staffing structure**

There are 28 core-funded academic staff posts in the Sections of PMS and CBFG as shown in Appendix B. This total includes a number of academic staff posts where salaries are partly funded through the Department’s Office of Undergraduate Studies.

This proposed restructure is limited to core-funded academic staff because, in the Department’s view, it is the activities of this group of staff that largely
determine the research competitiveness and direction of the academic groups concerned. In this key respect, therefore, there is no overlap between the professional role of core-funded academic staff and the role of staff funded from other sources or in other job families.

The Department is nevertheless aware that the proposed restructuring and reorganisation of generally funded academic staff in PMS and CBFG may also have implications for other staff associated with these groups. Given the strong dependency of these other positions and activities on the academic base, the Department proposes to delay any decision on these other positions until the proposed academic restructure is complete. If these proposals are implemented and if they subsequently necessitate change that would impact upon any other staff, a consultation on the subsequent proposed changes would be undertaken with the potentially affected staff before any final decisions were made in relation to those particular staff.

Similarly, the Department recognises that, if it were to proceed, the proposed restructuring and reorganisation may also have implications for students, and teaching and other activities associated with PMS and CBFG. The Department would therefore take these factors into account when making any decisions and, if the proposal were to proceed, and would take steps to ensure that it maintains its high-quality teaching and student-related activities. Again, given the strong dependency of these activities on the academic base, the Department proposes to delay any detailed decision on these steps until any decisions relating to the academic structure are complete.

6. The benefits of these proposals

The Department considers that the proposed changes would lead to a significant increase in its overall research competitiveness and, in particular, an enhancement in the Department’s ability to exploit new opportunities in the area of integrative cell biology. This increased research competitiveness would also improve the Department’s ability to participate in, and benefit from, the College’s interdisciplinary strategic projects.

The Department also considers that these proposals would lead to a significant improvement in the Department’s financial position in the medium term. The Department anticipates that it would take approximately two years for the full financial savings resulting from the proposed change to come into effect. The Department considers that the proposed changes would be sufficient to enable the Department to achieve a balanced budget in the medium term and thereby enhance the Department’s capacity to make future investments to strengthen its competitive position.
7. The impact of not changing

The key impacts of not making the changes proposed here would be that the Department would not be able to invest in order to maintain its overall research competitiveness and would not be able to meet its financial target of a balanced budget. Together, these would seriously undermine the academic success and financial viability of the Department.

8. Consultation and timescales

The Department intends to consult on this proposal, and any alternative proposals, during the consultation period, with a view to reaching agreement. In light of the summer period, consultation will take place over 2 months, commencing on 5th July 2010 and closing on 6th September 2010.

Alternative proposals that will increase the research competitiveness of the Department and its financial position, from groups of staff, trade unions or individual members of staff are welcome and will be given full consideration. In addition, employees potentially affected will be able to attend individual consultation meetings to discuss the proposals and the potential impact upon them personally. Individuals may be accompanied by a trade union representative or work colleague during these meetings. It is recognised that staff may wish to have meetings as soon as possible and therefore a proposed schedule of meetings has been prepared (Appendix C). Staff should confirm with Jenny Thomas (Phone 020 7594 1733; Email: dolsconsultation@imperial.ac.uk) if they wish to attend the meeting at the specified time, or if they wish to reschedule for a more convenient time.

Following the consultation period, a final decision on the way forward will be made and a decision document will be issued detailing the decision with respect to the proposals put forward.

Should the proposed restructure go ahead, the Department would ask all academic staff in PMS and CBFG to submit information describing the fit between their activities and the focal research areas and criteria described above for the new Section. An academic review panel made up of senior members of the Faculty and Department management teams would assess all the submitted information and take decisions regarding membership of the new unit. Following this assessment it is proposed that, where there are members of staff for whom there is a clear match into the new unit, those staff would be advised of this. The remaining academic staff would subsequently be invited for individual interview with the academic review panel to assess whether the match is sufficiently high for membership of the new Section. The primary purpose of these interviews would be to follow up on information provided to describe the fit between the staff member’s activities and the focal research areas and criteria described above for the new Section. A member of staff from Human Resources would be present in all interviews and individuals may be accompanied by a trade union representative or work colleague. Once all the interviews had taken
place the academic review panel would then assess the match into the new unit. Members of staff would then be advised whether they would satisfactorily fit into the new unit or would be at risk of redundancy. Following this, there would be a time-limited opportunity for those at risk of redundancy to apply for voluntary severance, with priority being given to securing redeployment in the first instance.

The Department expects to make a decision on this proposal, and any alternative proposals, by the end of September 2010. Should the proposed restructure proceed, the Department anticipates that individual interviews with the academic panel will have taken place, and the individuals concerned will have been notified of the outcome, by early November 2010. Should it be necessary, the Department anticipates that any leaving dates would have taken effect by the end of July 2011.

Alternative proposals on these proposed post-consultation arrangements are also welcome and will again be given full consideration.

9. Redeployment, Redundancy and Early Retirement

Should the proposal go ahead, and should any employees be at risk of redundancy, staff from Human Resources will assist in searching for suitable alternative employment within the College. Retraining will be provided where this is appropriate, based on the roles available and the skills and aptitude of the staff involved. Where necessary, support will be provided for external job searches for staff, and the College will ensure reasonable flexibility in relation to attendance at job interviews and the use of College facilities to aid job search.

It is also recognised that some staff may wish to consider early retirement, independent of this process. If staff wish to discuss this option on a without prejudice basis they should contact Professor Ian Owens by emailing dolsconsultation@imperial.ac.uk or their Human Resources contact as set out in Appendix C.

10. The Method of Calculating Redundancy Payments

During the consultation period, for those staff potentially at risk of redundancy, pension figures and voluntary severance figures, together with statutory redundancy figures will be provided for comparison. The figures will be provided for information only, without any obligation to proceed with the arrangement for the member of staff or the College. The College's first priority is to secure redeployment to suitable alternative vacancies for staff at risk of redundancy. Given the potential for significant costs to be involved, any offer of voluntary severance would only be made with the agreement of the College.

The scheme for calculating voluntary severance is set out at Appendix D and it should be noted that it is discretionary and non-contractual. If the College agrees
that a member of staff can take voluntary severance, then a leaving date would be agreed with the individual, based on operational requirements.

If a member of staff is at risk of redundancy and cannot be redeployed and does not seek voluntary severance, then the College will consider compulsory redundancies in accordance with the "Change Management Policy and Procedure" (Appendix E) and the College Statutes (Appendix F). Compulsory redundancy would result in a statutory redundancy payment (as set out in Appendix 1 of the College’s “Change Management Policy and Procedure” – Appendix E).

11. Questions and Comments

Any questions or comments relating to the proposal, or requests for individual meetings, should be made using the following dedicated email address,

dolsconsultation@imperial.ac.uk

The Department also intends to create a dedicated site to provide information regarding the consultation, including answers to frequently asked questions (College log-on required).

Professor Ian Owens

Head of the Department of Life Sciences, Faculty of Natural Sciences

July 2010
Appendix A

Citations per head (04 to 10)
(Hollow bars: All papers. Filled bars: Top 5 papers as lead author)

Research income per head (07 to 10)
(Hollow bars: Principal investigator only. Filled bars: Principal or Co-investigator)
Appendix A: Notes

Indices

Citations per head (04 to 10): all papers
Mean number of citations per head to publications in ISI-listed journals between 2004 and 2010, according to Web-of-Science (accessed 20th June 2010).

Citations per head (04 to 10): top 5 papers as lead author
Mean number of citations per head to five most-cited publications in ISI-listed journals between 2004 and 2010 where the focal staff member is also first or last author on publication, according to Web-of-Science (accessed 20th June 2010).

Research income per head (07 to 10): Principal investigator only
Mean research income per head from research and PhD students between 2007 and 2010. For research grants, values are awarded values for grants held as principal investigator with start dates in June 2007 or later. Values include direct costs, indirect costs, estates costs, overheads and C-stream funding, with C-stream calculated as 35% of total award value for charity funding sources. For PhD students, each FTE student is valued at £30k per annum (£15k stipend + £15k fees) for the academic periods 2007/2008, 2008/2009 and 2009/2010.

Research income per head (07 to 10): Principal or Co-Investigator
Mean research income per head from research grants held as principal investigator or co-investigator between 2007 and 2010, with co-investigator funding weighted at 50% of full award value. Other details as for principal investigator only.

Cost center abbreviations

Ecol & Evol Ecology and Evolution
Plant and Micro Plant and Microbial Sciences
Biophysics Biophysics
Microb Path Microbial pathogenesis
Immuno & Infect Immunology and infection
Cell Biol & Func Gen Cell Biology and Functional Genomics
Mol Bio Molecular Biosciences
Department of Life Sciences
Current Structure

Council
9th July 2010

*Currently: 414 at Research & Education, Professor - Level E College-wide
180 at Research & Education, Reader - Level D College-wide
175 at Research & Education, Snr Lecturer - Level D College-wide
237 at Research & Education, Lecturer - Level C College-wide
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 (herein after “the Appendix”) shall apply to all staff to whom the Appendix applies, provided that in its application to those staff defined in subsections (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 to 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.

Approved by the Council 23 March 2007
Effective from 8 July 2007
This item constitutes a ‘reserved area of business’ as defined in the College Statutes. These state that:

“Student members of the Council, the Court and the Senate and of their Committees and of such other committees or bodies of the University as may from time to time be established shall not be entitled to participate in the consideration of reserved areas of business. Reserved areas of business shall be the appointment, re-appointment, promotion and any other matter affecting individual members of staff; the admission, re-admission and academic assessment of individual students; the appointment of examiners for individual students; the consideration of courses of study for individual students, including research projects; and discussion of the award of grants, scholarships and prizes for individuals. It shall be for the relevant Chairman to decide in any case of doubt whether a matter is one to which this Statute applies, and that decision shall be final. In respect of any item of business to which this Statute does apply, papers for consideration at meetings of any such bodies and minutes and other records relating to such matters shall not at any time be available to a student member.”

For this reason, the paper is not included with these Minutes.
BACKGROUND

1. Council approved in principle, at its 12 February 2010 meeting, that College should continue negotiations and finalise a Memorandum of Understanding (MOU) on the terms outlined.

2. At its meeting on 7 May 2010, attended by Professor Ritter, the Pro Rector (International Affairs) and Mr Charles Mallo, Director (Enterprise Projects), Council gave its approval for Imperial College to sign a non-binding MOU on the terms outlined in the paper that they presented. The purpose of this was for College to confirm its intent to enter a managing partnership with Nanyang Technological University (NTU) to create the Imperial College-Nanyang Medical School (ICNMS) in Singapore. It was noted that although the MOU would be non-binding, it contains substantial detail since Singapore will not sign an MOU until all key aspects of the final, binding, Collaborative Agreement have been established and agreed, which would also expedite the drafting of this final Agreement.

3. The part of the project relating to the terms for NTU, including infrastructure and delivery costs in Singapore, was approved by the NTU Board of Trustees on 24 May 2010.

4. The total project covering both Imperial and NTU components was formally approved by the Singapore Government at their Cabinet meeting on 2 June 2010.

PROGRESS

5. On 4 June, Imperial received confirmation from the Ministry for Education, Singapore, stating that:

   a. “The Singapore Government has given in-principle approval for the Nanyang Technological University (NTU) to establish a new medical school in Singapore, in partnership with Imperial College (IC), London.

   b. The medical school will offer a 5-year undergraduate medical degree awarded jointly by IC and NTU. The school will produce primarily clinicians and admit an annual intake of 150 students at steady state. Similar to how we fund our autonomous universities, the Singapore Government will provide the appropriate level of funding to support the development and operations of the medical school, including the partnership fees with IC.

   c. The Singapore delegation will be visiting London in early July to further our negotiations on the partnership scope and funding terms. Our colleagues have been working actively on both the draft Memorandum of Understanding (MOU) and Collaboration Agreement, which will be discussed with IC then. We also plan to discuss the modalities and date for signing the MOU, and will send a proposal to IC before we meet.
d. We are arranging for the decision to establish a new medical school in Singapore to be announced by our Prime Minister in August. I would therefore like to request that IC not pre-empt this announcement in the meantime.

6. Next steps. It been proposed that:

a. the MOU be signed by the Rector of Imperial and the Provost of NTU and exchanged by post in late July 2010;

b. the Prime Minister of Singapore will announce the new Imperial College-NTU Medical School in his National Day Speech on 22 August 2010;

c. the legally binding Collaboration Agreement between Imperial and NTU will be signed in Singapore on 23 August 2010. For Imperial, it will be signed by the Rector and witnessed by the Chair of Council, with the Principal of the Faculty of Medicine, Professor Steven Smith, in attendance as the Inaugural Dean of ICNMS. For NTU it will be signed by the Provost and witnessed by the Chair of the Board of Trustees.

ISSUES AND DECISIONS REQUIRED

7. It was originally anticipated that the Collaborative Agreement would be brought to the September meeting of Council for approval. However, this is no longer appropriate given Singapore’s proposed timetable.

8. The Collaboration Agreement is currently in draft form. Formal discussion on the content will take place 5-9 July 2010 when a delegation from Singapore visits Imperial, specifically for this purpose. It is therefore not possible to bring the final draft of this to Council at its meeting on 9 July 2010.

9. There is no further meeting of Council between 9 July and the proposed signed date of 23 August 2010.

10. It is therefore requested that Council establish a sub-committee to consider and approve the terms of the Collaborative Agreement, should the planned timetable outlined in paragraph 7 above be followed. If this is the case, the sub-committee would need to be convened in mid-August.
With the successful completion of the Eastside Student residences project in August 2009, three weeks early, and the building having been occupied for 6 months, the final Eastside Steering Board held on the 15th April 2010 resolved to make a summary report to Council.

This paper provides a final position on the cost of the Princes Gardens (Southside and Eastside) development and an overview of the lessons learned from the programme.

Council approved the funding for the Southside Hall of Residence (Minutes 25 and 35) on 11th February 2005 for the total project budget of £54.1m. The Eastside funding (Minute 5, ref Paper A item 29) for the sum of £64.04m was approved on 13th July 2007.

The final cost of the programme was £115.307m against the total approved sum of £118.14m, an overall saving of £2.833m. A breakdown of costs is provided in Appendix A.

The success of the development has manifested itself in a number of ways

a. Southside is of good build quality and Eastside is even better.

b. Despite being larger Eastside was completed quicker.

c. Certain changes to interior design were incorporated in Eastside, following lessons learned from Southside. These included:

   (1) More intimate kitchen layouts and sizing
   (2) More domestic feel to kitchens
   (3) Better temperature control to kitchens
   (4) Far less twin bedrooms (only 20 in Eastside) and the inclusion of premium rooms
   (5) Better privacy in the layout of twin bedrooms
   (6) Improved entrance design to improve security through preventing tailgating
   (7) Improvement in corridor ceilings and cable routes
   (8) Improvements in lighting arrangements to bedrooms
   (9) Improvements to shelving units

d. There were gains in the speed and efficiency of building on Eastside through

   (1) Greater pre-fabrication of concrete floor plates
   (2) Unitised curtain walling (albeit there were some teething problems with the supplier)
   (3) Additional tower crane
   (4) Disabled bathrooms built as pods (not in situ as in Southside)
5. The Southside scheme involved the first demolition of an existing post-war Grade II listed building, albeit an unattractive one. As a consequence, obtaining planning permission and agreement from English Heritage, the 20th Century Society and The Knightsbridge Association was a considerable challenge. The project was initially opposed by the Knightsbridge Association but at completion received a very warm response. During construction the issues raised by the Association were taken on board and both the College and Laing 'O' Rourke worked hard to address any concerns.

6. The decision to keep the same delivery team that designed and built Southside to go on to build Eastside was deemed highly successful. The benefits of this approach had been due to a number of factors, including:

   a. The team were very open in sharing and dealing with problems due to established relationships
   b. Lessons learned in design and delivery could be incorporated at an early stage
   c. NEC contract was deemed to have facilitated open dialogue
   d. Earlier involvement of Mechanical and Electrical contractor
   e. Solution orientated, non blame culture
   f. Early and high level of user engagement
   g. Active and reward sharing value engineering strategy
   h. Effective management and adherence to roles and responsibilities

7. The project included some particular challenges and it is worth noting them

   a. The need for the doctors and dentist practices to be kept fully functional
   b. The need to rebuild and relocate a significant ICT hub
   c. The proximity of the Mews houses
   d. The need to divert a Victorian sewer requiring a hand dug tunnel beneath the square
   e. Significant groundwater requiring a dewatering solution for the construction of Eastside
   f. Students being resident in adjoining buildings in both phases.

8. The visual impact of the redevelopment is unquestionably good and the manner in which the buildings conform to the scale and appearance of their surroundings front and back has been highly successful.

9. The development provides a high class service offering to the students of the College and gives something back to the community with the cafe/bar and shop being available for all to use.

10. Student feedback has been highly positive. In the Autumn Accommodation Services survey, which is conducted in all halls, 88.2% of students in Eastside rated the hall either good or excellent - see Appendix B. Both halls are proving enormously popular for bed and breakfast bookings during the 2010 summer vacation period.
## Appendix A:

**Summary**  
**Eastside and Southside Final Accounts**

<table>
<thead>
<tr>
<th>Original Budget</th>
<th>Final Cost</th>
<th>Under/(Over) Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastside</td>
<td>£64,040</td>
<td>£62,873</td>
</tr>
<tr>
<td>Southside</td>
<td>£54,100</td>
<td>£52,434</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£118,140</strong></td>
<td><strong>£115,307</strong></td>
</tr>
<tr>
<td>Description</td>
<td>Original Budget £'000</td>
<td>Final Cost £'000</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-----------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>1 Main Works</td>
<td>50,030</td>
<td>52,963</td>
</tr>
<tr>
<td>2 Enabling Works</td>
<td>128</td>
<td>95</td>
</tr>
<tr>
<td>3 Client Direct costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inc in 1</td>
<td></td>
<td>659</td>
</tr>
<tr>
<td>4 Sewer Diversions</td>
<td>741</td>
<td>838</td>
</tr>
<tr>
<td>5 Fees</td>
<td>3,721</td>
<td>4,308</td>
</tr>
<tr>
<td>6 Insurances</td>
<td>118</td>
<td>83</td>
</tr>
<tr>
<td>7 College Isolation costs</td>
<td>94</td>
<td>82</td>
</tr>
<tr>
<td>8 College Fit Out</td>
<td>1,090</td>
<td>1,369</td>
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<tr>
<td>9 Telephones</td>
<td>16</td>
<td>32</td>
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<tr>
<td>10 IT equipment</td>
<td>55</td>
<td></td>
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<tr>
<td>11 Court Catering costs</td>
<td>Inc in 1</td>
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<tr>
<td>12 Exceptional Client Contingency</td>
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<td></td>
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<tr>
<td>Inc in 1-</td>
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<td></td>
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<tr>
<td>13 a) Gleeds VAT assessment</td>
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<td>9</td>
</tr>
<tr>
<td>b) LOR VAT amount agred by IC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Temporary Medical centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 Decant/Recant</td>
<td>1,408</td>
<td>Inc in 21</td>
</tr>
<tr>
<td>16 Loss Residences</td>
<td>840</td>
<td>Inc in 21</td>
</tr>
<tr>
<td>17 GFF LOR</td>
<td>3,300</td>
<td>Inc in 1</td>
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<tr>
<td>18 GFF- Direct Costs</td>
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<td>Inc in 21</td>
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<tr>
<td>19 Direct Sewer</td>
<td>25</td>
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<tr>
<td>20 External Signage</td>
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<td></td>
</tr>
<tr>
<td>21 Running Costs</td>
<td>Inc in 15-20</td>
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<td>22 LOR Post Contract Variations allowance</td>
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<tr>
<td>23 Other College Direct Costs</td>
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<td>40</td>
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<tr>
<td>Further Costs inc. Client Contingency until</td>
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<td></td>
</tr>
<tr>
<td>24 end of Defects</td>
<td>110</td>
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<tr>
<td>25 VAT on defects 22 and 23</td>
<td>9</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>64,040</strong></td>
<td><strong>62,873</strong></td>
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</table>
Southside Final Account

<table>
<thead>
<tr>
<th></th>
<th>Original Budget £'000</th>
<th>Final Cost £'000</th>
<th>Under/(Over) Budget £'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
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<td>35,799</td>
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<tr>
<td>Demolition</td>
<td>1,341</td>
<td>1,341</td>
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</tr>
<tr>
<td>Enabling Works</td>
<td>991</td>
<td>991</td>
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<tr>
<td>FF&amp;E</td>
<td>336</td>
<td>336</td>
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<tr>
<td>Fees</td>
<td>7,095</td>
<td>7,095</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous/ Contingency</td>
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<td>378</td>
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<tr>
<td>Project Insurances</td>
<td>72</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td><strong>Total Scheme Cost inc FF&amp;E</strong></td>
<td><strong>46,480</strong></td>
<td><strong>46,014</strong></td>
<td><strong>466</strong></td>
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<td>Temporary Medical centre</td>
<td>1,410</td>
<td>1,058</td>
<td>352</td>
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<tr>
<td>Capitalised Decanting Cost</td>
<td>758</td>
<td>758</td>
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<tr>
<td>Internal Cost - Maintenance Department</td>
<td>90</td>
<td>90</td>
<td></td>
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<tr>
<td>Ground Floor Fit out</td>
<td>2,180</td>
<td>2,800</td>
<td>-620</td>
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<tr>
<td>Maintaining Linstead Services</td>
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<tr>
<td>Resident Public Relations</td>
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<td>59</td>
<td>-59</td>
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<tr>
<td>Letting fees/ Inducements</td>
<td>100</td>
<td>100</td>
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<tr>
<td>Subsidy for rental of Student Accommodation and Loss of Revenue for 2 year closure of Southside</td>
<td>2,302</td>
<td>2,029</td>
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<tr>
<td>Decant/Recant</td>
<td>710</td>
<td>474</td>
<td>236</td>
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<tr>
<td><strong>Total Project Cost</strong></td>
<td><strong>54,100</strong></td>
<td><strong>52,434</strong></td>
<td><strong>1,666</strong></td>
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</table>
Halls of Residence – Autumn Term Survey

Eastside Results

Linstead Hall

<table>
<thead>
<tr>
<th>54. How would you rate your first term’s stay in hall?</th>
<th>answered question</th>
<th>34</th>
</tr>
</thead>
<tbody>
<tr>
<td>skipped question</td>
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<td>7</td>
</tr>
<tr>
<td>Response</td>
<td>Response</td>
<td></td>
</tr>
<tr>
<td>Percent</td>
<td>Count</td>
<td></td>
</tr>
<tr>
<td>Excellent</td>
<td>44.10%</td>
<td>15</td>
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<tr>
<td>Good</td>
<td>44.10%</td>
<td>15</td>
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<tr>
<td>Satisfactory</td>
<td>5.90%</td>
<td>2</td>
</tr>
<tr>
<td>Poor</td>
<td>5.90%</td>
<td>2</td>
</tr>
</tbody>
</table>

Gabor Hall

<table>
<thead>
<tr>
<th>54. How would you rate your first term’s stay in hall?</th>
<th>answered question</th>
<th>33</th>
</tr>
</thead>
<tbody>
<tr>
<td>skipped question</td>
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<tr>
<td>Response</td>
<td>Response</td>
<td></td>
</tr>
<tr>
<td>Percent</td>
<td>Count</td>
<td></td>
</tr>
<tr>
<td>Excellent</td>
<td>48.50%</td>
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<tr>
<td>Good</td>
<td>36.40%</td>
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<tr>
<td>Satisfactory</td>
<td>12.10%</td>
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<tr>
<td>Poor</td>
<td>3.00%</td>
<td>1</td>
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</tbody>
</table>
Wilkinson Hall

54. How would you rate your first term’s stay in hall?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>59.60%</td>
<td>28</td>
</tr>
<tr>
<td>Good</td>
<td>31.90%</td>
<td>15</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>6.40%</td>
<td>3</td>
</tr>
<tr>
<td>Poor</td>
<td>2.10%</td>
<td>1</td>
</tr>
</tbody>
</table>

Eastside Overall

54. How would you rate your first term’s stay in hall?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>51.70%</td>
<td>59</td>
</tr>
<tr>
<td>Good</td>
<td>36.80%</td>
<td>42</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>7.90%</td>
<td>9</td>
</tr>
<tr>
<td>Poor</td>
<td>3.50%</td>
<td>4</td>
</tr>
</tbody>
</table>

All Halls

<table>
<thead>
<tr>
<th>Response Percent</th>
<th>Response Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>42.90%</td>
<td>331</td>
</tr>
<tr>
<td>40.40%</td>
<td>312</td>
</tr>
<tr>
<td>12.80%</td>
<td>99</td>
</tr>
<tr>
<td>3.90%</td>
<td>30</td>
</tr>
</tbody>
</table>
PAPER K

REPORT FROM THE COLLEGE FUND BOARD

A Note from the Chairman of the College Fund Board

BACKGROUND

1. The purpose of this report is to bring the Council up to date with the progress of the College Fund in for the Financial Year to Date, covering the 10 month period up to the 28th of May 2010.

YEAR TO DATE

2. At the consolidated level, the position of the College Fund is as follows

<table>
<thead>
<tr>
<th>Portfolio</th>
<th>31 Jul 09</th>
<th>31 May 10</th>
<th>YTD Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actual</td>
<td>Actual</td>
<td>£</td>
</tr>
<tr>
<td>Unitised Scheme*</td>
<td>£69.1m</td>
<td>£74.6m</td>
<td>£5.5m</td>
</tr>
<tr>
<td>Special Circumstances:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non Core Property</td>
<td>£89.7m</td>
<td>£117.1m</td>
<td>£27.4m</td>
</tr>
<tr>
<td>Long Term Debt</td>
<td>(£18.0m)</td>
<td>(£21.0m)</td>
<td>(£3.0m)</td>
</tr>
<tr>
<td>Woodlands Loan</td>
<td>-</td>
<td>(£20.0m)</td>
<td>(£20.0m)</td>
</tr>
<tr>
<td>Net Property</td>
<td>£71.7m</td>
<td>£76.1m</td>
<td>£4.4m</td>
</tr>
<tr>
<td>Imperial Innovations</td>
<td>£98.8m</td>
<td>£145.5m</td>
<td>£46.7m</td>
</tr>
<tr>
<td>Total</td>
<td>£239.6m</td>
<td>£296.2m</td>
<td>£56.6m</td>
</tr>
</tbody>
</table>

* After Distributions and Net Additions

SPECIAL CIRCUMSTANCES PORTFOLIO

3. Imperial Innovations – Innovations has continued to perform strongly. The share price was 482.5p at the end of May 10; this is an increase of 47.4% from the position at the end of the last financial year (327.5p). Since the last meeting of the Board, Innovations announced the successful sale of Respivert to Johnson and Johnson for £9.5m in cash. This represents an impressive 4.7x return on the three year investment term for the Company. Following from the Thiakis deal, this provides further evidence that the model in place for the exploitation of the College’s IP is reaching maturity.

4. Operational Property

   a. 52 Princes Gate – Imperial Innovations have taken possession of the commercial accommodation set out over the basement and first three floors of the building under a 10 year FRI lease. The lease is subject to an initial discounted rent of £225k per annum, but will move to market rates after the first three years. The residential accommodation on the top floor is currently being marketed through Savills. In addition Enfranchisement proceedings have commenced with a formal notice having been served on the freeholder. This will be validated on 4th August and
then be subject to determination and a valuation assessment.

b. **Residential Portfolio** – All of the Fund’s operational residential properties are let or under offer. This covers 29 properties in South Kensington delivering annualised gross revenues of £1.4m per annum; 28 properties in Kent delivering £150k per annum; and three properties in Ascot delivering £75k per annum.

5. **Development Properties** – **Wye Residential** – Progress is being made on the three Wye residential properties currently being developed at Wye (Edward Partridge, Old Flying Horse and Old Vicarage), which are on target for completion by the end of this calendar year. A contract to build out Coldharbour house has also now be added to the programme. This is a high profile building on the edge of the Area of Outstanding Natural Beauty that has been vacant and derelict for a decade. Planning to convert into 5 flats was achieved last year, and with savings secured through negotiated tender, the scheme will deliver a 12% development profit and a c.8.5% Net Return on Capital Employed.

6. **Planning Schemes** – Progress continues in relation to the following projects:

a. **Withersdane, Wye** – The scheme to create c.200,000 square feet of residential care accommodation at the Withersdane site continues. The planning application for the conversion of the site to a continuing care facility was submitted to Ashford Borough Council in early January 2010. A planning decision was due in May, but the Council have delayed and breached the period for determination. The Fund now has an option to either await the decision of the planning authority, or to appeal on the grounds of non-determination. It is advised that it is always preferable to appeal against a specific decision than to move into an effective full reconsideration. However, if the breach continues without any clear attempt by the planning authority to reach a determination an appeal will be necessary.

b. **Fisher Hall, Evelyn Gardens** – Concept proposals have been taken forward with the Wellcome Trust (the freeholders) to create a residential care facility at the Fisher Hall student residence in Evelyn Gardens. The plans have been submitted as a formal planning application to the Royal Borough of Kensington and Chelsea for consideration. This would convert the existing hall into 25 sheltered housing units, in a ‘care hotel’ style development. Pre-application discussions have indicated that the scheme will be viewed in a positive light by both councillors and officers. This scheme is the first foray into dealing with the longer term future for the College’s interests in Evelyn Gardens. We are aware that with just 39 years remaining on our lease we need to secure changes to the existing position in order to protect our asset value. However, this needs to be taken forward in the context of the College’s Undergraduate Accommodation strategy which currently cannot cope with the loss of a total of 600 bedspaces in this area without an agreed approach for reprovision.

c. **Pembridge Annex** – The revised scheme for 1 house and 13 residential apartments is intended to go forward as a planning application in July 2010. The two major areas of concern for the proposal are the impact of Sunlight/Daylight on the retained element of the site (the three buildings on Pembridge Gardens that continue in student usage) and the application of emerging policy in relation to affordable housing. On the first point, the Building Research Establishment (BRE) who determine the interpretation of the regulations on Daylight/Sunlight are providing a specific report on the scheme to demonstrate that measurements support the argument that the plans are not detrimental to the retained buildings. On the second issue a detailed Toolkit appraisal has demonstrated that the imposition of revised affordable housing protocols would move the scheme outside of viability. The Fund
will be taking forward both points with RBKC to ensure there is an understanding on the way forward at the point of application. Subject to these variables, the revised scheme provides a good blend of properties, with a single end of terrace house and 13 one and two bed apartments. The involvement of ISG (who constructed Cornerstone) through the design phase has ensured that construction issues are considered up front, and they are committed to delivering a fixed price for the works.

d. **Farmhouse at Silwood: Access Road** – Windsor and Maidenhead granted permission for a new access road for the Farmhouse on 23 June. This route is critical for ensuring that the Farmhouse is genuinely independent from the rest of the College’s property at Silwood, and will now be built out over the next three months.

7. **Postgraduate Student Accommodation Schemes**

a. **Winstanley Road** – The hoardings for the Winstanley site have now been installed - branding the building as Griffon Studios and reflecting the central London location and quality of accommodation. Work continues on the frame, with a milestone review at the end of August to determine whether Phase 1 can be delivered early, and therefore be available for the 2011/12 academic year. A studio mock-up has been prepared by Berkeley First and is currently undergoing modifications following a site visit to ensure it delivers the high end quality demanded. The details of the ‘Residential Services’ contract are now being worked out with a preferred partner in order to fix the operating cost for the first three years. In relation to Phase 2, a planning application will be submitted on 1 July for the demolition and redevelopment of a former Children’s Home adjoining Winstanley Phase 1. The 6-storey development would lead to a further 114 postgraduate studios and be similar in design to the main site. It would also share the same communal facilities including common room, gymnasium and a library. It is intended that the planning application will reach the September planning committee at Wandsworth.

b. **Woodlands Postgraduate** - The detailed design for the Postgraduate Scheme, including nine residential units, has been completed so that a detailed planning application for Phase 1 can be submitted in the first two weeks of July in order to reach the October Committee meeting in Hammersmith and Fulham. The Postgraduate Scheme will deliver 608 studios and twin apartments and the cost plan has been updated to confirm that, including exceptional items, the overall development cost will support a £20m land acquisition price and a 20% IRR on the development delivery assuming that the September 2012 target completion date is achieved.
UNITISED SCHEME

8. Performance – The Unitised Scheme moved marginally behind the five year rolling target of a 4% real return against RPI as May delivered a negative return of 2.4% and the RPI figure moved up to 5.3% thus requiring an annualised absolute return of 9.3% to keep pace. The five year performance chart is set out below:

![Performance Chart]

9. Asset Allocation – No tactical changes have been made to the Asset Allocation position since the last time the Board met. The bias towards the US Dollar and away from Sterling has continued to provide underlying support for the Unitised Scheme and has certainly kept volatility lower as there is a correlation between risk appetite and Dollar weakness. The asset allocation position at the end of May 2010 was as follows:
<table>
<thead>
<tr>
<th>Asset Class</th>
<th>Strategic</th>
<th>31 May 2010</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Global Equities</td>
<td>55%</td>
<td>56.8%</td>
<td>+1.8%</td>
</tr>
<tr>
<td>Alternatives</td>
<td>20%</td>
<td>15.0%</td>
<td>-5.0%</td>
</tr>
<tr>
<td>Property</td>
<td>10%</td>
<td>25.2%</td>
<td>+15.2%</td>
</tr>
<tr>
<td>Cash</td>
<td>15%</td>
<td>3.0%</td>
<td>-12.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
<td><strong>100%</strong></td>
<td><strong>nil</strong></td>
</tr>
</tbody>
</table>

**BUDGET AND PLAN**

10. The Budget and Five Year Plan for the College Fund has been approved and included in the College’s consolidated submission that will be received by the Council under separate cover at this meeting.

**GOVERNANCE**

11. The College Fund Board held its third Annual General Meeting for Unitholders on 29th June. The meeting set out the highlights and performance over the last twelve months and provided greater detail on the Postgraduate developments set out earlier in this paper. The notes from the meeting, along with a copy of the presentation will be provided on the College Fund’s website for future reference.

SN
June 2010
1. Under the Code of Practice between Imperial College and Imperial College Union, the Union is required to table an annual report to the Council, demonstrating that we are meeting our legal obligations with regards to fair elections and appropriate financial management.

2. This has historically been in the form of a glossy Annual Report, presented at the July meeting of Council, with a description of the past year’s activities up until the start of June.

3. The accounts in this Annual Report have always been from the preceding year – the period of activities described does not match the period for the financial statements.

4. This year, we will be producing our Annual Report once our accounts have been audited and signed off by the Trustee Board, bringing the two periods covered in the report into alignment.

5. In lieu of a full Annual Report, which will be presented when the accounts for the 2009-2010 financial year have been approved, I am presenting a short summary of our activities during the year.
It has been a busy year at the Union, with a new management team, new facilities, new ideas and new plans. At the start of the year we appointed a new Operations Manager and moved into new offices on the second floor of the Union building, following the completion of Phase 2 of the building redevelopment. Our amazing new spaces for student activities were all open by Christmas, providing additional large rooms for students to shout and beat each other with sticks, amongst other club activities.

Students hate paperwork, so we have tried to reduce the barriers to running activities as part of Imperial College Union – we are great with clubs but have not always supported smaller groups of students doing good work in the community. This is why we introduced ‘Projects’, which are like clubs but intended for small, short-term student-run projects which benefit society, whether locally, nationally or globally.

The paint was barely dry on Phase 2 of our refurbishment when Phase 3 kicked off, as we put in place a £2.4m funding package to replace our tired bars and nightclub. We are very grateful for the support the College has shown to get the project off the ground. The feedback we have had about the project has come from a broad range of students, and we have listened to it all. I will not be around when it opens, but next year’s team will have an amazing nightclub and bar. For the first time in many years students will have direct control over events which are held in their nightclub, with student groups invited to submit formal proposals and the elected Entertainments Committee choosing which are accepted.

As part of our drive to spend more money on club activities and student representation, we are developing our conferencing brand to make maximum use of the building when students are not using it. We have had to take the difficult decision to cut funding this year, but hope the plans we have put in place for the next few years will allow that to be reversed in future. We cannot expect funding from central government and the College to increase, so we have to exploit our building and location to bring in external money, while ensuring that students can use our facilities when they need them.

Although lots of work has taken place on commercial services and student activities, we haven’t neglected our core function: representation. This has always been a less visible part of our work, as people only notice it when things are going wrong for them. For the first time we provided training and a handbook for student representatives and have documented the representation system and how it works.

Although we struggled at the start of the year, we’ve devoted time to postgraduate representation, embarking on a project to identify and communicate with postgraduate representatives who previously received little or no assistance from us (and many we didn’t even know existed). It’s only the start of bringing postgraduate representation to the same quality as our undergraduate system.

It has not been plain sailing all the way, and we haven’t achieved everything we set out to do, but it’s certainly been exciting. There’s been laughter and tears along the way, but it’s been worth it. We wish next year’s team the best of luck: there’s lots for them to be getting on with!

Ashley Brown
Union President 2009/10
president@imperial.ac.uk

imperialcollegeunion.org
1. Imperial College Union has undergone a number of changes over the past year, including a restructuring of the staff team and the formal composition of our representative structure.

2. In the light of this, we have made some revisions to our constitution to bring it into line with the practical changes which have been made.

3. On 7 June 2010, the Union Council approved a new Constitution implementing the changes described below. These changes have been ratified by our Trustee Board.

4. The detail of the changes is included after the summaries below.

5. **Welfare Campaigns Officer Removed**: The post of Deputy President (Welfare) has taken on more responsibility for welfare campaigns, while our Representation and Welfare Board has created new positions to replace this role.

6. **International Officer Removed**: The International Officer has been removed from Union Council and placed under the Representation and Welfare Board instead.

7. **Equal Opportunities Officer**: We have modified the job description to have explicit responsibilities for the oversight of RWBs individual campaign co-ordinators.

8. **Representation and Welfare Board**: The Board is given explicit oversight of our charitable and community action activities, and of budget allocation for representative activities within our Faculty Unions.

9. **Health and Safety**: Executive Committee and Trustee Board have explicit requirements to look at health and safety issues.

10. **Tidy-ups**: Last summer we replaced the General Manager position with an Operations Manager, however the constitution still refers to the General Manager.

11. **Wye College**: We have removed all reference to the Wye College Union Society and its officers.

12. **Disciplinary Regulations**: These have been tidied up to avoid duplication between our Trustee Board and Court.

13. **Royal School of Mines/ Constituent Unions**: The Royal School of Mines CSC has been renamed to the Royal School of Mines Union, and is explicitly constituted as a social group for students in the former Royal School of Mines departments, rather than a group for club and society chairs. It has operated in this manner for nearly ten years, so the constitution now reflects reality.
APPROVAL

14. The relevant sections of the Imperial College Union Constitution are attached at Annex A.

15. The College Charter sets out that “the constitution of the Imperial College Union, its governance, powers and functions and all other matters which the Council may think proper to regulate shall, subject to the provisions of this Our Charter, be approved by the Council”. This responsibility is further expanded in the Statutes which state:

“(3) Without prejudice to Statute 10(1), the Imperial College Union shall conduct and manage its own affairs in accordance with a constitution approved by the Council which shall be included in Ordinances. The Union shall present to the Council its audited annual accounts.

(4) Where the Council disapproves of all or any part of the Imperial College Union’s proposed constitution and the Union does not alter that proposed constitution in accordance with the Council’s requirements within three months from the date on which the Union is requested to do so in writing by the Council, the Council shall make such amendments to the proposed constitution as it thinks fit and the proposed constitution as so amended shall then be the Union’s constitution.”

16. The Council is invited to consider, and if its sees fit, approve the proposed changes to the Imperial College Union Constitution, which are intended to come into effect on the 1st August 2010.

A. Brown
June 2010
Imperial College Union Constitution

1. Name and Status
   1. The name of the students’ union referred to in this Constitution shall be the Imperial College Union, also referred to as “the Union”.
   2. The Union is an unincorporated educational charity, which the Imperial College Statutes state shall for all purposes be treated solely as an integral part of the University.
   3. The Union and its recognised clubs and societies may use the name and arms of Imperial College in their titles and in pursuit of their activities but they may not assign the privilege to any other individual, group, or company without the approval of the College Secretary or his or her nominee. In using the names and arms, the Union and its clubs and societies shall have due regard for Imperial College’s status and reputation.

2. Aims and Objects
   1. The aims and objects of the Union shall be:
      1. To advance the education of its members and promote, without prejudice, their welfare at all times.
      2. To promote and encourage the interest by students in matters outside the College curriculum, especially cultural, social and sporting interests.
      3. To represent the needs and interests of its members to Imperial College and external bodies.
      4. To provide or ensure a range of facilities which advance the interests of the students of Imperial College.
   2. In pursuing its aims and objects, the Union shall govern itself democratically and with regard to the principles of equality and diversity.

3. Membership
   1. The following persons shall be members of the Union, as provided in the following categories. Membership of the Union entitles the holder to make use of all its facilities, amenities and services.
   2. Full Members
      1. All registered students of Imperial College are Full Members of the Union.
      2. Only Full Members are entitled to receive any form of subsidy from the Union, or to participate in the government of the Union.
   3. Associate Members
      1. The Executive Committee may grant Associate Membership to College or Union staff, or to any Further or Higher Education student over the age of eighteen under such conditions as it may establish, entitling them to use the facilities of the Union.
   4. Life Members
      1. A person shall be entitled to become a Life Member of the Union upon payment of subscription if they have been:
         a. A Full or Associate Member of the Union for at least one academic year,
         b. A Research or Teaching Assistant for at least two academic years,
         c. A member of the full time Union staff for at least two years, or
         d. A member of the Imperial College staff for at least two years.
      2. Life Members may not participate in the government of the Union except where permitted under section 3.5.3.
      3. Life Membership shall be bestowed upon Lay Trustees, the Union Honorary Senior Treasurer and other Honorary Senior Treasurers without payment during their tenure.
      4. Honorary Life Membership may be awarded without payment of subscription by the Council.
5. Only Life Members of the Union are eligible for life membership of any constituent part of the Union.

5. **Government of the Union**
   
   1. Only Full Members are permitted to participate in the government of the Union, that is, standing for or holding office, voting in any election or meeting, or chairing a meeting of the Union, its Faculty Unions, clubs or societies.
   
   2. A person who is not a Full Member may only participate in the government of the Union as set out above if he or she is a
      a. Lay Trustee or member of a Trustees’ Committee,
      b. Life Member,
      c. member of the Imperial College staff, or an
      d. officer of an external student or electoral organisation,
     and in any case not a member of the permanent Union staff.
   
   3. They shall possess the rights and duties of Full Members only so far as it involves exercising the rights and duties of office and only in the following capacities:
      
      a. They are members of the Trustee Board, a Trustees’ Committee, the Executive Committee, Court, disciplinary or disciplinary appellate committee, or
      b. They are appointed as a returning officer, observer, scrutineer or member of an elections or referendum committee.
   
   4. An officer of an external student or electoral organisation may participate in the administration of an election under section 3.5.3.b, but not in any other capacity.
   
   5. No committee shall contain more than one member of the Imperial College staff, nor be chaired by one, unless acting as the Trustee Board Chair or a returning officer.

6. **Opting Out**
   
   1. Any student shall have the right not to be a member of the Union and signify that he or she does not wish to be represented by it.
   
   2. The Union shall liaise with Imperial College to ensure that any student exercising their right shall not be unfairly disadvantaged with regard to the provision of services by reason of having done so.
   
   3. A student opting out of membership of the Union is deemed to have opted out of membership of their Faculty Union, and may not participate in the government of either Union, club, society or other part thereof.
   
   4. A person who has opted out of membership of the Union may re-join with the permission of the Council.

4. **Affiliation**
   
   1. The Union has the right to affiliate to any organisation which furthers its aims, subject to a resolution of the Council.
   
   2. Such an organisation shall not be of a religious or political nature, however clubs and societies may affiliate to a religious or political organisation. The Union and any part of the Union may not knowingly affiliate to an illegal organisation.
   
   3. If the Union or its clubs and societies decide to affiliate or donate monies raised to an external organisation, they shall publish notice at Council of the decision stating the name of the organisation and details of any monies paid or donated to that organisation.
   
   4. The Union shall review the external organisations to which an affiliation fee has been paid or a donation given and report these annually by means of a published report.

5. **Officers of the Union**
a. The Trustee Board, Executive Committee, the Court, the Council or General Meeting,
b. Ten members of the Council, or
c. 100 Full Members of the Union.

8. **Executive Committee**

1. The Executive Committee shall be the paramount executive body and is responsible for the overseeing the general day to day management of the Union and co-ordinating the Union’s affairs.
2. The Executive Committee shall act only in furtherance of Union policy.
3. The Sabbatical Officers shall report to the Executive Committee those matters relating to their office and the Executive Committee’s remit.
4. The Executive Committee shall:
   a. Advance the aims and objects of the Union,
   b. Comply with and implement Union policy,
   c. Set operational policy when authorised by and in support of a particular Union policy,
   d. Oversee the day-to-day running of the Union and the co-ordination of its activities,
   e. Establish principles for the fair allocation of the resources available to the Union, after consultation with the Council,
   f. Allocate financial resources,
   g. Monitor financial performance against budget,
   h. Receive the audited annual accounts of the Union and report their findings to the Trustee Board and, for information, the Council,
   i. Monitor the performance of the trading outlets, services and retail facilities of the Union, and
   ii. Receive a report in respect of any incident affecting Health and Safety at the Union each ordinary meeting.
5. The Executive Committee shall:
   a. consist of the Sabbatical Officers and up to eight other individuals,
   b. have a quorum of six members, and
   c. meet at least every month during term time.
6. The Union **General Operations** Manager and the Honorary Senior Treasurer shall be permanent observers of the Executive Committee.
7. In matters of urgency, the Executive Committee may act on behalf of the Council with its authority in any matter except those requiring at least a two-thirds majority, provided all such actions are reported to and approved by the Council at its next meeting.
8. An emergency meeting of the Executive Committee may be called by:
   a. The Trustee Board,
   b. The Council,
   c. The Court,
   d. The President, or
   e. Three other members of the Executive Committee,
   with it meeting within two College days of being called.

9. **The Court**

1. The Court shall exercise paramount power over:
   1. The interpretation of this Constitution, its Regulations and any reserved matter, policy, rule, act or omission made under it;
   2. The administration of and resolution of any dispute in individual elections or referenda,
   3. Disciplinary matters, though not relating to staff or Trustees nor extending to dismissal in any other part of the Union,
   4. Its own administration.
2. The Court shall perform such other judicial, investigative or disciplinary roles as may be allocated to it by the Regulations or any policy or rule.
4. A motion for referendum shall relate to a single issue and have a ‘yes’ or ‘no’ resolution.

5. A petition for a referendum under 11.2.1 shall include names, years, departments and signatures or College identification numbers (“CIDs”) of the petitioners and shall be received by the President. The constitutionality of the petition must be resolved by the Court prior to the referendum proceeding.

6. No issue shall be put to referendum if it has already been put to referendum:
   1. in the current academic year if it concerns affiliation by the Union to an external organisation, or
   2. in the current or previous two academic years for any other issue.

7. The referendum shall be determined by simple majority. If less than fifteen percent of the Full Membership vote then the referendum shall be null and void.

8. Policy decided by referendum shall be immediately binding upon the Union, subject to any reserved matter, and supersedes any previous policy. Any policy resulting from a referendum may only be reversed by a referendum.

9. If a referendum results in a draw the motion subject to the referendum falls.

12. Committees of the Union
   1. In addition to the Trustee Board, Council, Executive Committee, and Court, there shall be the following standing committees of the Union:
      1. The Clubs and Societies Board,
      2. The Representation and Welfare Board,
      3. Clubs and Societies Committees,
      4. President’s Committees,
      5. Faculty Unions,
      6. Constituent and Campus Unions, and
      7. The Graduate Students’ Association.
   2. Delegation
      The Council, Executive Committee and the standing committees may establish and thereafter dissolve sub-committees and delegate powers to them or individuals save:
      1. that such establishment or delegation shall not affect the rights, powers or representation of any other standing or sub-committee or individual, and
      2. that a record of delegated power shall reported by the Chair of the delegating committee to the Council and retained by the President.

   3. All Union committees shall follow the standing orders and rules of procedure established in the Regulations.
   4. The chair or president of the standing committees shall be required to make such reports to Council as it may require, which shall be at least once per year.
   5. The provisions in 12.2 to 12.4 do not apply to the Trustee Board or the Court, which delegate under their own rules.
   6. The Sabbatical Officers shall be ex-officio:
      1. Non-voting members of clubs and societies and their committees,
      2. Non-voting members of the Faculty Unions and their committees,
      3. Non-voting members of the Constituent and Campus Unions and their committees, and
      4. Voting members of all other Union committees, except the Trustee Board, Court, disciplinary, disciplinary appellate, elections and referendum committees.

13. The Faculty Unions
   1. The Faculty Unions are the students’ unions for the respective Faculties of Imperial College and are integral parts of the Union.
   2. The Faculty Unions’ constitutions shall not contradict this Constitution, its Regulations nor Union or operational policy. Amendments to their constitutions require the approval of the Executive Committee, which shall either accept the amendments or refer them to the Council for consideration.

14. The Constituent and Campus Unions
1. The Constituent and Campus Unions are the students’ unions for the former Royal School of Mines and the outlying campus of Imperial College and are integral parts of the Union.

2. The Constituent and Campus Unions’ constitutions shall not contradict this Constitution, its Regulations nor Union or operational policy. Amendments to their constitutions require the approval of the Executive Committee, which shall either accept the amendments or refer them to the Council for consideration.

14. Finance

1. The President is responsible through the Trustee Board to the Imperial College Council for the finances of the Union.

2. The day to day administration of the Union’s finances shall be delegated by the President to a Deputy President with responsibility for finance.

3. The Council shall establish Regulations for the financial management of the Union, provided that no alteration to these Regulations shall take effect until approved by the Imperial College Council on the recommendation of the College Audit Committee.

4. The Union’s accounts shall be approved by the Trustee Board and the College Audit Committee prior to approval by the Imperial College Council, and made available to the public.

5. There shall be a Union Honorary Senior Treasurer appointed by the Council and approved by the Rector, who shall specifically approve the Union’s budget and monitor expenditure on behalf of the Imperial College Council, and exercise other duties established in the Financial Regulations.

6. In so far as it furthers the aims and objects of the Union, the Union may accumulate financial reserves to invest in capital projects.

15. Elections

1. Elections shall be fairly and properly conducted under the terms of the Education Act 1994 and in accordance with the procedures in the Election regulations.

2. Only Full Members of the Union may vote in Union elections. Further restrictions may apply for certain Union positions as detailed elsewhere in the Constitution and Regulations.

3. All candidates for election, their proposers and their seconders must be Full Members of the Union. Further restrictions may apply for certain Union positions as detailed elsewhere in the Constitution and Regulations.

4. All Full Members of the Union may stand for and vote in Sabbatical Officer and Felix Editor elections, which shall be by College-wide secret ballot.

16. Personnel

1. The President, as advised by the Union General Operations Manager, is responsible to the Trustee Board for the appointment, management and discipline of the Union staff.

2. The Council shall establish by Regulation a Staff-Student Protocol setting out the divisions of responsibilities between the staff and elected officers, to promote the democratic structure of the Union and its integrity as an employer. It shall be responsibility of the President to clarify and enforce this protocol, unless the Court or Trustee Board is meeting, in which case it is the responsibility of its chair to do so.

17. Discipline

1. Misconduct in the Union is dealt with in the following ways depending on the individual concerned:

   1. Misconduct, negligence or failure to maintain the confidence of the Council by Officers of the Union and others holding elected or unpaid appointed office in any part of the Union or misconduct by members of the Court may be dealt with by the Council, its committees or the Court under Regulations; this may include censure, suspension or dismissal. Those holding sabbatical office or
A. Duties of the Trustee Board

1. The Trustee Board shall be the sovereign and governing body of the Union and shall exercise all the powers of the Union, subject to the provisions of the Constitution and Regulations.

2. The Trustee Board shall further the aims and objects of the Union with the assistance of the Council.

3. The Trustees shall act where possible in consultation with the Council.

4. The Trustee Board shall be responsible in particular for:
   1. The Union's long term objectives and strategy,
   2. The Union's operating and capital expenditure budgets and any significant changes in them,
   3. Strategic oversight of the Union's operations (both voluntary and commercial), including competent management, sound planning, adequate systems of internal control, adequate accounting, risk management and compliance with statutory and regulatory procedures,
   4. Personnel, particularly strategic re-organisations,
   5. Health and safety,
   6. Investment or borrowing of Union funds, and
   7. Reviewing performance in light of the Union's strategic direction.

5. The Trustee Board shall:
   1. Approve the Union’s Annual Report and accounts,
   2. Approve any significant change in accounting practices,
   3. Approve any major capital project and contract which is significant strategically or by its size, and
   4. Approve the remuneration of the Sabbatical Officers and Union General Operations Manager, and
   4.5. Receive an update on Health and Safety related incidents concerning the Union at every meeting.

B. Appointment of Trustees and Chair

6. The composition of the Trustee Board is established in the Constitution.

Trustees
7. The Trustees ex officio shall be appointed automatically as Trustee upon taking office in the position deriving Trustee status.

8. The Student Trustees (that is, those referred to in section 6.3.4 of the Constitution and excluding Trustees ex officio) shall be elected by and from the Full Membership under the Election Regulations concurrently with the sabbatical elections.

9. The Lay Trustees, who shall be natural persons, shall be appointed by the Council for a term of up to three years, which may be renewed until they have served for six years.

10. One Lay Trustee shall upon initial appointment be a member of the Imperial College Council, not employed by the College.

11. A term of office as Student or Lay Trustee starts by default upon the 1st August.

Chair
12. The Chair of the Trustee Board shall be elected by the Board for a term of one year following the 1st August. A term may be renewed.

13. The Chair shall not be one of the Trustees ex officio.

14. If the Chair is absent at the start of a meeting, the Board may nominate a replacement for that meeting (which may include a Trustee ex officio but not the President).
1. By the President of authority delegated to him or her, in the President’s discretion, and
2. To the Secretary in relation to his or her duties as Secretary.

33. The following matters shall not be delegated:
   1. The appointment of the Chair and Secretary,
   2. The approval of the Union’s accounts,
   3. A capital project or contract valued in excess of one million pounds,
   4. The removal of a Trustee, including an ex officio Trustee, Sabbatical Officer or Felix Editor, or
   5. Any other matter determined by the Trustee Board.

34. The following matters may be delegated but only to a Trustees’ Committee:
   1. Changes to the Constitution or Regulations,
   2. An appeal from a determination of the Union Court,
   3. The removal of a Sabbatical Officer (except the President) or other elected officer deriving employment from office, and
   4. Any other matter determined by the Trustee Board.

E. Trustees’ Committees

35. The Trustee Board may create sub-committees, known as Trustees’ Committees to consider any matter, and in doing so appoint its members, chair and secretary.

36. A Trustees’ Committee shall consist of a majority of Trustees, shall be chaired by a Trustee, and be composed of at least three members, at least one of whom shall be a Lay Trustee.

37. No person shall be a member of a Trustees’ Committee if they are disqualified from holding office as Trustee under any part of Part G except paragraph 43.1.

38. Trustees’ Committees shall be represented upon the Board by its chair. Any decision taken by a Trustees’ Committee shall be reported in writing to the Trustee Board.

F. Payments and conflicts of interest

Payments to Trustees

39. No Trustee except the President shall be remunerated but may be compensated for reasonable out of pocket expenses. Trustees who are Members of the Union may receive benefits due to any other Member of their category.

Conflicts of Interest

40. The Trustees shall declare their interests for the register in the same manner as Officers of the Union, though any dispute upon the registration of a Trustee’s interest shall be adjudicated upon by the Trustee Board Chair.

41. If a Trustee has any personal interest or interest in another organisation whose interests are reasonably likely to conflict with the Union, that Trustee must:
   1. Declare the interest,
   2. Withdraw from discussion unless expressly invited to remain, and
   3. Not vote, be present during the vote, or be counted in the quorum for any vote.

42. If the Trustee Board are considering an appeal from a determination of the Union Court then the Trustees ex officio shall not vote or be counted in the quorum.

G. Disqualification and removal of Trustees

43. A person is disqualified from holding office as Trustee if:
   1. He or she is a member of the Council, Executive Committee, Court, Clubs and Societies Board or Representation and Welfare Board (unless as a Trustee ex officio),
   2. He or she is a member of the Union permanent, part time or casual staff, except unless employed on a casual basis, or as a Professor of at least three years’ standing who is a member of the College Council
A. Jurisdiction

1. The Court has jurisdiction over and in the following areas within the Union:
   1. Interpretations,
   2. Administration and disputes in individual elections or referenda,
   3. Disciplinary matters, though not relating to staff or Trustees, or extending to
dismissal, (though it may review the propriety of dismissal proceedings),
   4. Union publications, in a role equivalent to that of the Press Complaints
      Commission,
   5. Inquiries,
   6. Reports and commentary upon proposed changes to rules, and
   7. Other such judicial, investigative or disciplinary functions as may be
      allocated by any policy or rule.

2. The Court shall not manage or exercise policy-making powers over any other part
   of the Union. The Court shall direct its own procedure, subject only to the Constitution
   and Regulations.

3. Issues or evidence which are confidential or sensitive are not thereby excluded from
   the Court’s jurisdiction.

4. The Court’s jurisdiction shall not extend to matters which are wholly staff matters as
   defined by the Staff Student Protocol. The Court may hear evidence and require
   evidence, documentation and items from members of staff in closed session which
   may involve staff matters, but only to the extent that it assists in determining any
   disputed fact or rule which is not a staff matter.

5. The Court shall interpret the meaning of the Staff-Student Protocol. Any such
   declaration shall only be made after the President or Union General
   Operations Manager has had the opportunity to make submissions or comments. The Court
   Chair or panel chair shall be responsible for clarifying and enforcing this protocol
   when the Court is sitting or in administrative matters relating to the Court.

6. The Executive Committee has jurisdiction to act in a role equivalent to that of the
   Press Complaints Commission in response to any complaint made by the Court or
   any member of it in a personal capacity. When doing so it may, in addition to its
   normal jurisdiction, make an order under paragraphs 40.10 and 40.11.

7. A determination of the Union Court may be appealed to the Trustee Board under
   conditions established by it (which may include excluding the right to appeal).

8. The Court may establish subordinate positions, tribunals or mediation panels under
   standing orders for any matter within its jurisdiction and delegate authority to them.
   Such tribunals or panels shall be wholly subject to the Court’s jurisdiction.

B. Membership

7.9. The Court shall consist of members appointed in the following manner:
   1. One member of each Faculty Union elected by the Council, each person
      being a Full Member of the Union,
   2. Three Full Members of the Union nominated by the Executive Committee
      and approved by the Council,
   3. Three Life Members of the Union nominated by the Executive Committee
      and approved by the Council,
   4. One member of the academic, academic-related or senior administrative
      staff of Imperial College, of a rank equivalent to that of Senior Lecturer or
      above, nominated by the Council and approved by the Rector.

8.10. Each member is of equal status to every other member. No member is the
      representative of any group within the Union or the College.
orders governing the directions for searches, the compulsion of evidence and production of documents or items following matters also require the approval of the Trustee Board:

0. Appeals within the Court or to the Trustee Board,
0. Regulating the directions for searches, the compulsion of evidence and production of documents or items,
23. Imposing restrictions how and by whom cases may be requested.

D. Commencement of a case

Cases

24. The authority of the Court under regulation 2.1 may only be exercised when in session or such other manner as provided for under standing orders.
25. A case may be requested by such people or bodies and in such circumstances as may be prescribed in standing orders.
24. A nominee of the Court Chair may, prior to a case being commenced, make any direction (including a specified compulsory direction) or interim order pending commencement, subject to standing orders.
26. Any person or the Court itself may request that the Court reconvenes to examine whether a determination or direction was or is being complied with.

-- Appointment of panels

29. When the Court is in session it shall be composed of a panel drawn from the membership of the Court.
30. A panel, unless it is one person sitting alone, must contain at least one Full Member of the Union. Standing orders may provide for panel chair’s action on its behalf in specified circumstances.
27. The appointment of a panel, once made, cannot be rescinded by any person or body outside the panel.
31. The Court may run one or more hearings in a case or dispense with them (under conditions established in standing orders). Hearings are held in public unless otherwise required.

F. Directions

32. The Court may make directions for the management of a case, administratively or in a hearing, subject to standing orders.
33. Such directions may govern the agenda, time limits, advance notice, adjournments of or bringing forward hearings, submissions or evidence received, agreement of facts, narrowing any contested issue, excluding irrelevant issues, consolidation or severance of cases, or any other matter. A direction may specify the consequences of a breach, and be subject to conditions.
34. The Court may make specified compulsory directions:
   1. Any person holding a post in the Union including staff may be required by direction to attend a Court hearing and answer questions.
   2. The Court may require the production of any document or item, or copies thereof, created or held by the Union or any person holding office including staff within it in their capacity as such.
   3. The Court may require the searching of any premises administered by the Union under the Code of Practice. Such a direction may only apply to the offices of permanent staff with the consent of the President or Union General Operations Manager.
35. A breach of a specified compulsory direction (which includes a lack of open candour in complying with it) may result in the Court making disciplinary referrals or penal orders. A breach of any type of direction may result in issues or evidence being excluded, further directions made, or a hearing being discontinued.

G. Hearings
The Court, in session, may run one or more hearings in a case and come to a determination, only dispensing with a hearing under circumstances set out in standing orders.

A hearing must be in public unless the Court directs it or part of it to be held in closed session. Reasonable steps shall be taken to inform any person or body who may be directly affected by any potential order of the hearing and its purpose.

The Court may choose to adjourn or discontinue a case without coming to a determination if necessary or expedient. The Council may require an inquiry to be discontinued.

**Determinations and reports**

A determination or report shall be made at the end of the case, unless it was discontinued.

The deliberations of the panel in coming to a determination or report shall be in closed session and remain permanently confidential. No person or body may instruct or influence any panel member in relation to a determination or report outside the hearing process. No panel member may abstain in a determination or part thereof.

The determination or report shall be public and available to any Full Member of the Union, and any other person whom it directly affects. Details may be redacted if necessary and in any event staff matters shall be omitted or anonymised.

An interim determination may be made by the Court. An interim determination, which may include interim orders, may be made before, during or after a case to which it relates.

A declaration becomes a binding precedent upon the Court, from which it can only depart in the interests of justice. The opinions of those in the majority, and the circumstances in which orders were made, becomes a persuasive precedent which may form a basis for future determinations.

**Orders**

In a determination, the Court may make no order, or make one or more of the following orders:

1. A declaration of what the Constitution, its Regulations and any policy or rule means, and its consequences,
2. Quash a policy, rule, decision, act or omission, or any part thereof, found to be unconstitutional or unlawful,
3. Suspend a policy, rule, decision, act or omission, or any part thereof, found to be unconstitutional or unlawful, until such time as may be specified,
4. Remit a decision back to a person or part of the Union with its opinion or ruling,
5. Require a committee or person which improperly avoided or dismissed a motion to reconsider it, and may set aside any time limit if fair to do so,
6. Summon an emergency meeting of any committee in the Union,
7. Mandate an officer, post-holder or committee to act in accordance with the Constitution, its Regulations and any policy or rule, or prohibit them from breaching it,
8. Refer any matter to the Trustee Board,
9. Replace the decision of a returning officer, supervisory authority, elections or referendum committee with any other that they would have been authorised to make,
10. Require or authorise a meeting in another part of the Union to be in open or closed session,
11. Propose a motion of censure or no confidence to the Council or any other committee entitled to pass it,
12. Censure Officers of the Union or others holding elected or unpaid appointed office in any part of the Union, when acting as a disciplinary tribunal, exercise such disciplinary or other authority as delegated by the Trustee Board,
13. Make a penal order,
14. Authorise a more senior budget holder to spend out of a subsidiary budget,
15. Declare that a publication complaint was upheld, dismissed or that sufficient remedial action was offered,
16. Order that a publication against which a complaint is upheld must print or publish the result and reasoning behind it with due prominence,
17. Make any order which the Press Complaints Commission is entitled to make in respect of a member publication, except for awards of money,
18. Make any other order which a Regulation, policy or rule permits, or
19. Make any order which is necessary or expedient to give effect to another order which the Court is entitled to make.

**Any order is discretionary.** The fact that a breach of a rule has been found does not require the court to make further orders. The Court may also make recommendations to any person or body.

**The Court may apply a time limit to any order, or make it subject to conditions.** An order in relation to any policy, rule, decision, act or omission may apply to a proposal or suggestion to implement the same.

**The Court may not make any order:**
1. Relating to any matter outside the jurisdiction of the Union under the Constitution and Code of Practice,
2. Requiring, in the opinion of the Court, the Union or any person to act unlawfully, including any contractual breach or tort,
3. Quashing or suspending a resolution of the Trustee Board or a Trustees’ Committee, or
4. In respect of any matter for which a time limit has expired under the Regulations or standing orders.

**The Court may not make any mandatory or prohibiting order:**
1. in respect of the Council,
2. in respect of a person’s choice of vote,
3. directly requiring any person to authorise or not authorise anything under the Finance Regulations,
4. upon a member of the Union staff; any such order being made upon the President instead, or
5. in respect of an act which a person with responsibility for Health and Safety in the Union reasonably declares would impose legal liability on them or the Union, and whose declaration is not countermanded by a more senior authority.

**If a proposal for a censure or no confidence is made, it shall be treated for all purposes as having been validly proposed to any committee entitled to hear it. Directions or orders may be made in relation to calling and scheduling the committee to hear it at any time which the Court may establish, though any such meeting must be held at least one week after the proposal is made.**

**A penal order may be imposed upon any constituent part of the Union apart from the Trustee Board, Council, Executive Committee, commercial services, individual members or staff.** It may include suspension, freezing of budget (subject to the President or Deputy President (Finance and Services) authorising expenditure for the performance of a legal obligation) and a prohibition on use of room bookings or other Union facilities.

**A penal order made in relation to a breach of a specified compulsory direction may apply to any constituent part of the Union allowable above, for which an individual breaching a direction is the chair, treasurer, secretary, other post-holder or member if the breach is relevant to that constituent part of the Union.**

**A penal order may be reduced or rescinded by the Trustee Board.**

**Appeals**

The Court may establish within itself a panel of appellate members. Standing orders shall govern the ambit and procedure for an appeal.

An appeal may be made within two weeks of the conclusion of any internal appeal process by and with the consent of the Union President or three Trustees to the Trustee Board if, and only if, the Court:

- Makes a final or interim order formally quashing or suspending for unconstitutionality any decision of the Council.
Makes a final or interim order relating to a reserved matter, or
Grants leave to do so.

The Trustee Board's appellate jurisdiction shall be subject to the following rules:
No appeal shall lie against a decision by the Court not to make a relevant order
as set out in 50.1 or 50.2, and
A decision having the effect of changing the determination must be reasoned and
reasons published.

Subordinate tribunals and mediation

The Court may establish subordinate tribunals or mediation panels under standing
orders for any matter within its jurisdiction and delegate authority to them. Such
tribunals or panels shall include at least one member of the Court and be wholly
subject to the Court's jurisdiction.

Mediation Board

The Mediation Board shall operate under the supervision of the Court as a mediation
panel, and may mediate in a complaint about Felix or any other Union publication or
media outlet. The Mediation Board shall be appointed and conduct its business
according to the Court standing orders.
Regulation Three - Officers of the Union

A. Officers of the Union

1. The Officers of the Union shall be the:
   1. President,
   2. Deputy President (Clubs and Societies),
   3. Deputy President (Education),
   4. Deputy President (Welfare),
   5. Deputy President (Finance and Services),
   6. Council Chair,
   7. President of the City and Guilds College Union,
   8. President of the Imperial College School of Medicine Students’ Union,
   9. President of the Royal College of Science Union,
   10. President of the Royal School of Mines Union,
   11. President of the Silwood Park Union,
   12. Arts and Entertainments Board Chair,
   13. Athletics Clubs Committee Chair,
   14. Graduate Students’ Association Chair,
   15. Media Group Chair,
   16. Overseas Societies Committee Chair,
   17. Recreational Clubs Committee Chair,
   18. Royal School of Mines Committee Chair,
   19. Silwood Park Union Chair,
   20. Social Clubs Committee Chair,
   21. Wye College Union Society President,
   22. City and Guilds College Union Academic Affairs Officer (Undergraduate Students),
   23. Imperial College School of Medicine Students’ Union Academic Affairs Officer (Undergraduate Years 1, 2 and Graduate Entry Programme Students),
   24. Imperial College School of Medicine Students’ Union Academic Affairs Officer (Years 3, 5 and 6),
   25. Imperial College School of Medicine Students’ Union Academic Affairs Officer (Year 4 and Biomedical Sciences),
   26. Royal College of Science Union Academic Affairs Officer (Undergraduate Students),
   27. Engineering Postgraduate Representative, Graduate Students’ Association Academic Affairs Officer (Engineering),
   28. Graduate Students’ Association Academic Affairs Officer (Physical Sciences),
   29. Physical Sciences Postgraduate Representative,
   30. Graduate Students’ Association Academic Affairs Officer (Life Sciences),
   31. Business School Postgraduate Representative,
   32. Graduate Students’ Association Academic Affairs Officer (Medicine),
   33. Medical School Postgraduate Representative,
29. Graduate Students' Association Academic Affairs Officer (Non-Faculty),
28. Life Sciences Postgraduate Representative,

29-30. City and Guilds College Union Welfare Officer,
30-31. Imperial College School of Medicine Students' Union Welfare Officer,
31-32. Royal College of Science Union Welfare Officer,

32-33. Community Action Group Chair,
33-34. Equal Opportunities Officer,
34—Welfare Campaigns Officer
35. Rag Chair.

2. International Officer
iii. Be responsible for identifying and informing College of student opinion on welfare issues and suggesting areas for development,
iv. Be responsible for representing the welfare needs of all students, including minority or under-represented groups to the College,
v. Be responsible for coordinating and publicising all campaigns concerning equal opportunities and welfare issues,
vi. Be responsible for maintaining and running a Welfare Network for the Welfare Officers of the Faculty Unions and other student bodies,
vii. Assist the President in enforcing the Union’s Equal Opportunities Policy,
viii. Liaise with Union and College staff as appropriate,
ix. Attend the relevant Union Committees,
x. Represent the Union on external committees as appropriate,
xi. Report to Union Committees as appropriate, and
xii. Negotiate other duties with the President.

15. Felix Editor shall be responsible to Council for:
i. The running and management of Felix in accordance with the Felix Constitution, the Code of Practice for ICU Publications, Annexe F of the Code of Practice and its other provisions for Union media, College Code of Practice (Freedom of Speech) and Section 43 of the Education (No.2) Act 1986 and any subsequent amendments of the above,
ii. The proper financial management of Felix and adherence to budget,
iii. Ensuring that the editorial responsibilities of fair play and honesty prevail whilst defending the concept of editorial freedom,
iv. The recruitment of such assistance as is necessary, from the student body of Imperial College in the first instance, and
v. Any inaccuracies appearing in Felix articles which have been presented implicitly or explicitly as facts.

E. D. Job Descriptions for Other Union Officers

16. The Presidents of the Faculty Unions and Constituent and Campus Unions, and the Chairs of the Club and Societies Committees, Graduate Students’ Association, Community Action Group and Rag Chair, in addition to any duties laid down by their respective Faculty Union, Constituent of Campus Union or committee, shall:
i. Represent the interests of their members at the appropriate Union, Faculty and College Committees,
ii. Be responsible for the development and preliminary interpretation of their constitutions,
iii. Be responsible to the Deputy President (Finance and Services) for all aspects of their union’s or committee’s finances,
iv. Be responsible to the Deputy President (Clubs and Societies) for the duty of care and health and safety of their members,
v. In the case of Faculty Union Presidents, Graduate Students’ Association Chair, the Overseas Societies Committee Chair and Silwood Park Chair, and Wye College Union Society President, be responsible to the Deputy Presidents (Education) and (Welfare) for the academic education and welfare issues of their members,
vi. Be accountable to Council for the activities of their union or committee, and
vii. Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee.

17. The Council Chair shall:
i. Chair Council and other relevant Union committees,
ii. Uphold the duties and responsibilities detailed in the Constitution and Regulations,
iii. Be independent and impartial in all proceedings and duties as Council Chair,
iv. Shall not sit as an ordinary member of the Executive Committee, Clubs and Societies Board or Representation and Welfare Board,
v. Act as a Trustee *ex-officio*, and
vi. Carry out such duties and responsibilities as may, from time to time, be laid down by the Council.

18. The **Equal Opportunities Officer** shall:
   i. Be responsible to the Deputy President (Welfare)
   ii. Be responsible for those issues which specifically relate to Equal Opportunities and organise relevant educational and training events and briefings, and report accordingly,
   iii. Co-ordinate activities with members of the Representation Welfare Board with responsibility for issues related to Equal Opportunities,
   iv. Sit on appropriate Union Committees,
   v. Represent the Union’s views on the relevant College Committees,
   vi. Assist the President in enforcing the Union’s Equal Opportunities Policy, and
   vii. Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee.

19. The **Graduate Students’ Association Chair**
The Graduate Students’ Association Chair shall, in addition to the responsibilities established in paragraph 15 and laid down by the Graduate Students’ Association:
   i. Be responsible for the effective representation both to the College and within the Union itself of students registered on postgraduate courses,
   ii. Be responsible for the effective co-ordination of the Union’s services to, and activities for, students registered on postgraduate courses,
   iii. Support postgraduate students’ involvement in all relevant areas of Union and College activity,
   iv. Liaise with Union and College staff as appropriate,
   v. Attend the relevant Union Committees,
   vi. Represent the Union on external committees as appropriate, and
   vii. Report to Union Committees as appropriate.

20. The **Welfare Campaigns Officer** shall:
   21. Be responsible for suggesting areas of interest to the Union that relate to welfare support,
   22. Be responsible for researching sources of information and implementing campaigns relating to areas of interest to the Union that relate to welfare support, and report accordingly,
   23. Be responsible to the Deputy President (Welfare) for the research and implementation of campaigns,
   24. Sit on appropriate Union Committees,
   25. Represent the Union’s views on the relevant College Committees,
   26. Implement welfare campaigns as determined by the Representation and Welfare Board, and
   27. Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee.

20. The **Faculty Academic Affairs Officers** shall:
   i. Be the academic representative to the Union and the College for the students in their Faculty or School,
   ii. Co-ordinate the activities of the other representatives in their Faculty or School,
   iii. Faithfully represent the views and experiences of the students in their Faculty or School to the following and any other committees, institutions and associations:
      a. Representation and Welfare Board
      b. Union Council
      c. The relevant Studies Committee and Faculty Teaching Committee for undergraduates or the relevant Graduate Schools committees for postgraduates,
iv. Feed back all relevant decisions and information to students in their Faculty or School,

v. Be responsible to the Deputy President (Education) for the academic representation of students in their Faculty or School,

vi. Hold meetings of a committee known as the Academic Officer’s Committee twice a term with all Department Representatives for that Faculty or School,

vii. Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee,

viii. Submit termly reports detailing all activity in their capacity as a representative to the Representation and Welfare Board.

— Be responsible for representing students’ views to the Union, College and other groups as necessary,
— Assist the Deputy President (Education) in the co-ordination of academic representation of Undergraduate students in the Faculty
— Represent the Union’s views on the relevant College committees,
— Attend the relevant Union committees,
— Be responsible to the Deputy President (Education) for academic representation of Undergraduate Students in the Faculty and,
— Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee.

The Postgraduate Representatives shall:
— Be responsible for representing Postgraduate students’ views to the Union, College and other groups as necessary,
— Assist the Deputy President (Education), Deputy President (Welfare) and Graduate School Association’s Chair in the co-ordination of academic and welfare representation of Postgraduate taught or research students in their Graduate School Department,
— Sit on appropriate Union Committees,
— Represent the Union’s views on the relevant College Committees,
— Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee.

29.21 The Faculty Welfare Officers shall:

i. Be responsible for suggesting areas of interest to the welfare representative to the Faculty and the Union that relate to welfare support for the students in their Faculty or School,

ii. Be responsible for researching sources of information and implementing campaigns relating to areas of interest to the Faculty and the Union that relate to welfare support, and report accordingly,

iii. Be responsible to the Deputy President (Welfare) for the research and implementation of campaigns,

iv. Sit on appropriate Union Committees,

v. Represent the Union’s views on the relevant College Committees,

vi. Feed back all relevant decisions and information to students in their Faculty or School,

vi. Implement welfare campaigns as determined by the Welfare Committee and Liaise with Departmental Representatives on welfare issues,

viii. Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee.

The International Students’ Officer shall:
— Be responsible to the Deputy President (Welfare)
— Be responsible for those issues which specifically relate to International Students and organise relevant educational and training events and briefings, and report accordingly.
— Facilitate an International Students Forum,
--- Support International Student involvement in Union and College activities,
--- Be responsible to the Deputy Presidents—(Education) and (Welfare) for the research and implementation of campaigns relating to International Students,
--- Sit on appropriate Union Committees,
--- Represent the Union’s views on the relevant College Committees,
--- Carry out such duties as may, from time to time, be laid down by the Council or the Executive Committee.

**F.E. Job Descriptions for Delegates**

**30.22** Delegates to the National Union of Students and University of London Union. Delegates elected to represent the Union to the National Union of Students (“NUS”) and the University of London Union (“ULU”) shall:

- Attend all Union relevant Union meetings and represent the views of the Union to NUS conferences and ULU meetings.
- Work with all other Union delegates to support motions that the Union Council believes further the aims, objects and policies of the Union.
- Work with all other Union delegates to prevent motions that the Union Council believes work against the aims, objects and policies of the Union from being passed.
- Be forbidden from joining any NUS or ULU political or religious faction.
- Where clarification is required on matters concerning Paragraphs 22.i to 22.ivi, the delegate shall seek and act upon the guidance of the President.

**31.23** Any NUS National Conference or other delegate who fails to attend the NUS National Conference, or other conference respectively without giving ten College days’ notice and a reason to the satisfaction of the President or, in the view of the Council expressed through a disciplinary motion, fails to fulfil the tasks outlined in paragraph 22 shall be disqualified from being elected to NUS Conference positions again.

**32.24** Any ULU meeting delegate who fails to attend two ULU meetings of which he or she is a delegate or member without giving five College days’ notice and a reason to the satisfaction of the President shall be deemed to have automatically resigned from their position and will be disqualified being elected to ULU delegate positions again on behalf of the Union.
Regulation Four - Elections and Referenda

A. General provisions

1. All elections in Imperial College Union, Faculty Unions, outlying campuses affiliated to the Union, Constituent or Campus Unions, clubs and societies shall be held according to these regulations.

2. In any Union rule, the word "election" or any derivative thereof shall mean an election under these regulations.

3. Only Full Members of the Union may participate or vote in any part of an election, though Life Members may act as returning officer.

4. All elections and referenda shall be conducted by secret ballot, except that an election held at a meeting with a single candidate (apart from New Election) may, if no elector dissents, proceed to elect summarily the person to office.

5. All elections shall be determined by Single Transferable Vote with Quota System as defined by the Electoral Reform Society.

6. The candidate ‘New Election’ stands fully nominated for every post.

7. The President is responsible to the College Council to ensure elections are fairly and properly conducted under the terms of the Education Act 1994.

8. In these regulations, "constituent part" means any committee (except the Council), Faculty Union, Constituent or Campus Union, club or society.

B. Eligibility to participate

9. All Full Members of the Union may stand and vote in an election unless otherwise prescribed. All Full Members of the Union may vote in a referendum.

10. No person holding sabbatical office may propose or second a candidate in an election, though all other Full Members of the Union may propose or second a candidate in an election, unless limited under sections 10 or 11.

11. The right to stand, nominate and vote in elections for the officers of the Faculty Unions, the Constituent or Campus Unions, the Graduate Students’ Association, clubs and societies may be restricted to their full members only.

12. Silwood and Wye may restrict eligibility to stand, nominate and vote to those students on courses of study predominantly at those campuses.

C. Nominations and Timetable

13. All elections require nominations to be publicised one week in advance and be placed on a public notice-board for at least one week, with the name, department, year and signature or College identification number (“CID”) of the candidate, proposer and seconders.

14. Nomination papers shall include the name and contact details of the returning officer. The requirements for nomination of candidates may not be amended once nomination papers are placed up.

15. Elections for Officers of the Union, Felix Editor, any position granting membership of the Council or Executive Committee and other posts as determined by the Executive Committee or Council have additional requirements:

   1. Notice and publicity for the election should produced five College days in advance of nomination papers being placed up,
   2. Nomination papers should be up for at least ten College days for Sabbatical and Felix Editor elections and at least five College days for other elections, and
Regulation Five - Composition of Union Committees

A. The Council

1. The Council shall consist of:

The Chair of Council

1. Council Chair.

Sabbatical Officers

2. President,
3. Deputy President (Clubs and Societies),
4. Deputy President (Education),
5. Deputy President (Welfare),
6. Deputy President (Finance and Services),

Non-sabbatical Officers

7. President of the City and Guilds College Union,
8. President of the Imperial College School of Medicine Students’ Union,
9. President of the Royal College of Science Union,
10. Graduate Students’ Association Chair,
11. President of the Royal School of Mines Union,
12. President of Silwood Park Union,
13. Arts and Entertainments Board Chair,
14. Athletic Clubs Committee Chair,
15. Media Group Chair,
16. Overseas Societies Committee Chair,
17. Recreational Clubs Committee Chair,
18. Royal School of Mines Committee Chair,
19. Silwood Park Chair,
20. Social Clubs Committee Chair,
21. Wye College Union Society President,
22. Equal Opportunities Officer,
23. Community Action Group Chair,
24. Rag Chair,
25. Welfare Campaigns Officer,
26. International Officer
27. City and Guilds College Union Academic Affairs Officer (Undergraduate Students)
28. One Academic Affairs Officer from the Imperial College School of Medicine Students’ Union Academic Affairs Officer (Undergraduate Students),
29. Royal College of Science Union Academic Affairs Officer (Undergraduate Students),
30. Graduate Students’ Association Academic Affairs Officer (Engineering),
31. Graduate Students’ Association Academic Affairs Officer (Physical Sciences),
32. Graduate Students’ Association Academic Affairs Officer (Life Sciences),
28. Graduate Students’ Association Academic Affairs Officer (Medicine),

29. Graduate Students’ Association Academic Affairs Officer (Non-Faculty),

29. Engineering Postgraduate Representative,

30. Physical Sciences Postgraduate Representative,

31. Business School Postgraduate Representative,

32. Medical School Postgraduate Representative,

33. Life Sciences Postgraduate Representative,

34. City and Guilds College Union Welfare Officer,

35. Imperial College School of Medicine Students’ Union Welfare Officer,

36. Royal College of Science Union Welfare Officer,

Ordinary Members

37-39. Fifteen Union Councillors elected proportionately from undergraduate and postgraduate Faculty constituencies,

38-40. One Union Councillor elected by non-Faculty Students.

The President shall review the allocation of Councillors annually to ensure that it remains representative of the proportions of students in each constituency.

Permanent Observers

i. The Felix Editor,

ii. The Court Chair and Deputy Court Chair,

iii. The Union General Operations Manager, and

iv. The Honorary Senior Treasurer.

B. The Executive Committee

2. The Executive Committee shall consist of:

   1. the Sabbatical Officers,

   2. the Presidents of the Faculty Unions,

   3. the Graduate Students’ Association Chair,

   4. two Clubs and Societies Committee Chairs, elected by the Council as ordinary members on the recommendation of the Clubs and Societies Board, and

   5. two members of the Representation and Welfare Board, elected by the Council as ordinary members on the recommendation of the Representation and Welfare Board.

3. Each member is of equal status to every other member. No member is the representative of any group within the Union or the College.

4. The Executive Committee shall be chaired by the President or his or her nominee.

5. The Honorary Senior Treasurer and Union General Operations Manager shall attend as permanent observers.

6. Appropriate staff members determined by the President, as advised by the Union General Operations Manager, shall have permanent observer status and shall present reports detailing activities within their areas of responsibility.

7. The Executive Committee shall meet at least once a term specifically to discuss trading and financial matters.

8. The Executive Committee may require any person within the Union except members of the Court, Trustee Board or the Council Chair to attend, answer questions and produce relevant documents. The Executive Committee may authorise the searching of any premises within the Union.

9. The Executive Committee’s powers and responsibilities are set out in section 8 of the Constitution.
C. The Clubs and Societies Board

10. The Clubs and Societies Board oversees the clubs, societies, Rag, Community Action Group and the central activities of Faculty Unions and Club and Society Committees. It does not oversee commercial, welfare or academic matters.

11. The Clubs and Societies Board shall allocate funding to the clubs and societies, Rag, Community Action Group and the central activities of the Faculty Unions and Club and Society Committees, according to Union or operational policy, in particular the Union’s policy on the fair allocation of resources.

12. The Clubs and Societies Board may determine policy governing the management, governance and finance of the areas of the Union within its jurisdiction, subject to Union policy and operational policy.

13. The Clubs and Societies Board shall consider best practice on the running organisation of student activities within its jurisdiction. It shall also be a forum for the resolution of disputes among clubs and societies.

14. The Clubs and Societies Board shall report its business to the Executive Committee and the Council.

Membership

15. The Clubs and Societies Board shall consist of:
   1. The Sabbatical Officers,
   2. A representative appointed by each Faculty Union,
   3. A representative appointed by each Constituent or Campus Union,
   4. A representative appointed by the Overseas Societies Committee,
   5. A representative appointed by the Silwood Park Union,
   6. A representative appointed by the Wye College Union Society,
   7. The Chairs of the other Clubs and Societies Committees,

16. The Clubs and Societies Board shall be chaired by the Deputy President (Clubs and Societies) or their nominee. It shall have a quorum of six members, of whom at least three shall not be Sabbatical Officers.

17. The Union General Operations Manager and other appropriate staff members determined by the President, as advised by the Union General Operations Manager, shall have permanent observer status.

Meetings

18. The Clubs and Societies Board shall meet at least once per month during term time.

19. An emergency meeting of the Clubs and Societies Board may be called by:
   1. A Sabbatical Officer,
   2. Five members of the board,
   3. The board itself, the Court, the Executive Committee or the Council,
   4. Thirty Full Members of the Union.

D. The Representation and Welfare Board

Powers and responsibilities

20. The Representation and Welfare Board shall co-ordinate, manage and act as a forum for issues relating to student welfare, academic affairs, accommodation, representation, campaigns, diversity and equality.

21. The Representation and Welfare Board shall allocate funding for the better provision of such services and campaigns as it deems fit, including activities of Rag and the Community Action Group, and the student welfare and academic affairs functions of the Faculty Unions, subject to Union or operational policy, in particular the Union’s policy on the fair allocation of resources.

22. The Representation and Welfare Board shall determine policy within its operation, subject to Union policy and operational policy. It may only approve any policy stating the views of the Full Membership or committing the Union to a political position with the approval of the Council.

23. The Representation and Welfare Board may create and assign campaigns portfolios to any officer or co-opted member of the committee, whose job descriptions shall be defined in policy.
24. The Representation and Welfare Board shall oversee the activities of Rag and the Community Action Group.

24. The Representation and Welfare Board shall report its business for approval by the Executive Committee and the Council.

25. *The Representation and Welfare Board may require representatives whose duties include student welfare or academic affairs to submit a report to the Board.*

Membership

26. The Representation and Welfare Board shall consist of:
   1. The Sabbatical Officers,
   2. Presidents of the Faculty Unions,
   3. Graduate Students’ Association Chair,
   4. Equal Opportunities Officer,
   5. Welfare Campaigns Officer,
   6. International Officer,
   7. A representative appointed by the Overseas Societies Committee,
   8. The Faculty Welfare Officers,
   9. The Faculty Academic Affairs Officers (Taught Students),
   10. Postgraduate Representatives
   11. A representative appointed by the Halls Committee, and
   12. Such additional voting or non-voting members as it may co-opt.

27. *The Representation and Welfare Board shall be chaired alternately by the Deputy President (Education and Development) and the Deputy President (Welfare) and may co-opt other non-voting members. It shall have a quorum of six members, of whom at least three shall not be Sabbatical Officers.*

28. Staff members determined by the President, as advised by the Deputy President (Education), Deputy President (Welfare) and the Union General Operations Manager may attend and present reports.

Meetings

29. The Representation and Welfare Board shall meet at least once per month during term time.

30. An emergency meeting of the Representation and Welfare Board may be called by:
   1. A Sabbatical Officer,
   2. Five members of the board,
   3. The Board itself, the Court, the Executive Committee or the Council, or
   4. Thirty Full Members of the Union.

Halls Committee

32. The Halls Committee shall be a standing sub-committee of the Representation and Welfare Board, and may consider and co-ordinate any issue relating to the provision of accommodation and related services to Imperial College students within the College.

33. It shall be chaired by the Deputy President (Welfare) and have a quorum of seven voting members.

34. It shall meet upon the request of the Representation and Welfare Board, a Sabbatical Officer or six members.

35. It shall consist of:
   1. The Sabbatical Officers,
   2. One representative for each College Hall of Residence, and
   3. A representative appointed by the Overseas Societies Committee.

B. The Faculty Unions
36. The Faculty Unions, shall consider welfare and academic affairs issues relating to students at those respective faculties and shall provide for the co-ordination of student activities within their Faculty.

37. The Faculty Unions are the governing committees of their clubs and societies, and their decisions are binding upon clubs and societies administered by them.

38. The Faculty Unions are:
   a. The City and Guilds College Union, for the Faculty of Engineering.
   b. The Imperial College School of Medicine Students’ Union, for the Faculty of Medicine.
   c. The Royal College of Science Union, for the Faculty of Natural Sciences.

39. Faculty Unions have constitutions that shall govern their activities, subject to any Union rule.

40. Constitutions or standing orders shall be approved by the Executive Committee.

41. The President of the Faculty Union shall make preliminary interpretations of their constitution, which shall be reported to the Faculty Union Executive Committee. Appeals against preliminary interpretations can first be made to the President and ultimately to the Union Court whose decision is final.

C. The Constituent and Campus Unions

42. The Constituent and Campus Unions shall provide for the co-ordination of student activities targeted towards their students.

43. The Constituent and Campus Unions are the governing committees of their clubs and societies, and their decisions are binding upon clubs and societies administered by them.

44. The Constituent and Campus Unions are:
   a. The Royal School of Mines Union, for the departments that made the former Royal School of Mines.
   b. The Silwood Park Union, for students on courses of study predominantly at Silwood Park.

45. Constituent and Campus Unions have constitutions that shall govern their activities, subject to any Union rule.

46. Constitutions or standing orders shall be approved by the Executive Committee.

47. The President of the Constituent or Campus Union shall make preliminary interpretations of their constitution, which shall be reported to the Faculty Union Executive Committee. Appeals against preliminary interpretations can first be made to the President and ultimately to the Union Court whose decision is final.

C.D. The Clubs and Societies Committees

Names

42. The Clubs and Societies Committees shall be the:
   1. Arts and Entertainments Board,
   2. Athletics Clubs Committee,
   3. Media Group,
   4. Overseas Societies Committee,
   5. Recreational Clubs Committee,
   6. Royal School of Mines Committee,
   7. Silwood Park Union, and the
   8. Social Clubs Committee, and the
   Wye College Union Society.

General

43. The Clubs and Societies Committees shall provide for the co-ordination and development of student activity within their clubs and societies or central activities. Silwood Park and Wye College Union Society shall consider academic affairs and welfare issues relating to their members.
44. The Clubs and Societies Committees may elect, mandate, censure and dismiss their officers. They are the governing committees of their clubs and societies, and their decisions are binding upon clubs and societies administrated by them.

Constitutions or Standing Orders

45. The Silwood Park Union and the Wye College Union Society shall operate under their own constitutions which shall govern their activities, subject to any Union rule.

46. Club and Society Committees (except Silwood Park Union and Wye College Union Society) shall adopt standing orders which shall govern their activities, subject to any Union rule.

47. Constitutions or standing orders shall be approved by the Council.

48. The Chair or President of the Club and Society Committee shall make preliminary interpretations of their constitution, which shall be reported to the Faculty Union Executive Committee. Appeals against preliminary interpretations can first be made to the President and ultimately to the Union Court whose decision is final.

D.E. The President’s Committees

Names

49. The President’s Committees shall be the:
   1. Colours Committee,
   2. Community Action Group,
   3. Health and Safety Committee, and the
   4. Rag Committee.

50. The Council may create other President’s Committees for different purposes.

Colours Committee

51. The Colours Committee shall consider recommendations for the Colours and Awards of the Union, in accordance with Union policy.

52. It shall consist of the:
   1. Sabbatical Officers,
   2. Presidents of the Faculty Unions,
   3. Presidents of the Constituent and Campus Unions,
   4. Chair of the Graduate Students’ Association, and the
   5. Chairs or Presidents of the Club and Society Committees.

53. It shall be chaired by the President, with a quorum of six members, and meet as required under Union policy.

Community Action Group

54. Community Action Group shall provide the opportunity for Full Members of the Union to carry out voluntary work in the local community.

55. It shall consist of:
   1. A Chair,
   2. A Treasurer,
   3. A Secretary,
   4. A Publicity Officer,
   5. A co-ordinator for each project approved by the committee,
   6. The Sabbatical Officers, and
   7. Such additional members as the committee may co-opt.

56. The officers of the committee (except the Chair) shall be elected at and by an Annual General Meeting of the committee, to be held after the election of the Chair. Vacancies may be filled at another meeting.

57. It shall be chaired by the Community Action Group Chair, and have a quorum of half the committee.

58. It shall meet at least once per term. An emergency meeting may be called by the Chair or five members.

59. The committee shall adopt or amend by a two-thirds majority standing orders, setting out the job descriptions of its officers. The committee may censure and dismiss its officers, excluding the Chair, under section 21 of Regulation 5 (Disciplinary Procedure).
The Health and Safety Committee shall consider and monitor Health and Safety issues in the Union and shall advise on the adequacy and suitability of current Health and Safety policies and practices.

The Health and Safety Committee shall consist of:
1. The Sabbatical Officers,
2. A representative appointed by each Faculty Union,
3. A representative appointed by each Club and Society Committee.

The Union General Operations Manager, any staff member appointed as Departmental Safety Officer and other posts determined by the President, particularly including those responsible for commercial services, shall be permanent observers.

The Health and Safety Committee shall meet at least once per term. An emergency meeting may be called by a Sabbatical Officer, or three members or permanent observers.

Rag Committee

The Rag Committee shall co-ordinate and promote charity events within the College and raise money for charity.

Charities shall be chosen for allocation of monies to be raised at a meeting in the Summer Term after the new committee has been elected and upon the recommendation of the incoming committee.

It shall consist of:
1. A Chair,
2. A Treasurer,
3. A Secretary,
4. A co-ordinator for each project approved by the committee,
5. The Sabbatical Officers, and
6. Such additional members as the committee may co-opt.

Only members of the committee who are not co-opted may vote to add or remove co-opted members.

The officers of the committee (except the Chair) shall be elected at and by an Annual General Meeting of the committee, to be held after the election of the Chair. Vacancies may be filled at another meeting.

It shall be chaired by the Rag Chair, and have a quorum of half the committee.

It shall meet at least once per month during term-time. An emergency meeting may be called by the Chair or five members.

The committee shall adopt or amend by a two-thirds majority standing orders setting out the job descriptions of its officers and a code of conduct for members. The committee may censure and dismiss its officers, excluding the Chair.

The Graduate Students’ Association

General

The Graduate Students’ Association (“GSA”) shall co-ordinate and oversee all welfare and academic affairs issues relating to students registered on postgraduate courses, act as an advocate on their behalf throughout Imperial College Union and shall provide for the co-ordination of student activities targeted towards graduate students.

There shall be the following officers of the GSA who shall be elected by cross-campus secret ballot:
1. Chair
2. Treasurer,
3. Secretary, and
4. Activities Co-ordinator

Standing Orders

The GSA shall have standing orders which shall detail the following:
1. The aims and objects of the Association,
80. The re-presented report may be discussed and voted upon in the same manner as a normal report. If it is rejected a motion of censure in relation to the author of the report will be immediately added to the agenda directly after the rejected report.

81. If the person whose re-presented report is rejected has previously been censured in the same academic year in the post for which he or she was the author of the report, that censure also being in existence at the beginning of the meeting in which the re-presented report was rejected the motion shall instead be of no confidence.

Procedural motions

82. In addition to original motions, amendments and reports, the procedural motions below may be proposed.

83. Procedural motions have differing conditions as follows:
   1. Motions with asterisks (*) have no discussion before being accepted or refused.
   2. The chair rules on all motions, except motion d (challenge to the Chair) and those requiring the meeting’s approval (+, ++).
   3. Motions with a percentage sign (%) are decided by the Chair alone and cannot be overturned by motion ‘d’.
   4. Motions with two pluses (++) require a two-thirds majority.
   5. Motions with a hash (#) are irreversible once accepted.
   6. Motion i (&) requires only one-third of those members present and voting, abstentions being ignored (that is, it requires two-thirds of the meeting to vote a roll-call vote down).
   7. Motions with a tilde ‘~’ may not be used at general meetings.

84. The motions are as follows, in decreasing order of precedence:
   a. Point of order, * %
   b. Point of information, *
   c. Point of privilege, * %
   d. To vote on a ruling of the Chair, +
   e. An objection to consideration of a question or motion,
   f. To suspend or revoke a guillotine, #
   g. To recess the meeting, #
   h. To vote on a question in specific parts,* #
   i. To vote on a question as a public roll-call vote, & ~
   j. To vote on a question as a secret ballot vote, ++ ~
   k. To reconsider something already voted on, *
   l. To consider something out of its scheduled order, *
   m. To move to a vote, #
   n. To adjourn the meeting. + #

85. On motion d, the proposer shall then state his reasons for the challenge, the Chair shall state the reasons behind his decision, and the meeting shall then vote by show of hands without further discussion.

86. Only points of order, information and privilege may interrupt another speaker. No procedural motions or amendments may be proposed on these points.

87. A vote on a procedural motion must not itself be held by roll-call or secret ballot.

88. Points of order (motion a) shall the draw the Chair’s attention to an error in procedure or lack of decorum in debate. They may not be raised during a vote except when directly connected with the vote.

89. Points of information (motion b) may be raised to the speaker holding the floor, in order to offer or request simple information. They are accepted at the absolute discretion of the speaker alone. No points of information may be raised on a summing up speech.

90. Points of privilege (motion c) concern the rights and privileges of the meeting or a member, which may concern reputation, the staff-student protocol, or other matter requiring the urgent attention of the meeting.

91. An adjournment of the meeting (motion n) closes the meeting, to meet again at an arranged time. A recess (motion g) permits a break in the meeting (of such length as the meeting decides), even during discussion of a motion, amendment or report.

Voting
27. The presidents and chairs of the Union’s standing committees, clubs and societies may also deal with minor cases involving their officers and members.

D. Investigations

28. An investigation may be undertaken in respect of misconduct by a defendant officer. An investigation is compulsory in the case of alleged misconduct by a defendant sabbatical or Trustee. In other cases it is not compulsory, but the Council or other body may take into account the extent of any investigation prior to a motion being presented to it.

29. The purpose of the investigation is to establish any facts and explanations that may be relevant to an allegation of a motion of censure or no confidence.

30. The relevant authority shall commence the investigation and appoint its manager. The Court may upon request of any person institute an investigation, replace an investigation manager with another person, take it over as an inquiry, or shut it down.

31. The investigation, if undertaken, must:
   1. Be managed by a person senior in office to the defendant officer, or an independent person (who may, but need not be a Full Member of the Union, though not a member of the permanent staff),
   2. Put the allegations and evidence of misconduct to the subject of investigation in a manner he or she can understand,
   3. Be concluded prior to the motion being debated at the Council or other body and,
   4. Be provided to the Trustee Board, if the inquiry relates to a defendant sabbatical or Trustee.

32. An investigation manager or proposer may, with the permission of the Council Chair or the Court, put a proposed motion back to a later meeting of the Council or General Meeting within the same academic year for the purpose of ensuring an investigation is concluded satisfactorily.

E. Suspension

33. The President or the Trustee Board may suspend any defendant officer holding sabbatical office or otherwise deriving employment by the Union from office upon full pay and accommodation if there are reasonable grounds for so doing, and in particular:
   1. gross or serious misconduct is alleged,
   2. there may be risks to third parties or Union or College property
   3. where the working relationship between the defendant officer and others may be impaired, or
   4. to assist, if necessary, an investigation.

34. The President may also suspend any defendant officer in relation to whom the President is the relevant authority. This power may be reasonably delegated to Union Officers. Any such delegation shall be reported to and minuted by the Executive Committee, and may be revoked by the Union Court if unreasonable. and either a motion of no confidence has been validly proposed to the Council or other committee entitled to dismiss them, a disciplinary investigation has started under Part D, or a disciplinary tribunal has formed under Part H.

35. Suspension is not in itself a disciplinary sanction. The person or body suspending shall determine the extent of the suspension, which shall not restrict the defendant officer’s ordinary rights as a Full Member of the Union. A suspension including removing the right to attend and vote at any Union meeting requires the approval of the Trustee Board or Court.

36. A suspension by the President for more than fourteen days requires the Court to be satisfied and remain satisfied that the grounds of the suspension are reasonable and proper.

37. The President or Trustee Board, as appropriate, may allocate any duties of the suspended officer during the course of a suspension. Any suspension may only continue for as long as is reasonable.
F. Censure and No Confidence Motions

Jurisdiction
38. The Council may censure or dismiss any defendant officer in the Union (though dismissal of a sabbatical defendant shall be referred to the Trustee Board).
39. The Court and the policy-making bodies of the Faculty Unions, Constituent and Campus Unions, Club and Society Committees, Rag, Community Action Group, clubs and societies may censure or dismiss their officers and representatives (including those that are Officers of the Union). These committees’, clubs’ or societies’ standing orders shall comply with Part I and may further restrict or prohibit censure or dismissal.
40. The Court may censure or refer for dismissal any defendant officer under its own procedure.

Procedure for bringing motions to the Council
41. Motions of censure or no confidence shall be proposed to the Council by one of the following people and methods:
1. By a Full Member of the Union, seconded by twenty Full Members of the Union. The petition shall include the signatures or College identification numbers (“CIDs”) and printed names, departments and years of the petitioners.
2. By a nominee of the Council Chair, if the Council has twice rejected a report submitted by any person required to do so under regulations 6.75 to 6.81. If no-one wishes to be the proposer, the Council Chair shall be the nominal proposer, but remain under the same restrictions with respect to participation in the debate.
3. By the President, in relation to any person except the Council Chair, the Felix Editor or a member of the Court.
4. By a nominee of the Court under its regulations. The Council Chair may be the default proposer as before. The Executive Committee may do so when acting under regulation 2.5.
42. All motions of censure or no confidence, except those arising from a rejected representation of a report, must:
1. Name individual officers or representatives,
2. State clearly in writing the grounds of the complaints,
3. State the nature and conclusions of any relevant investigations undertaken,
4. Include details of previous warnings under Part B, or lack of them,
5. Include details of any part of the Constitution, Regulations, Policies or Court determinations alleged to have been breached,
6. Include in the case of members of the Court, instead of 12.5 above, the provision of its Code of Conduct breached,
7. Be presented with its supporting petition to the relevant authority, at least seven College Days before Council.
43. No motion of censure may lie against a person already censured, whether by the Council, Court or other committee entitled to do so.
44. Upon receipt of the motion of censure or no confidence unless automatically generated by a twice rejected report, the relevant authority will take all reasonable steps to inform the defendant officer of the grounds of the complaint, the procedures laid out in this document and the date of the meeting.

Procedure for debating the motion at the Council
45. If more than one motion of censure or no confidence is submitted to any meeting, they may be considered as a single motion, but if separately submitted may be considered separately, at the discretion of the proposers of the motions.
46. The following amendments to the standing orders for Council shall have effect, as well as the provisions of Part I:
1. The substantive intent of motion of censure or no confidence may not be amended, although supporting arguments may be amended,
2. A motion of no confidence may be amended to a censure (notwithstanding sub-paragraph 1 above), but a motion of censure may not be amended to no confidence.
3. The defendant officer may bring their own representative (who may be any member of the College, but not a lawyer acting in a legal capacity), and either person may address the meeting and have full right of reply.
4. The Council shall have due regard for the gravity of the motion.
5. The Council may choose to vote on a single motion against several individuals separately for each individual.
6. The proposer and subject of a motion may not vote upon it or disputed amendment to it.
7. No vote may be proxied.
8. The vote upon the motion and any disputed amendment to it shall be held by secret ballot, notwithstanding regulations 6.22 and 6.84.
9. The motion must be approved by a two-thirds majority of those present and voting, abstentions being ignored, and more than half of those present and eligible to vote.
10. A motion which having been voted on and rejected may not later be reconsidered by the Council (notwithstanding regulation 6.84.k).
11. A motion that is not discussed for any reason at the meeting is deemed to have fallen, except when the Council specifically adjourns to reconsider the motion.

Procedure for censure and no confidence motions at other bodies

47. In proceedings resulting in a censure or no confidence there shall be:
   1. a necessity for a petition with a proposer and at least ten seconders,
   2. at least one week’s notice to be given of a motion,
   3. a necessity for approval of the motion by at least a two-thirds majority of members present and voting, abstentions being ignored, and
   4. a course of appeal to a higher body.
48. Any constituent part of the Union entitled to dismiss a defendant sabbatical must conduct an investigation under Part D, and refer final dismissal to the Trustee Board under paragraphs 53 to 55.
49. If a proposal for a censure or no confidence is made by the Court it shall be treated for all purposes as having been validly proposed to any committee entitled to hear it.

Procedure on the motion being passed at the Council or other body

50. On the passing of the motion, the defendant officer shall be informed by the Chair of the result of the motion and of the right of appeal, and if he or she is absent, all reasonable steps shall be taken to inform him or her of the result of the motion.
51. On the passing of a motion of censure the defendant officer shall be informed that further complaints may only be dealt with by a motion of no confidence.
52. On the passing of a motion of no confidence the defendant officer shall, if he or she does not hold sabbatical office, be dismissed immediately.
53. If a motion of no confidence is passed against a defendant sabbatical, the he or she shall be suspended from duty pending a meeting of the Trustee Board, which may then (after any further investigations and hearings which it may conduct) dismiss the defendant sabbatical, or remove the suspension.
54. A defendant sabbatical suspended following a motion of no confidence shall receive full pay and accommodation until the Trustee Board has determined the matter finally, with the following provisos:
   1. the suspension on full pay and accommodation shall last no less than one month, unless
   2. their term of office ends earlier, in which case pay and accommodation terminates at the expiry of the term of office.
55. If the Trustee Board decides not to dismiss a defendant sabbatical following a motion of no confidence, he or she, if not already censured, shall be censured automatically. The Trustee Board shall provide the reasons for its decision to the Council.

Removal from membership of a committee
56. The Council may without notice and by simple majority remove any or all ordinary or co-opted members from any committee (but not individuals from their posts). This includes ordinary members of the Executive Committee but not the Council, Court or Trustee Board.

Disqualification from office
57. A person dismissed from office by the Council or any other committee by virtue of a motion of no confidence under this Regulation may not be elected to or hold that office again. In the case of a Sabbatical Officer a person may not hold any Sabbatical Officer post again. The Council may remove this disqualification.

G. Appeal Procedure for Warnings, Censure and No Confidence Resolutions
58. Any person warned under Part C may appeal to the Council whose decision is final. Warning appeals in constituent parts of the Union shall be governed by their rules.
59. Any person censured or dismissed by the Council ("the appellant") may appeal to a General Meeting whose decision is final. The appellant should give notice of appeal within two College days to the relevant authority.
60. The appellant must then successfully petition a General Meeting according to the Constitution within five College days. It shall then meet at a time and place agreed between the person censured or dismissed and the Council Chair. If a time and place cannot be agreed it shall be determined by a nominee of the Trustee Board Chair.
61. If the General Meeting cannot be petitioned in time, or closes as inquorate before the vote is held, the appeal is dismissed. General Meeting may also amend a no confidence resolution to a censure.

H. Disciplinary Tribunals of the Court and Trustee Board
62. The Court and the Trustee Board may each form a disciplinary tribunal to deal with misconduct by a defendant officer, or may delegate this function to the Court. Such Relevant misconduct shall not merely constitute (though it may include):
   1. a failure to maintain the confidence of the Council or other policy-making body,
   2. a failure to adhere to any manifesto commitment, or
   3. inadequate representation on behalf of the student body.
63. A disciplinary tribunal may only be requested by the President, Council Chair, or Trustee Board Chair, Faculty Union President, Constituent or Campus Union President or Clubs and Societies Committee Chair, and the Court or Trustee Board may choose then whether to institute proceedings. Only the Trustee Board Chair may request a disciplinary tribunal of the Trustee Board.
64. The Court or Trustee Board shall administer the hearing in such manner as may be set out in their standing orders or policy it may direct (complying with Part I), and may instigate an investigation and may refer a disciplinary tribunal to each other delegate any function to the Court.
65. The Court or Trustee Board may, as well as exercising any other appropriate authority, may warn or censure or dismiss the defendant officer. The Trustee Board may dismiss the defendant officer, and the Court may refer the matter to the Council as a no confidence motion or to the Trustee Board for dismissal, which may include a suspension pending the Trustee Board's or Council's decision.
66. A decision of the Court to take disciplinary action may be appealed through the Court's normal appeal process, which includes an appeal to the Trustee Board.
67. The Trustee Board shall may provide for an appeal in under such manner as it may determine by policy.

I. Other disciplinary proceedings

Minimum requirements for any disciplinary or quasi-disciplinary proceeding
Any proceeding in any part of the Union which may result in disciplinary action being taken against any person or part of the Union, except staff matters, must satisfy the natural justice requirements set out in this Part.

Disciplinary or quasi-disciplinary action includes by way of example dismissal, censure, suspension, compulsory dissolution, withdrawal of rights or privileges, fine, compensation, or penal reduction or freezing of budget.

This Part does not apply to a person or constituent part of the Union in imposing any of the above outcomes upon themselves.

In proceedings resulting in disciplinary action:

1. Paragraphs 32 – 34 shall be complied with if the motion may result in censure or dismissal,
2. The defendant officer shall receive reasonable notice of any proceedings (which is deemed to have been provided if the proceedings are held at a scheduled Union meeting of which the defendant officer is a member or permanent observer),
3. The proceedings shall be recorded in writing,
4. The defendant officer may require the hearing to be in public, unless the quality of another person’s evidence would be improved by it being in private,
5. The defendant officer and any representative may not be excluded from the proceedings at any point except for disorder or with the approval of the Trustee Board, Council or Court,
6. The burden is upon the disciplinary authority or proposer to demonstrate misconduct on the balance of probabilities or suspect misconduct if as appropriate,
7. The defendant officer and representative has the right of reply at any hearing,
8. Any voting member of the committee who has knowledge or suspicion of any adverse fact relating to the defendant officer which would tend to persuade them to vote against him or her, or who have knowledge that others do, must tell the defendant officer so that he or she may respond to them,
9. The proposer and subject of the motion may not vote upon it,
10. No vote may be proxied, and
11. The defendant officer shall be notified of the result.

In disciplinary proceedings relating to a constituent part of the Union, the “defendant officer” shall be taken to mean its chair, president or other representative.
INTRODUCTION

1. Attached to this Paper are proposed revisions to three College Ordinances. These are:
   a. Ordinance D13, Limited Term Employment.
   b. Ordinance D14, Probationary Appointments.
   c. Ordinance D17, the Investigation of Allegations of Scientific Misconduct.

2. The proposed revisions take account of changes in legislation, best practice guidance and the experience of operating these ordinances since they came into force in 2007. The revisions to these Ordinances have been discussed and agreed with the College’s trades’ unions and the revisions to Ordinance D17 have also been considered and endorsed by the Senate.

3. The revisions to each Ordinance are extensive and include changes to each of their titles so that these will in future be:
   a. Ordinance D13, Fixed-Term Employment or end of External Project/Research Funding.
   b. Ordinance D14, Academic Appointments Containing a Review Period.
   c. Ordinance D17, the Investigation of Allegations of Research Misconduct.

4. The full revised Ordinances D13, D14 and D17 are appended to this Paper.

5. The Council is invited to consider, and if it sees fit, approve the revised Ordinances.

R.F.E.
LIMITED FIXED-TERM EMPLOYMENT OR END OF EXTERNAL PROJECT/RESEARCH FUNDING

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 FIXED-TERM EMPLOYMENT OR END OF EXTERNAL PROJECT/RESEARCH FUNDING

5. During the term of any limited fixed-term contract, members of staff employed on limited fixed-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
ACTION PRIOR TO THE EXPIRY OF A FIXED-TERM CONTRACT OR END OF EXTERNAL PROJECT/RESEARCH FUNDING

6. Before the expiry of the limited fixed-term contract or open ended contract underpinned by external project/research funding (normally when the limited fixed-term contract or external project/research funding 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 funding period is to be offered or whether dismissal of the member of staff is to be contemplated on the expiry of the fixed-term or external project/research funds ending. 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). Fixed Term regulations. 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 be given an open ended contract, under the College Fixed Term Agreement 2006 Regulations 2002.

8. If dismissal is contemplated upon the expiry of the fixed-term contract or external project/research funding, 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 training and development review period, 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 FIXED-TERM CONTRACT OR END OF EXTERNAL PROJECT/RESEARCH FUNDING

9. As soon as reasonably practical, and ideally at least three months before the expiry of the limited fixed-term contract or end of external project/research funding, 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, with appropriate representatives following the procedure set out at Paragraphs 4 to 14 of Ordinance D11, save that there shall be no requirement to obtain authorisation from the Council to institute redundancy procedures.

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.

Approved by the Council 23 March 2007
Effective from 8 July 2007
PROBATIONARY ACADEMIC APPOINTMENTS CONTAINING A REVIEW PERIOD

This Ordinance is made pursuant to Part V, Clause 17 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. In applying the provisions of this Ordinance, regard shall be had to the dismissal and disciplinary procedures in Schedule 2 ACAS Code of the Employment Act 2002—Practice 2009.

3. This Ordinance shall apply to all members of staff to whom the Appendix applies and who have been newly appointed or promoted to a position subject to a training and development review during a period of probationary service. Where specifically indicated for Probationary Lecturers and Senior Lecturers (Clinical and Non-Clinical) during their review period, this Ordinance should be read in conjunction with the guidance notes on Appointment, Probation, Training and Development, Performance Review and Confirmation of Appointment (which does not have contractual status) as amended from time to time.

4. For staff on probation review, the provisions of this Ordinance will apply to non-confirmation in post for reasons of performance and may also be applied to matters of incapacity, redundancy or dismissal for misconduct or some other substantial reason.

CLINICAL STAFF

5. Action under this Ordinance may be taken against any clinical academic member of staff with regard to their academic performance while working in the University during their training and development review period. If there is an issue with clinical work or activities in respect of that member of staff’s performance arising in connection with his or her clinical work, action will be taken under Ordinance D16.

THE MANAGEMENT OF AN ACADEMIC PROBATIONARY TRAINING AND DEVELOPMENT REVIEW PERIOD

6. The probationary period is used as the framework for the evaluation of the performance of a newly appointed or promoted academic member of staff. Appointments made subject to a probationary period review period are made with a view to appointing the member of staff on either a fixed term or permanent basis.

7. During the review period it is essential that the member of staff's line manager makes the requirements of the job clear and ensures that the member of staff has appropriate support and training for the new job. The line manager is responsible for providing regular feedback on progress to the probationary member of staff and must conduct the formal probationary reviews set out in Paragraphs 8 to 10 below.
REVIEWS DURING A PROBATIONARY REVIEW PERIOD

8. The Head of Department/Division, or his or her nominee, should meet with the probationary member of staff on a regular basis to discuss work and give advice and guidance on progress in the new role. These informal discussions will be noted and the contents should provide feedback on the member of staff's performance and progress in the new role.

9. Where problems are identified, the Head of Department/Division or his or her nominee will identify and seek to resolve any issues at an early stage through discussion, coaching and training. The manager and member of staff will record and agree (as far as possible) clear actions from these informal meetings to address the problems.

10. It is vital that a probationary member of staff is provided with feedback on his or her performance and it is, therefore, essential that the Head of Department/Division undertakes a formal probation review midway through the probationary review period and again before the period discusses when the end of the probationary period review meeting is likely to take place, subject to the member of staff's progress. The end of the review meeting would normally be no later than the three year anniversary for non-clinical academics and five years for clinical academics. Where the member of staff is a Lecturer or Senior Lecturer (clinical or non-clinical) formal probation review meetings are conducted by a panel in accordance with the guidance notes on Appointment, Probationary Development, Performance Review and Confirmation of Appointment.

NON-CONFIRMATION OF THE PROBATIONARY TRAINING AND DEVELOPMENT REVIEW PERIOD

11. If there have been concerns during a member of staff's probationary review period, these will have been identified, noted and discussed with the member of staff throughout the informal meetings, formal mid-probation reviews and, for Lecturers and Senior Lecturers (Clinical and Non-Clinical), through additional formal performance review meetings.

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 review period to convene a formal probation review meeting if the member of staff has been 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 post, to consider the support provided to the member of staff and to review the documentation and guidance issued throughout the probationary review period. 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 except where the member of staff is a Lecturer or Senior Lecturer. The probation review meeting for Lecturers and Senior Lecturers (Clinical and Non-Clinical) is conducted by a review panel in line with the guidance notes for these staff.

14. All probationary members of staff should be given five working days' notice of a probation review meeting and be provided in writing with full details of the concerns that are being reviewed as good cause for the non-confirmation of employment. They will be entitled to be accompanied at the meeting 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 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 five working days of the original date.
16. In the event 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 rearranged hearing or submit a response to the allegations within a reasonable timescale notified to them, the Faculty Principal or his or her nominee or the review panel may make a decision on appropriate 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.

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 with agreement from the representative of the Human Resources Division. Where there is a decision not to confirm the probationary period this will be communicated in writing. The letter will contain the reasons for the non-confirmation of decision, the probationary notice period to be served, the date employment will end and the right to appeal.

**APPEALS**

18. A member of staff who does not have their probation appointment confirmed may appeal against that decision. In the written notification of the non-confirmation of probation appointment, 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 appeal in writing.

19. The appeal will be heard by a panel comprising three senior members of the University designated by the Rector, including at least two senior academics. 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 trade union representative or another member of staff.

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

   a. To review whether the basis for non-confirmation was adequately substantiated;

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

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

21. The decision of the appeal hearing will usually be issued within 10 working days. In the event that an appeal results in reinstatement, 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). The University regards the appeal decision as final.

Approved by the Council 23 March 2007
Effective from 8 July 2007
PREAMBLE

1. This Regulation constitutes the University's policy on, and procedures for the investigation of, allegations of scientific research misconduct. It is intended to satisfy the requirement of the Research Councils and Charities who fund research at Imperial that the University has proper mechanisms for the management of complaints of scientific research fraud or misconduct.

2. The University has high standards of professional integrity and its policy on appropriate scientific research conduct is set out in the policy document entitled "Guidelines for Proper Conduct in Scientific Research" (see Appendix 1). It is recognised that instances of misconduct are rare and the procedures set out in this Regulation will consequently only be implemented in exceptional circumstances.

POLICY ON SCIENTIFIC RESEARCH MISCONDUCT

3. The University considers any allegation of scientific research misconduct to be a matter of great concern and will investigate any such allegation fully. Given its international reputation and status, the University has a responsibility to the scientific community and to the public at large and therefore, where appropriate, will make public the outcome of any such investigation.

DEFINITIONS

4. The University has adopted the Royal College of Physicians' definitions of scientific research misconduct as including piracy, plagiarism and fraud. The following definitions give indicative descriptions of the types of activity covered by this Regulation. These descriptions are neither exclusive nor exhaustive:

a. Piracy is the deliberate exploitation of ideas and concepts from others without acknowledgement.

b. Plagiarism is the copying of ideas, data or text (or a combination of these) without permission or acknowledgement.

c. Fraud involves deception - usually, but not exclusively, the invention of data. This could also include the omission from analysis and publication of inconvenient components of a data set.

d. Gift authorship is the practice of arranging to credit someone with authorship or co-authorship in such a way that deliberately exaggerates or gives a misleading impression of their actual contribution.

5. Other types of scientific research misconduct may be separately defined, but the University views them as combinations or sub-types of those defined above. In addition to scientific research misconduct, these procedures will also apply to cases of scientific negligence.
PROCEDURES FOR THE INVESTIGATION OF ALLEGATIONS OF SCIENTIFIC RESEARCH MISCONDUCT

GENERAL PRINCIPLES

6. Allegations of scientific research 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 research misconduct as the result of a full investigation. Scientific research 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 research misconduct, whether substantiated or frivolous, is to be kept by the Designated Officer/Chair of the Research Misconduct Response Group (RMRG) 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 RESEARCH MISCONDUCT CONCERNING MEMBERS OF ACADEMIC STAFF

19. **PRE-SCREENING STAGE**

17. However if 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 Chair of the RMRG as defined by the University’s Statutes, who will acknowledge receipt. 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.

18. For the purposes of this Regulation the Research Misconduct Response Group consists of the following individuals, using properly appointed deputies where necessary, and may be augmented by other members as appropriate: the College Secretary, who acts as the Group’s Chair; the Director of Human Resources Operations, the Senior Principal and the Head of the Research Office.

19. The Chair of the RMRG should, as soon as possible (and with the aim of acting within two working days), convene a meeting of the RMRG, or correspond with members, to decide on the initial response. Should the incident concern or implicate any other member of the RMRG, the College Secretary will appoint a suitable substitute. If the incident concerns or implicates the College Secretary, the Rector shall appoint an appropriate substitute to act as Chair.

20. Members of the RMRG will review the allegation of scientific misconduct must conform to determine whether it conforms 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 and if it should be investigated under the terms of the procedure for the Investigation of Allegations of Research Misconduct.

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

21. Where the allegations do not fall under the terms of the procedure the Chair of the RMRG shall notify the complainant of this, the reasons why, which processes might be appropriate for dealing with the allegation and how the complainant may wish to proceed.

22. The RMRG will consider whether the nature of the allegations is such that immediate preventative action is necessary, normally (but not exclusively) to prevent any harm to individuals, animals or property as well as potential contraventions of the law or safety requirements. In such cases the Chair of the RMRG will ensure appropriate action is taken.
23. Where the allegations are within the definition of research misconduct the RMRG will decide on the action to be taken. This will normally involve progressing the matter to a Screening Investigation. The Chair of the RMRG will confidentially inform the Rector and whichever other senior members of staff as appropriate of the identities of the respondent and complainant, details of funding sources, research collaborators and any other appropriate details.

24. The RMRG will also consider whether the nature of the allegations necessitates the notification of any external organisations, such as legal or regulatory authorities, at this stage. The Chair of the RMRG will then action any such notifications and be responsible for any further liaison required.

25. The RMRG will work with Research office staff to investigate potential contractual issues around the Respondent’s work, including any obligations on Imperial’s part to notify a Sponsor, funding organisation, collaborator or similar of the allegations.

26. When notifying anyone of the allegations or investigation the Chair of the RMRG shall be mindful of the respondent’s and complainant’s rights and the integrity of the investigation, and shall always emphasise that the allegation is unproved and yet to be investigated.

SCREENING INVESTIGATION

27. Where the allegation is to be progressed to screening investigation stage the Chair of the RMRG will bring the allegation to the attention of the appropriate Head of Faculty/Department/Division/Centre or other unit who will be responsible for arranging a preliminary screening investigation 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.

28. The Head will have the option of investigating the allegation themselves, or may otherwise appoint an independent and appropriately qualified nominee, taking into account the interests of both the complainant and the accused. Efforts must be made to ensure that the investigator will be independent and objective and has the knowledge and ability to evaluate the complaint.

29. If the complainant 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/Chair of the RMRG will consult with the Deputy Rector/Senior Principal within the RMRG to determine who should investigate the allegation during the initial stages — screening stage.

30. Similarly, if the Chair of the RMRG feels it is not appropriate to bring the matter to the attention of the Head for any reason then they will consult with the Senior Principal to determine who should investigate the allegation during the screening stage.

31. Where an allegation of scientific research misconduct is made against a Head of Faculty/Department/Division/Centre or other unit, the Designated Officer/Chair of the RMRG will report the matter directly to the Rector. If a complaint is made against the Rector, the complaint is to be referred to the Chairman of the Council.

32. All parties must inform the Chair of the RMRG immediately of anything that might constitute a conflict of interest concerning any aspect of the allegations, the investigation, people involved or the research area itself.
33. The preliminary review screening investigation should normally be completed within 21-30 working days of the initial complaint. Otherwise, all the College Secretary and members of the Designated Officer RMRG are to be advised of the delay in completing this stage of the investigation.

27. If the investigation the Head (where they have been the Investigator) will decide whether evidence of a prima facie case has been established. If so consideration will be given to informal resolution or full investigation. Where the Head has nominated an investigator they will discuss their finding and with the Head, to conclude whether the allegations warrant dismissal of the complaint, informal resolution or full investigation.

35. The Head of Faculty/ Department/ Division/ Centre or other unit will communicate their findings, or those of the Investigator, to the Respondent and the Complainant. This shall include a written investigation report summarising the nature of their screening investigation, the investigation's findings and their recommendation of either dismissal, informal resolution or full investigation. The Head/Investigating Officer shall forward the report to the Respondent and Complainant, inviting comments on the factual accuracy of the Report and deciding whether suggested factual amendments are appropriate. They will then forward the final version of the report to the RMRG, the Respondent and the Complainant, including any representatives.

**PRIMA FACIE CASE NOT ESTABLISHED**

36. Where the Report finds that the complaint is frivolous an allegation of research misconduct has not been established, it is the responsibility of the Designated Officer or Chair of the RMRG to inform the complainant and the accused of this finding.

28. If the complainant does not agree with the decision of a Head of Faculty/ Department/ Division/ Centre or other unit that an allegation is without foundation, an appeal may be made via the Designated Officer to the Rector.

29. Where the finding is that the allegation should be dismissed but additional misconduct has been established, contravening the Discipline Code, the Director of HR will ensure HR manages the case under the relevant disciplinary proceedings. Otherwise this should be considered only at the end of the Research Misconduct procedure.

**INFORMAL RESOLUTION**

38. Where the Head or their nominee has found some substance to the allegations but judged that they are minor or there is lack of intention to deceive then the allegation may be dealt with through informal resolution. This may involve mediation, with the consent of both complainant and respondent. The matter may also be resolved by ensuring appropriate training and supervision for the respondent, devised by the Head and agreed by the respondent’s line manager. It is recognised genuine mistakes in the preparation, presentation or interpretation of data can be made and these cases should be distinguished from serious or intentional misconduct.

**FULL INVESTIGATION**

39. If the Head of Faculty/ Department/ Division/ Centre or other unit finds that there is a prima facie case for further investigation, the Designated Officer or Chair of the RMRG will bring the complaint to the attention of the Rector. The Head of Faculty/ Department/ Division/ Centre or other unit is not required to determine whether scientific research misconduct has actually occurred.
30. The Rector will first consider whether primary responsibility for resolving the allegation rests with the University or with another institution. For example, if the allegation involves patient care, the matter will be referred to the Chief Executive of the relevant NHS Trust for investigation. If a member of academic staff has collaborated with members of staff from another institution on the matter in question, the Rector will inform the head of that other institution of the University's investigation and, later, its findings. Similarly the Rector will consider whether any regulatory bodies should be informed at this stage.

41. If a member of staff who is also a student of the University is accused of scientific misconduct which is also an examination offence, the matter will be referred to the University in the manner described in Paragraph 44 below.

31. Where the allegation is to be investigated by the University, the Rector will convene an Assessment Panel comprising a Dean of the relevant Faculty and three other members in accordance with Appendix 2, section B.5. Panel members will be familiar with the Panel’s Terms of Reference, the Misconduct Procedure, and have appropriate experience/expertise and declare any conflicts of interest. They must not sit on any Disciplinary Panel or similar charged with dealing with matters arising from the University investigation. The Assessment Panel is responsible for determining whether or not the allegation of scientific misconduct has sufficient substance to merit a formal tribunal. In doing so, its duties will include:

a. Taking evidence and explanations from all parties involved, in an independent manner. Both parties will be expected to produce such evidence as they have, in whatever form it might exist. Where certain evidence or witness information proves impossible to obtain it is expected that the Investigation Panel will consider whether the existing materials remain sufficient to continue a reasonable investigation.

b. Extending the scope of its enquiries as far as appears necessary or desirable; this might include the commissioning of further experimental or clinical work;

c. Examining any witnesses who are considered necessary to the investigation;

d. Making an assessment of the veracity of each piece of evidence; and

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 or explanations as may be forthcoming.

32. The Assessment Panel will be convened to meet within two months of the date of the initial complaint. If this is not possible, it will meet as soon as is practicable, and the College Secretary and Designated Officer will be advised of the reasons for the delay.

33. The deliberations of the Panel may be conducted will reach a conclusion on whether the basis of both written and oral evidence. A record is to be kept of any interviews and, as far as possible, allegations are founded, based on the record is to be agreed with the interviewee.

34. balance of probabilities. 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 and deliberations the Chairman of the Panel will provide a written report to the Complainant and Respondent (and their representatives, by arrangement) to allow for comment on the factual accuracy of the report or on any perceived procedural errors during the investigation. This Report normally will have been completed within two weeks of the completion of the investigation. The complainant and the respondent will be
informed of the findings of the Investigation Panel. Where the decision of (or only its Chair, if appropriate) shall assess the validity of these suggestions but the Panel is that the allegation has substance will only accept corrections to errors of facts, or matters with a bearing on facts. Should the respondent is to be given the opportunity to make further representation to the Chairman of the Panel before any further action is taken. Conversely, where the decision of the Disciplinary Hearing Panel, in line with that Procedure.

46. The Panel is that will then produce a final report, summarising the conduct of the investigation, whether the allegations are upheld or upheld in part), any findings related to any other matters for investigation and any issues it considers to be dismissed, the complainant is to be afforded a similar opportunity. The Chair of the RMRG shall forward the final report to the Complainant, the Respondent and their representatives.

36. Where the Panel finds that there is a prima facie case for scientific misconduct, the Rector is to follow the procedures laid down in the Appendix to the University’s Statutes and specifically the sections dealing with the Preliminary Examination of Serious Disciplinary Matters (Paragraphs 14(2) -14(7)), the Institution of Charges (Paragraphs 15(1) -15(4)), the Tribunal (Paragraphs 16 -20) and Appeals (Paragraphs 24 -30). These Paragraphs make clear the sanctions available to the Rector should the charges be proven.

47. Where an allegation is found to be proven, in addition to any normal disciplinary consequences, the Rector, supported by the RMRG, 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 General Medical Council or other interested bodies;

c. Where the member of staff is supported by outside funds, informing the sponsoring organisation.

38. Where the Tribunal finds that the allegation is not proven and is of a frivolous, mischievous or malicious nature, its findings are to be reported to the Designated Officer, Director of HR for action under the normal disciplinary procedures.

49. Consideration of cases raised on the basis of genuine concern about the legitimacy of research will not result in disciplinary action against the Complainant.

ALLEGATIONS OF SCIENTIFIC RESEARCH MISCONDUCT CONCERNING MEMBERS OF RESEARCH AND ANALOGOUS STAFF.

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 research misconduct may be made against such staff.:

40. Research and Analogous Staff are not covered by the Appendix to the University’s Statutes which deals with Disciplinary Procedures. Nevertheless, the seriousness with which the University views allegations of scientific research misconduct requires that allegations of such behaviour among any category of staff will, if not frivolous, be brought to the attention of the Rector by the Designated Officer, Chair of the RMRG in the manner described in Paragraphs 19 - 29 above.
ALLEGATIONS OF SCIENTIFIC RESEARCH MISCONDUCT CONCERNING OTHER STAFF.

41-52. It is recognised that, while it is unlikely that other categories of staff will engage in scientific research misconduct without the knowledge and/or leadership of an academic supervisor, this is not impossible. Where an allegation of scientific research misconduct by such staff is received it is to be referred to the Designated Officer/Chair of the RMRG 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 RESEARCH MISCONDUCT CONCERNING STUDENTS

42-53. Where an allegation of scientific research 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 research misconduct. The procedure for the consideration of allegations of scientific research 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.

43-54. However if an allegation is received, formal notification of it must be made in writing and should be sent in strict confidence to the Pro-Rector (Education) who will inform 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, Pro Rector (Education), who is to endeavour to ensure the anonymity of the complainant until such time as it is decided to proceed with an investigation. The Pro Rector shall review the allegation with the Dean of Students and the Academic Registrar.

44-55. 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 (Plagiarism and Examination Offences Policy and Procedures) of the College University Examination Instructions, the Head of Faculty/ Department/ Division/ Centre or other unit, Pro Rector (Education) is to refer the case to the Academic Registrar forthwith for consideration in accordance with the procedures described in the aforesaid Appendix 2 (Plagiarism and Examination Offences Policy and Procedures) of the University's University's Examination Instructions.

45-56. Where an allegation is made in respect of conduct which does not constitute an examination offence, the Pro Rector (Education) shall instruct the Head of Faculty/ Department/ Division/ Centre or other unit 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, Pro Rector, Dean of Students and Academic Registrar no further action is warranted, the Academic Registrar will inform the complainant and the Pro Rector (Educational Quality) are to be informed. Head of Department of this decision in writing.

46-57. Where the Head of Faculty/ Department/ Division/ Centre or other unit determines that there is a case to be considered, the Pro Rector, Dean of Students and Academic Registrar determine if they are to convene an assessment panel comprising them or herself, a Dean of the
relevant Faculty, one other member of academic staff in the Faculty/Department/Division/Centre or other unit, the Head of the relevant Department or his/her nominee and a representative of Undergraduate Studies or Director of Postgraduate Studies as appropriate, and the Senior Tutor or Postgraduate Tutor as appropriate. Imperial College Union, selected by the President.

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 relevant parties 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...in an anonymised fashion.

49. Where an allegation against a student is found to be proven, the Pro Rector, Dean of Students and 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 Pro Rector, Dean of Students and 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 Pro Rector, Dean of Students and 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 may be 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 RESEARCH MISCONDUCT
55.65. The Head Chair of Human Resources Operations, the RMRG and the Academic Registrar will each maintain a register of all Scientific Research Misconduct cases which are investigated within the University, the former handling cases concerning staff and the latter handling cases concerning students. Records for each case will be kept for at least six years, including those where there was found to be no case to answer. The Register is to be available for external inspection and is. The Registers are to include the following information:

a. The file reference number;

b. The type of allegation made;

c. The potential cost to CID number, grade [or status] and Department of the University Respondent;

d. The status name of any Funder

e. The outcome of the investigation.

Approved by the Council 23 March 2007

Effective from 8 July 2007
Appendix 1

GUIDELINES FOR PROPER SCIENTIFIC CONDUCT IN RESEARCH

INTRODUCTION

1. It is the responsibility of every member of staff to uphold the good reputation of the University and, consequently, it is expected that they will conduct research with integrity. These guidelines describe practices that have been established by several professions and are generally accepted by members of academic staff in the University. Their purpose is to encourage the education and training of junior staff by senior colleagues and to ensure that the quality and integrity of research is maintained in the University.

2. Research is defined as all research, scholarly and creative activity that supports the academic mission of the University. It is recognised that the practices of investigators will vary according to the type of research. The University cannot be prescriptive about individual approaches taken by scientists to answer specific research questions and therefore this document is intended to provide only guidelines.

3. Notwithstanding this comment, it is clear that rather different guidelines are appropriate for activities that are related to Biomedicine from those of other disciplines. Accordingly, two Annexes have been developed to this general guidance for two cognate groups of disciplines: Biomedical Sciences, and Science and Engineering, to provide more detailed advice.

4. It is the responsibility of the Heads of Department/Division/Centre to ensure that this set of more specific guidelines are promulgated in their Department and that members of staff and students are aware of their obligations with respect to proper research conduct.

5. The University has adopted the Council for Science and Technology universal ethical code for scientists, and upholds its three principles, these being:

   a. Rigour, Honesty and Integrity
      - Act with skill and care in all research work. Maintain up to date skills and assist their development in others.
      - Take steps to prevent corrupt practices and professional misconduct. Declare conflicts of interest.
      - Be alert to the ways in which research derives from and affects the work of other people, and respect the rights and reputation of others.

   b. Respect for Life, the Law and the Public Good
      - Ensure your work is lawful and justified.
      - Minimise and justify any adverse effect your work may have on people, animals and the natural environment.

   c. Responsible Communications: Listening and Informing.
      - Seek to discuss the issues that science raises for society. Listen to the aspirations and concerns of others.
      - Do not knowingly mislead, or allow others to be misled, about research matters. Present and review research evidence, theory or interpretation honestly and accurately.
6. Finally, this document should be considered in tandem with the University Research Misconduct Policy (Ordinance D17), because misconduct in research includes, but is not limited to, any deviation from the Guidelines below.

CULTURE

7. The preservation of research integrity must be largely dependent on self-regulation. The primary way to encourage appropriate conduct is to promote and maintain a climate consistent with high ethical standards. It is imperative that all members of the University, whether students, staff or administrators, recognise the responsibilities that they share for developing and maintaining a culture in which sound research practices are adopted and inappropriate ones detected (see University Ordinance D17). To do this, honesty, openness and guidance from professional bodies should be encouraged to ensure that professional standards are upheld.

a. Honesty

(1) Regardless of discipline and Institution, the fundamental factor in ensuring the quality of research and research practices has to be the honesty of the individual investigator. Investigators should be honest with respect to their own work, which means subscribing to proper research practices such as acknowledging the contributions of colleagues or collaborators and ensuring veracity of data.

(2) However, investigators are also expected to be honest in relation to the work of their colleagues and peers. Colluding in, or concealing, the misconduct of others is not compatible with an environment which encourages Intellectual Honesty and is, therefore, in itself misconduct. Every employee of the University has a duty to inform the appropriate authorities if they know or suspect that there has been a breach of good conduct (see University Ordinance D17).

b. Openness

The University recognises the need for scientists to protect their own research interests and both the University and the funding bodies encourage scientists to be as open as possible. This openness includes such common practices as the scholarly exchange of ideas and data and the submission of work to peer review or to another forum where it can be challenged and questioned without the loss of face. Such an environment is essential not only to the establishment of good research conduct, but to the development of good and innovative science itself. Openness also implies that all steps will be taken to avoid, or at least declare, conflicts of interest.

c. Guidance from Professional Bodies

(1) As stated above, these guidelines cannot and do not encompass every element of proper research conduct. The number of different types of research and their combinations is endless and thus the area which "proper research conduct" has to address is equally vast. No one document can possibly encompass it all. Some areas such as Ethics, which is an important part of proper research conduct, are not even the preserve of one body or group. They lie partly in the public sphere of what is deemed acceptable and are constantly changing. For this reason the University expects individual investigators, research groups, Centres and Departments to follow guidelines provided by other bodies which relate to their work. In the case of Ethics, for example, this may include the BMA, the NHS Ethics Committees operated by the National Research Ethics Service, the Imperial College Research Ethics Committee and the CBS Policy Committee where applicable (see Animal Research below).
Investigators are also under an obligation to comply with all the legislation relevant to their field of study including that of external bodies such as the Health and Safety Executive, the Home Office and the individual Research Councils themselves, as well as internal bodies such as the University’s Health and Safety Unit and Occupational Health Service.

8. **Guidelines.**
   
a. Each head of Department/Division/Centre should ensure that this culture is promulgated within their own area.

b. Mentoring relationships between academic leaders and new practitioners should seek to guarantee the transmission of proper research standards.

**SUPERVISION OF RESEARCH STUDENTS**

9. While the following recommendations refer to research students, many points are also applicable to junior members of academic staff and research assistants. Supervision of research students is vital in establishing proper conduct and research excellence in the University. New investigators often lack substantial laboratory experience and require significant input from their supervisors to successfully understand complex scientific methods, interpret data, and to undertake statistical analysis. The University has produced a booklet entitled "Learning to Research: A Code of Practice for Successful PhD Completion for Research Students and Supervisors" which has further information and is available from the Registry.

10. **Guidelines.**
   
a. Every student should be assigned at least one supervisor who specialises in a relevant research area.

b. The ratio of research students to supervisors should be such that close interaction and oversight of research is possible for the supervisor.

c. It is the responsibility of a supervisor to ensure that the student is aware of any relevant University regulations pertaining to their work, as well as the standards of conduct which are expected of them in their research.

d. The supervisor should oversee all aspects of the student’s work including the design of the research, whether it be experimental, theoretical or numerical and the process of acquiring, recording, examining and interpreting data; it is not acceptable for the supervisor to have a role which involves simply the editing of a student’s thesis.

e. Supervisors should emphasise the importance of keeping and maintaining an accurate record of research undertaken.

f. To encourage peer review, there should be regular communication within a Research Group, for example through group meetings or dissemination of written work.

g. In addition, there should be regular meetings to present, discuss and scrutinise work in progress.

h. PhD students are required to acknowledge that theses are their own work by signing the University PhD entry form and the reproduction of theses form.
DATA COLLECTION AND RETENTION

11. It is important that primary results are recorded accurately during research and they can be retrieved or reproduced if necessary. For data which requires statistical analysis, the same methodology should be used in the design of the research as in its evaluation. The existence of verifiable data will allow research results to be tested by a third party if an allegation of research misconduct is made.

12. Guidelines

   a. If some aspects of a study are outside the expertise of the investigator, he or she should consult other specialists before conducting the research.

   b. Primary data should be recorded promptly, accurately and permanently by an appropriate method. Entries should be signed and dated by the investigator where possible. This is consistent with the requirements of US Patent Law, and will provide protection from allegations of misconduct as well as having positive benefits for the individual researcher.

   c. Where computer and/or instrument printouts are the main record of results, these should be kept in numerical order and affixed to any relevant laboratory notebooks.

   d. Any changes made to primary data during the conduct of a study should be identified separately and the reason for the change should be indicated. Under no circumstances should data be modified in an improper manner.

   e. Primary data are the property of Imperial College and should remain in the laboratory where it was generated for as long as reference needs to be made to it and for no less than ten years.

AUTHORSHIP

13. Guidelines

   a. It is recommended that all co-authors should have made a significant intellectual or practical contribution.

   b. Where there are two or more co-authors involved in a study, it is suggested that one author takes responsibility for the scientific accuracy of the entire publication. This senior author should verify that each co-author has reviewed the manuscript and is able to confirm that their area of expertise is accurate to the best of their knowledge.

   c. Heads of Department/Division/Centre have a responsibility to ensure that members of the Department are not engaged in the publication of research which is not authentic, or does not add substantially to existing literature. This responsibility will in practice be delegated to principal investigators.

ACKNOWLEDGEMENTS

14. The University wishes to gratefully acknowledge the use of the following document in writing this paper:
Faculty of Medicine Harvard University, Guidelines for Investigators in Scientific Research (1996)

Approved by the Management and Planning Group: January 2000
Revisions approved by the Management Board: October 2006
Revisions approved by the Management Board: February 2008
1. Research in the Physical Sciences and Engineering (PSE) has both theoretical and practical/applied components. The proper research conduct of theoretical (pencil, paper and computer simulation) research is covered by the general guidelines provided in the main body of this document. Individual researchers and Research Groups that conduct experimental research in the general area of PSE must develop methods of working and task specific guidelines that comply fully with the spirit of the general University guidelines on proper research conduct, and should also be consistent with the University's Health and Safety policy, and the University's research ethics processes.

2. **Ethics**

   a. Subjects should not be deceived either by the withholding of information or intentional misleading regarding the procedures or purposes of research unless there is a valid methodological reason for doing so. Such methodology should always have the approval of an ethics committee. For studies that do not involve NHS subjects and/or their tissue or data, or that are collecting and using tissue outside the requirements of the Human Tissue Act 2004, ethics approval should be sought from the Imperial College Research Ethics Committee (ICREC).

   b. It is difficult to conduct research with human subjects and experimental design should have clearly defined research objectives to allow for this. Every study should have distinct goals, criteria for the inclusion or exclusion of cases, and should minimise the scope for investigator bias. There should also be details of the methods and timing of follow-ups, statistical methodology and the type of outcome measures expected.

   c. To improve the scientific quality of research, studies should be subject to scientific Peer Review before being submitted to a Research Ethics Committee for approval. For externally funded studies this is usually done as part of the application for funds. For internally funded research, the study should be peer reviewed by person(s) completely independent to the research team, who have appropriate expertise in the subject area. Evidence of this peer review should be submitted with the ethics application.

   d. To enhance the validity of the research any substantial amendments to the conduct of the study or the interpretation of the results should be approved by the Research Ethics Committee that originally reviewed the study and, following this approval, should be explained to all research participants by the investigator. Such amendments should also be submitted to the study Sponsor and any relevant authority from which approval to conduct the study has been obtained.

3. **Other Sources of Information**

   Imperial College Research Ethics Committee (ICREC)
   [http://www3.imperial.ac.uk/researchethicscommittee](http://www3.imperial.ac.uk/researchethicscommittee)
BIOMEDICAL RESEARCH GUIDELINES

CLINICAL RESEARCH

1. These principles apply to both funded and unfunded research, and are only meant as a guide. Members of staff are referred to the International Conference of Harmonisation Good Clinical Practice Guidelines, the Declaration of Helsinki, the Department of Health Research Governance Framework 2nd Edition, the General Medical Council Good Practice in Research Guidelines and the Medical Research Council Ethics and Research Guidance. New members of staff should be provided with these documents by their immediate supervisor. Imperial College staff should also adhere to the Clinical Research Governance Office Standard Operating Procedures.

2. Guidelines

a. All clinical research staff are required to register their clinical research projects with the appropriate NHS Trust(s) (including projects involving private patients being treated in Trust facilities). Any clinical research conducted outside the UK which involves the University's clinical academic staff should always be carried out according to UK ethical and Good Clinical Practice standards, but should also adhere to any local requirements in place in the country where the research is being conducted.

b. For Clinical Trials of Investigational Medicinal Products, research must be carried out in accordance with the EU Directive on Good Clinical Practice 2005 and the UK Medicines for Human Use (Clinical Trials) Regulations 2004. All those undertaking research in this area must seek the appropriate external approvals (e.g. Medicines and Healthcare Regulatory Agency Clinical Trials Authorisations, registration on the EudraCT database) where applicable. Researchers should also comply with requirements to register studies on publicly accessible research databases (e.g. clinicaltrials.gov) where appropriate, to avoid publication problems.

c. For any research involving the use of human tissue, work must be carried out in accordance with the Human Tissue Act 2004, and in accordance with the Codes of Practice established by the Human Tissue Authority.

d. For particular types of clinical research (e.g. gene therapy, research using patient data without consent) the UK has established national bodies (e.g. Gene Therapy Advisory Committee, Patient Information Advisory Group) as the responsible approval agency. The University requires all those undertaking clinical research in these areas to obtain the appropriate approval for their work.

e. The role of named collaborators should be properly defined. As with other types of research the University expects that the Principal Investigators will share the responsibility for the project. In the case of multi-site research, the Chief Investigator as named on the grant/ethics application will be the lead project manager and will be accountable for all aspects of project performance.

3. Sponsorship and Indemnity For any research conducted that falls under the Research Governance Framework or UK Clinical Trials Regulations an appropriate Sponsor must be identified to take on the management and monitoring responsibilities. This would usually be the Funder of the study where commercial companies are involved, or the main employer of the researcher. In all cases formal written agreement of Sponsorship must be obtained either from the Funder, Imperial College, or the appropriate NHS Trust. All researchers carrying out clinical or healthcare studies where Imperial College is named as Sponsor, must have this formally agreed by the Imperial College Research Governance Manager within the Clinical Research Governance Office. Sponsorship will
only be confirmed following a standard risk assessment. Appropriate Indemnity for the research must also be arranged for both negligent and non-negligent harm. Imperial College indemnity must be arranged with the Insurance Manager via the Clinical Research Governance Office before the study commences.

4. **Ethics**

   a. Any research involving NHS patients, tissue or data, relatives or carers of NHS patients, foetal material or IVF procedures involving NHS patients, the recently dead in NHS premises, the use of NHS premises or facilities, or studies involving NHS staff who are recruited because of their professional role, must have the prior approval of a NHS Research Ethics Committee (REC) before it may proceed. This also applies to healthy volunteer studies where a drug or device is being tested within the NHS. Ethics approval should be obtained following the guidance issued by the National Research Ethics Service (NREC).

   b. It is the responsibility of the Principal Investigator of a study to ensure they have specific ethics approval for the work being carried out, either through submitting a new ethics application, or a substantial amendment to previously approved research to the relevant REC.

   c. Researchers should adhere to the Imperial College Ethics Policy. Where research involves humans, their tissue or data, but falls outside the remit of the NHS/Clinical Trials Regulations, the project should be submitted to the Imperial College Research Ethics Committee (ICREC) for approval.

   d. Potential research subjects are entitled to choose whether or not they will participate in research: obtaining valid informed consent is central to the ethical conduct of research. Before they are asked for their consent, the subjects should be fully informed about the nature of the research methods and the likelihood, nature and possible degree of any risks (either physical or psychological) that may occur as a result of their participation. They should also be briefed about the purposes (including a realistic assessment of benefit) and potential value of the experiments and the right to withdraw during the course of the experiment. Potential participants should be provided with a written information leaflet to take away with them, including contact details should they have further questions. Participants should usually be given at least 24 hours to consider taking part. Written consent should always be recorded, except in exceptional circumstances. Verbal consent is only sufficient with prior written approval from an ethics committee. The consent forms should be filed in the patient's notes. In the case of private patients the notes must not be kept by the clinician concerned, but must be held in the Trust facility for private practice and be available for a minimum period of ten years.

   e. Researchers should seek consent according to the principles set out in the National Research Ethics Service guidance, which incorporates the UK Medicines for Human Use (Clinical Trials) Regulations 2004, and the European Clinical Trials Directive 2001/20/EC. The consent provisions in the Mental Capacity Act 2005 and the Human Tissue Act 2004 should also be taken into consideration where applicable.

   f. For research involving either patients or healthy volunteers, where there is a dependent relationship (e.g. patient-doctor, student-supervisor, lab staff-manager), it is important to ensure that the potential subjects do not feel pressurised or coerced into taking part. Potential participants should always be clear that their involvement is entirely voluntary, and that they will not be disadvantaged in any way should they not take part.

   g. Subjects should not be deceived either by the withholding of information or intentional misleading regarding the procedures or purposes of research unless there is a
valid methodological reason for doing so. Such methodology should always have the approval of a recognised ethics committee.

h. It is difficult to conduct clinical research with human subjects and experimental design should have clearly defined research objectives to allow for this. Every clinical study should have distinct goals, criteria for the inclusion or exclusion of cases, and should minimise the scope for investigator bias. There should also be details of the methods and timing of follow-ups, statistical methodology and the type of outcome measures expected.

i. To improve the scientific quality of research, studies should be subject to scientific Peer Review before being submitted to a Research Ethics Committee for approval. For externally funded studies this is usually done as part of the application for funds. For internally funded research, the study should be peer reviewed by person(s) completely independent to the research team, who have appropriate expertise in the subject area. Evidence of this peer review should be submitted with the ethics application.

j. To enhance the validity of the clinical research any substantial amendments to the conduct of the study or the interpretation of the results should be approved by the Research Ethics Committee that originally reviewed the study and, following this approval, should be explained to all research participants by the investigator. Such amendments should also be submitted to the study Sponsor and relevant authority such as the Medicines and Healthcare products Regulatory Agency.

k. All clinical research must be conducted in accordance with the World Medical Association Declaration of Helsinki.

5. **Data**

a. Where research involves the storage of personal information (which could include name, date of birth, NHS number, or tissue samples), the research proposal must contain provisions that the subject will be fully informed, in advance, of the nature of the information required and the subsequent use to be made of that information. Each subject is to be given the freedom to decide what additional information not currently in the public sphere of knowledge can and cannot be communicated. All data should be taken and stored in accordance with the Data Protection Act 1998. Research data should be stored for a minimum of five years.

b. Each subject has a right to maintain his or her anonymity.

c. For research involving human tissue, ideally such tissue should be anonymised from the researcher. The use of codes is strongly recommended (pseudonymisation). Such research should always have the approval of a research ethics committee and must comply with the requirements of the Human Tissue Act; including ensuring samples can be traced back to the donor.

d. Data should be consistent with the medical records used as source material and should be abstracted as the trial proceeds.

e. In both prospective and retrospective trials, data collection forms should be used.

6. **Reporting Responsibilities**. Following commencement of a clinical trial, the Principal Investigator is responsible for the reporting of all Serious Adverse Events (SAEs), Adverse Reactions (ARs) and Suspected Unexpected Severe Adverse Reactions (SUSARs) to the appropriate authority e.g. the Medicines and Healthcare Regulatory Agency and Research Ethics Committee as well as to the study Sponsor.
7. **Other Sources of Information**

- Declaration of Helsinki Ethical Principles for Medical Research Involving Human Subjects 2000 [World Medical Association](http://www.wma.net/e/policy/b3.htm)
- The Medical Research Council Ethics and research Guidance [http://www.mrc.ac.uk/Ourresearch/Ethicsresearchguidance/index.htm](http://www.mrc.ac.uk/Ourresearch/Ethicsresearchguidance/index.htm)

**ANIMAL RESEARCH**

8. Only a small percentage of medical and biological research involves the use of animals. That part remains vital, however, to further the development of treatments or cures for medical conditions that blight or destroy the lives of humans and animals. The University's statement of its policy on animal use is available on the website.

9. All biomedical research must comply with both the letter and the spirit of the Animals (Scientific Procedures) Act 1986 (the Act) - widely viewed as the most rigorous piece of legislation of its type in the world - which regulates any experimental or other scientific procedure applied to a protected animal that may have the effect of causing that animal pain, suffering, distress or lasting harm (a regulated procedure). The overall responsibility for ensuring compliance with the provisions of the Act is held by the Certificate Holder, a representative of the governing authority of the University. This position is currently held by the Principal of the Faculty of Medicine.

10. Before any regulated procedure is carried out it must be part of a programme specified in a project licence and carried out only by a person holding an appropriate personal licence. Applications for the grant of a project or personal licence are made to the Secretary of State for the Home Office. Copies of the application forms and notes on their completion are available on the Home Office website.

11. No application for a project licence can be made to the Home Office until it has been through the University's Ethical Review Process (the ERP). The Central ERP Committee includes members who are vets, animal care staff, lay people (some of whom are independent of the University) and scrutinises all proposals for their scientific and ethical justification of animal use. The Committee will also provide information and advice about ethical analysis, best practice in animal welfare and new developments in techniques that avoid animal use. This is in line with the aim of the ERP to develop initiatives leading to the widest possible application of the 3Rs:

- Replacement (of animals with non-sentient alternatives),
- Reduction (in animal numbers) and
- Refinement (of techniques to minimise pain and suffering).
12. A personal licence is the Home Secretary's endorsement that the holder is a suitable and sufficiently competent person to carry out specified regulated procedures. Personal licensees assume primary responsibility for the welfare of the animals on which they perform regulated procedures. All new applicants for personal licences are required to complete an appropriate training course.


a. All research must comply with the CBS protocols relating to Health and Safety Legislation.

b. No-one is permitted to work within CBS facilities unless they have been satisfactorily screened by the Occupational Health Department for Allergy to Laboratory Animals.

c. Heads of Department/ Divisions/ Project Leaders/ CBS must ensure that all staff are aware of the relevant protocols.

BIOHAZARDOUS RESEARCH

14. The University acknowledges its responsibility to provide a support programme for the handling, storage and disposal of biohazardous material through the Safety Department. However, the investigator is responsible for ensuring work conducted within their laboratories is conducted in a safe manner and in compliance with the law and University Policy. "Faculty groups", which regularly conduct research in this area, and Research Groups, should develop their own more specific guidelines to help direct staff.

15. Policy and Guidelines

a. Investigators must ensure that they comply with the Health and Safety at Work etc Act, the Control of Substances Hazardous to Health Regulations, the Management of Health and Safety at Work Regulations and the University’s Health and Safety policies for work with dangerous pathogens.

b. Detailed risk assessments and Codes of Practice for handling biohazardous material must be developed by the Head of Department/ Division/ Centre/ Research Group and approved, where required, by the Safety Department.

c. Staff and students participating in biohazardous research must be given adequate direction, training and instruction in the safe performance of their work. This is the responsibility of the principal investigator.

d. The principal investigator must ensure that the use of biohazardous material is limited to the approved facilities.

e. Appropriate emergency and decontamination procedures must be developed by the Head of Department/ Division/ Centre and Research Groups in consultation with the Safety Department.

f. The principal investigator must report all potentially hazardous incidents and accidents to the Safety Department.

GENETIC MODIFICATION WORK
16. All work involving genetic modification of animals, plants and micro-organisms must be carried out in a safe manner and in full compliance with University Policy and the Health and Safety at Work etc Act, the Genetically Modified Organisms (Contained Use) Regulations and all other relevant legislation, including the Regulations of the Health & Safety Executive, it's Advisory Committee on Genetic Modification and, where appropriate, the Department for Environment, Food and Rural Affairs.

17. All storage, use or disposal of Genetically Modified Organisms must be approved by the relevant GM Safety Committee before the material is imported to or created on University premises.

18. All requirements for biohazardous work must also be applied.

PLANT PATHOGENS AND PESTS

19. All work with plant pathogens and pests, and their vectors, including bacteria, fungi, insects, viruses and other organisms, must be carried out according to the regulations of the Department for Environment, Food and Rural Affairs and, where necessary, the appropriate licence obtained.

REFERENCES

IMPERIAL COLLEGE LONDON - Policy on the use of animals in research
http://www3.imperial.ac.uk/secretariat/policiesandpublications/otherpolicies/animalresearch

The Animals (Scientific Procedures) Act 1986

The Home Office website
http://scienceandresearch.homeoffice.gov.uk/animal-research/

The ERP at Imperial College
http://www1.imperial.ac.uk/medicine/about/resources/researchsupp/cbs/erp/default.html

The Ethical Review Process

New licensee training courses
http://www1.imperial.ac.uk/medicine/about/resources/researchsupp/cbs/training/default.html

Council for Science and Technology
http://www.cst.gov.uk/cst/
A. TERMS OF REFERENCE FOR THE SCREENING STAGE INVESTIGATOR

1. The Screening Stage Investigator will determine whether there is prima facie evidence of research misconduct. They will have considered that the allegations:
   - Constitute research activity where the University has primary responsibility
   - Involve a Respondent where the University is the primary employer or for whom it has primary responsibility
   - Do not encompass breaches of the law or under those areas in the domain of the relevant regulatory authority
   - Do not encompass breaches of the organisation's Regulations which should be dealt with under the Disciplinary Procedure
   - Are not mistaken, frivolous, vexatious or malicious

2. The Screening Stage Investigator will be either the Head of Faculty/Department/Division/Centre or other unit or an independent and appropriately qualified nominee. In certain circumstances it will be more appropriate for the Chair of the RMRG to consult with the Senior Principal to determine who should investigate the allegation.

3. The Screening Stage Investigator shall normally:
   - Maintain a record of evidence sought and received, and conclusions reached
   - Conduct an assessment of the evidence including interviewing the Respondent and Complainant and other staff considered relevant to the investigation
   - Utilise guidance from the UKRIO where needed
   - Provide a draft report to the RMRG, who’s Chair will forward it to the Respondent and Complainant for comment limited to the accuracy of facts within the Report.
   - The Investigator shall assess the validity of any suggested factual amendments and amend accordingly
   - Produce a final report within 30 working days

B. TERMS OF REFERENCE FOR THE FULL INVESTIGATION PANEL

4. The Investigation Panel shall be convened by the Rector to investigate allegations of research misconduct which the Screening Investigator has deemed to have sufficient substance to warrant a full investigation.

5. The Panel shall consist of a Dean of the relevant Faculty. The rest of the panel shall consist of three other members of academic staff from the University, appointed by the Rector. Alternatively one of the three further Panel members may be selected from the UKRIO’s Register of Advisors, at the discretion of the Rector in consultation with the RMRG and the UKRIO.

6. The Panel shall:
   - Receive all relevant information from the Screening Panel as background for the investigation,
   - Set a date for the investigation, which shall be conducted as reasonably expeditiously as possible,
   - Maintain a record of evidence sought and received, and conclusions reached,
   - Conduct an assessment of the evidence,
• Hear the Complainant and such other individuals as the Panel consider relevant to the investigation,
• Hold a Formal hearing, to hear the Respondent’s response to the allegations made.
• Consider the allegations of misconduct in research and reach a conclusion on the allegations with the standard of proof used to reach that decision being ‘on the balance of probabilities’,
• Provide a draft report to the RMRG, who’s Chair should forward it to the Respondent and the Complainant (and their representatives by agreement) for comment only on the factual accuracy of the Report,
• Shall assess the validity of any suggested factual amendments and amend accordingly,
• Report any further or distinct incidents of Research Misconduct encountered, which warrant separate investigation,
• Aim to reach a unanimous decision, failing which a majority decision will be acceptable.

7. The Investigation Panel should then produce a final report that:

• Summarises the conduct of the investigation,
• States whether the allegation of misconduct in research have been upheld in whole or in part, giving the reasons for its decision and recording any different views;
• Makes recommendations in relation to any matters relating to any other misconduct identified during the investigation;
• Addresses any procedural matters that the investigation has brought to light within the University and relevant partner organisations or funding bodies.
Appendix 3:

FORMS FOR TRACKING A CASE’S PROGRESS

Initial Report
To be used by the Chair of the RMG

Information

1. Department

2. Source of allegations: Internal ☐ external ☐

3. Details of allegations:

4. External funding involved: Yes ☐ No ☐

5. If yes to question 5 does it include:
   i) funding from a UK Research Council: Yes ☐ No ☐
   ii) funding from a DH or NHS scheme: Yes ☐ No ☐
   iii) funding from a Charitable body: Yes ☐ No ☐
   iv) funding from a Commercial body: Yes ☐ No ☐
   v) funding from a Overseas body: Yes ☐ No ☐

6. Date formal allegations received: Day____ Month________

7. Does the project have an external Sponsor: Yes ☐ No ☐

8. Does the project have an external partner(s): Yes ☐ No ☐

9. Does the project involve an international partner(s): Yes ☐ No ☐

10. Has the Organisation taken any action(s) to contact any regulatory or professional bodies:  Yes ☐ No ☐

11. Has the Organisation taken action(s) to use its disciplinary process: Yes ☐ No ☐

12. Has the Organisation taken action(s) to bar the Respondent from relevant parts of the workplace: Yes ☐ No ☐

13. Date on which the Screening Panel start/started work: Day__ Month__

14. Are external nominations to the Panel required: Yes ☐ No ☐

15. Does the Screening Panel include members external to the Organisation: Yes ☐ No ☐
16. Other Details (optional):

Conclusion of the Screening Panel

To be used by the Chair of the RMRG to record the conclusions reached by the Screening Panel.

Information

1. Date the report submitted: Day_________ Month_____________

2. The allegations reviewed by the Screening Panel were considered:
   i) to be mistaken, frivolous, vexatious and/or malicious; Yes☐ No☐
   ii) to need to be referred to the Organisation’s disciplinary or other internal process; Yes☐ No☐
   iii) to have some substance but due to a lack of intent or motivation to deceive or due to their relatively minor nature, they should be addressed through education and training, or other non-disciplinary route, rather than through the next stage of the Procedure or other Formal Proceedings; Yes☐ No☐
   iv) be sufficiently serious and of sufficient substance to justify a Formal Investigation. Yes☐ No☐

3. If the Screening Panel found the allegations to be mistaken, frivolous, vexatious and/or malicious, please outline any actions taken to support the Respondent and, if found frivolous, vexatious and/or malicious, whether any actions considered against the Complainant.

4. If the matter does not require formal procedures but rather should be addressed through a different route, please outline steps taken.

5. If to be taken to a Formal Investigation, please specify date planned to start the investigation: Day_______ Month________

6. If to be taken to a Formal Investigation, are external nominations to the Investigation Panel required? Yes ______ No_________

7. Any other comments:
**Conclusion of the Investigation Panel**

To be used by the Chair of the RMRG to record the outcome of the Investigation Panel to UKRIO (and others).

**Information**

1. Date the report issued: Day________Month_________

2. Allegations not upheld: Yes☐ No☐
   Allegations upheld: Yes☐ No☐
   Allegations upheld in part: Yes☐ No☐

3. If not upheld, please indicate whether any action should be taken to support the Respondent:

   

4. If the allegations were upheld in full or in part, whether the allegations will be referred to the Organisation’s disciplinary process:
   Yes☐ No☐

5. If yes to question 6, whether a date has been set to start the disciplinary process.
   Yes☐ (Day_____ Month_____ ) No☐

6. Whether action to correct the record of evidence is considered necessary.
   Yes☐ No☐

7. Whether there may be organisational issues that the Organisation should address in the management of research. Yes☐ No☐

8. Has the outcome of the investigation been communicated to all other interested parties:
   Yes☐ No☐

9. Any other comments:

   

Council
9th July 2010
1. In November 2009 the Strategic Education Committee (SEC) accepted in principle a report from a Working Group proposing the creation of two new award strands: a Postgraduate Certificate and a Postgraduate Diploma, both to be offered as freestanding qualifications and linked to Master’s programmes. The report of the SEC Working Group is attached at Annex A.

2. Revised Academic Regulations for the award of Master’s degrees, which incorporate the new Postgraduate Diplomas and Certificates, have now been approved by Senate (Annex B). The revised regulations include proposed APL rules for Diplomas, but not for Certificates as the Senate considered that APL for such awards was not appropriate. A key part of the new regulations is that Merits and Distinctions are available only for Master’s degrees and not for Diplomas or Certificates, which would be pass/fail only.

3. Master’s programmes will not be obliged to adopt the regulations for the new Postgraduate Certificates and Diplomas and can choose to opt out such that only the award of the Master’s degree may be available; this will be the default position. Those courses that wish to make use of the new awards will have to submit criteria for their award for approval by the relevant Graduate School Postgraduate Quality Committee. It is anticipated that Certificates and Diplomas will be more suited to the College’s ‘professional’ Master’s programmes.

4. The proposed regulations define a Postgraduate Certificate as intended for the award on the satisfactory completion, including formal examination, of a prescribed programme of full-time study beyond the Bachelor’s degree level of at least 3 months, or the equivalent in part-time study, such that the credit rating of the programme totals at least 30 ECTS. The proposed regulations define a Postgraduate Diploma as intended for the award on the satisfactory completion, including formal examination, of a prescribed programme of full-time study beyond the Bachelor’s degree level of at least 6 months, or the equivalent in part-time study, such that the credit rating of the programme totals at least 60 ECTS.

5. The Senate agreed that candidates who registered for the Postgraduate Certificate or Diploma would be able to surrender their award should they wish to progress to a higher qualification, but that Certificates and Diplomas should not be used as exit routes for candidates who could not complete or were unsuccessful in all assessments for the Master’s degree.

6. The proposed framework is generally cost neutral to the College as regards reporting of awards and results to HEFCE and HESA except that a student who enrolled on a Certificate programme and who already held a Postgraduate Certificate would not be fundable by HEFCE under the Equivalent Learning Qualification (ELQ) rules. If at the end of the 3 months they proceeded to the Postgraduate Diploma or Master’s programme, which was now a higher qualification than they already held, they would no longer be an ELQ and would therefore become fundable. However, if they already held a Postgraduate Diploma, and then went on to do just the Postgraduate Diploma, or already held a Master’s, and went on to do either the Postgraduate Diploma or the Masters, they would still be an ELQ and therefore not fundable. In essence, the student’s ELQ status would need to be re-assessed if and when they transferred at the end of the 3-month Postgraduate Certificate.
7. If approved, the new Postgraduate Certificate will replace the College’s current Certificate of Advanced Study. The Diploma of Imperial College (DIC) will be unaffected by these proposals.

8. The Senate recommends to Council the establishment of a Postgraduate Certificate and Postgraduate Diploma, and the associated amendments to the Academic Regulations, with effect from October 2010.

N.W.
A REPORT FROM
THE POSTGRADUATE QUALIFICATION FRAMEWORK WORKING GROUP

Background

The Strategic Education Committee requested that a small group be convened to review the interrelationship between the Certificate of Advanced Study, a possible professional diploma and a Master's degree and progression/exit rules. The membership and terms of reference agreed are attached as appendix 1.

The Working Group met on 16 September 2009 to consider the advantages and disadvantages of multiple exit routes for degrees and conducted a wide ranging discussion on the desirability of offering certificate and diploma pathways.

Advantages and disadvantages of multiple exit routes

(a) The concept would be particularly advantageous within disciplines offering part-time programmes, and especially professional healthcare MSc programmes, where linked Masters, Certificate and Diploma programmes would allow students to exit at intermediate points with a formal postgraduate qualification.

(b) The concept of introducing a PG Certificate or PG Diploma as an “exit point” would be beneficial in cases where a student elected not to complete the requirements for the Master's award.

(c) Individual modules could be offered on a free standing basis as part of continuing professional development.

(d) The College would not wish to be seen as a vocational institution and therefore must be certain that the linkage of Master’s programmes with PG Certificates and PG Diplomas does not dilute the academic brand.

(e) Not all areas of College would wish to introduce linked certificate and diplomas to their Master's programmes and may be concerned about seeming to devalue existing courses.

(f) If adopted as “exit routes”, the concept may be open to interpretation as a failure to progress. If linked in terms of “progression stages” each award would be valued independently.

(g) Intake to the CPD/ PG Certificate / PG Diploma routes must supplement, rather than limit the numbers accepted onto MSc programmes.

Noted:

1. The ICU Representation and Welfare Board have raised no objections to the concept.

2. It is assumed that students would be eligible to receive HEFCE funding subject to the usual conditions and as long as they are registered for a year of study. This assumes also that students are registered as MSc students with a transfer to the certificate or diploma if necessary.
Summary of key recommendations:

i. The award of the Diploma of the Imperial College London should remain unchanged.

ii. The introduction of PG Certificate and PG Diploma programmes was considered a good idea – offered both as free standing qualifications and linked to Master’s programmes.

iii. The new award titles should be Postgraduate Certificate (Field) and Postgraduate Diploma (Field).

iv. It should not be mandatory for all courses to offer certificate and diploma level courses.

v. Rigorous academic regulations must be agreed so that it is clear that the academic standing of the qualifications is robust.

vi. PG Certificate and PG Diploma programmes may be taken on a full-time or part-time basis.

vii. PG Certificate and PG Diploma programmes should not have the award of merit and distinction.

viii. On successful completion of the PG Certificate or the PG Diploma programme, a “virtual” award should be confirmed on the basis of the student having achieved the required pass mark for the award level. The student will carry the pass mark forward and will accumulate the credits towards the next level. Should they fail to achieve the requirements to pass at the next level, they will be awarded the qualification at the level successfully achieved.

ix. ECTS credits should be allocated as follows:
   - Certificate: normally 24 – 30 ECTS
   - Diploma: normally 50 – 60 ECTS
   - Masters: 90 ECTS

x. The College APL rules should be reviewed to ensure the credit accumulation was appropriate to the field of study.
Appendix 1

Postgraduate Qualification Framework Working Group

Terms of reference

1. To explore the desirability, opportunities and practicalities for developing postgraduate programmes with multiple exit routes - typically certificate, diploma and master's.

2. To consider the interrelationship, and progression and exit rules between these awards.

3. To review further how this might be extended to incorporate continuing professional development.

Membership

Professor Bernie Morley (Chair)
Professor Susan Eisenbach, Dean of Learning and Teaching (& Computing)
Professor Dorothy Griffiths (Deputy Principal, Business School)
Professor Nigel Gooderham (GSLSM PQC)
Professor Richard Kitney (GSEPS PQC)
Professor Charles Pusey, Director of Education, AHSC
Ms Lorna Richardson, Deputy Academic Registrar
Mr Jonathan Silver, DPEW Education
Mr Nigel Wheatley, Academic Registrar
Professor Denis Wright, Dean of Students (& Life Sciences)
Professor Alan Armstrong (Chemistry)
Professor David Nethercot (representing CPD)

Sally Baker as secretary
Rebecca Penny for info

[September 2009]
Regulations for the award of Taught Master’s Degrees, Postgraduate Diplomas and Postgraduate Certificates

1 General Regulations

1.1 Definition

1.1.1 The Master’s degree is intended for award on the satisfactory completion, including formal examination, of a prescribed programme of full-time study beyond the Bachelor’s degree level of at least one calendar year or its equivalent in part-time study, such that the credit rating of the programme normally totals 90 ECTS.

1.1.2 Where individual Programme Requirements provide, a Postgraduate Diploma is intended for award on the satisfactory completion, including formal examination, of a prescribed programme of full-time study beyond the Bachelor’s degree level of at least six months or equivalent in part-time study such that the credit rating of the programme normally totals at least 60 ECTS.

1.1.3 Where individual Programme Requirements provide, a Postgraduate Certificate is intended for award on the satisfactory completion, including formal examination, of a prescribed programme of full-time study beyond the Bachelor’s degree level of at least three months or equivalent in part-time study such that the credit rating of the programme totals at least 30 ECTS.

1.2 Programmes of Study and Methods of Examination

1.2.1 Programmes of study and the examinations associated with them shall be so organised as to fall into one or both of the following categories:

i) a period of full-time study, the length of which shall be prescribed in the individual Programme Requirements but which shall normally be not less than one calendar year for a Master’s degree, six months for a Postgraduate Diploma and three months for a Postgraduate Certificate, the examination being completed by the end of that period;

ii) a period of part-time study of between two and five years for a Master’s degree, one and three years for a Postgraduate Diploma, and six months and two years for a Postgraduate Certificate, during which candidates will be examined in accordance with the individual Programme Requirements.

1.2.2 The minimum length of the period of study is prescribed in the individual Programme Requirements, but at the start of the programme or at a later stage the College may require individual students to pursue the programme for a period longer than the minimum period prescribed in the Requirements.

1.2.3 Where a candidate is pursuing a programme of study leading to a Master’s degree and extending over not less than one calendar year he/she may be allowed, at the discretion of the College and provided that the individual Programme Requirements so permit, to spend a maximum period of six
months or, in the case of students pursuing a part-time programme, an equivalent period, on project work under appropriate supervision at an organisation or institution approved by the College as having a function relevant and suitable to the field of study. Where a candidate is pursuing a programme of study leading to a Postgraduate Diploma or Certificate that study must be centred on the College, save where the College has made explicit provision for a programme to be delivered in part or in full at another institution specifically agreed for the purpose.

1.2.4 Schemes of examination shall be prescribed in the individual Programme Requirements and shall, for Master’s degrees, include the submission of a significant piece of individual work in the form of an essay, report or dissertation, which may be based on a project or fieldwork, unless the Senate has otherwise determined.

1.2.5 The examination for each written paper shall take place on one occasion each year and the time will be specified in the individual Programme Requirements, other than as provided in paragraph 1.5.8 below and where the College has exceptionally approved a different arrangement for individual programmes.

1.2.6 An essay/report/dissertation, where indicated in the scheme of examination, will be examined on one occasion only in each year and the date for submission will be specified in the Programme Requirements.

1.2.7 Each programme shall determine the acceptable and appropriate formats for the submission of essays, reports or projects required under their individual regulations so that they are generally available for public reference where appropriate. A candidate may apply to the College for restriction of access for a period not exceeding two years on the grounds of commercial exploitation or patenting or other very exceptional circumstances.

1.3 Entrance Requirements

1.3.1 The normal minimum entrance requirement for registration for a Master’s degree, Postgraduate Diploma and Postgraduate Certificate is:

a) a Second Class Honours degree or a taught Master’s degree awarded by a UK university institution or a degree of an equivalent standard awarded by a university institution overseas, in a subject appropriate to that of the programme to be followed; or

b) a registrable qualification appropriate to the programme to be followed awarded in Medicine by a UK university or a qualification of an equivalent standard awarded by a university institution overseas; or

c) a professional or other qualification obtained by written examinations and approved by the College.

1.3.2 Candidates possessing alternative qualifications obtained by written examination may also be considered by the College for registration for a Master’s degree, Postgraduate Diploma and Postgraduate Certificate. The College may require such a candidate to pursue the programme for the period of at least one year longer than the minimum period prescribed in the individual Programme Requirements and/or may prescribe a qualifying examination for such a candidate.

1.3.3 A candidate may be granted credit towards the award of a Master’s degree for study undertaken at the College or another institution, subject to the following conditions:
(a) applications for credit transfer will only be considered for part-time students;

(b) acceptability for credit transfer of work undertaken at the College or another institution does not confer right of entry to any programme;

(c) the work accepted for credit must be appropriate in range, quality and currency to, and form a coherent whole with, the proposed programme of study;

(d) a candidate granted credit transfer may be exempted from not more than 30 ECTS credits of the programme of study;

(e) a candidate may not be granted exemption from the research project or dissertation element of the programme.

1.3.4 A candidate may similarly be granted credit towards the award of a Postgraduate Diploma in accordance with the above provisions save that a candidate may be granted exemption from no more than 20 ECTS credits of the programme of study [or exceptionally no more than 30 ECTS credits if the candidate is presenting a College Postgraduate Certificate in the same field].

1.3.5 A candidate may not be granted credit towards the award of a Postgraduate Certificate.

1.3.6 An applicant for registration will also be required to meet any additional entrance requirements specified in the relevant Programme Requirements.

1.3.7 English language and other tests may be prescribed by the College.

1.4 Registration

1.4.1 Application for admission to a programme and registration for that programme shall be undertaken in accordance with the procedures specified by the College.

1.5 Examination

1.5.1 Candidates are bound by the Regulations in force at the time of their entry to the examination.

1.5.2 To be eligible for the award of a Master's degree, Postgraduate Diploma or Postgraduate Certificate a candidate must satisfy the examiners in the examination prescribed for the programme within a period of two years from the satisfactory completion of the prescribed period of study. This period of two years may be extended at the discretion of the Graduate Schools.

1.5.3 Examiners shall have the discretion to award a result of merit or distinction to candidates who have fulfilled the requirements for these awards of the Master's degree as specified in the Examination Regulations. Postgraduate Diplomas and Postgraduate Certificates are unclassified and are pass/fail only.

1.5.4 A candidate shall enter the examination in accordance with the provisions of the individual Programme Requirements. Deferment of any part of the examination, including submission of the essay/dissertation, may be granted for reasons judged adequate in the particular case at the discretion of the Graduate Schools. Subject to
such exemption being granted, candidates will be informed of the marks they obtained in those elements in which they have been examined.

1.5.5 If the essay, report or dissertation is otherwise adequate but requires minor amendments, the examiners may require the candidate to make within one month amendments specified by them and approved by them or one of their number nominated by them.

1.5.6 If a candidate who has been examined in all elements of the examination or of part of the examination for which he/she has entered fails to satisfy the examiners, the examiners may determine that he/she may on re-entry be exempt from one or more of the following:

   a) one or more of the written papers;
   b) essay/report/dissertation;
   c) assessment of coursework;
   d) practical examinations;
   e) clinical examinations;
   f) oral examination.

1.5.7 **Re-entry**

A candidate who does not at his/her first entry successfully complete the examination or part of the examination for which he/she has entered may, subject to the agreement of the Head of the Department when such re-entry would involve further attendance at the College, re-enter that examination on one occasion. Such re-entry will be at the next following examination except where the College has granted permission for a candidate to defer re-entry until the examination in a subsequent year. The dates of the written examination and for the submission of an essay/report/dissertation (where required) shall be as specified in the individual Programme Requirements.

A candidate re-entering any part of the examination will normally only be credited with a bare pass mark if successful. Re-entry candidates may also not normally be considered for a merit or distinction classification. However, where illness has affected a candidate’s performance at an examination, or there are other mitigating circumstances, the Board of Examiners has discretion to credit the candidate with the actual marks achieved in his/her re-entry examination.

1.5.8 **Illness**

A candidate who is prevented owing to their pregnancy or illness or the death of a near relative or other cause judged sufficient by the Graduate School Committee from completing at the normal time the examination or part of the examination in those elements in which he/she has entered may, at the discretion of the examiners, a) enter the examination in those elements in which he/she was not able to be examined on the next occasion on when the examination is held in order to complete the examination;

OR

b) be set a special examination in those elements of the examination missed as soon as possible and/or be permitted to submit any work prescribed (e.g. report) at a date specified by the Board of Examiners concerned. The special examination shall be in
the same format as specified in the Programme Requirements for the element(s) missed and subject to the approval of the external examiners in the normal way.

1.5.9 Where a candidate has failed to complete the examination for one of the reasons specified in 1.5.8 above, the course organiser should make an application on his/her behalf accompanied by the medical certificate or other statement of the grounds on which the application is made, direct to the Board of Examiners within seven days of the last day of the written examination or for the submission of the essay/report/dissertation.

1.5.10 When a candidate who is prevented by his/her own illness, or by the death of a near relative or other cause judged sufficient by the Graduate Schools, from taking all or part of the written examination, submits his/her report etc. at the time originally prescribed, the candidate may apply to have the examination entry fee paid credited to the next following occasion on which the examination is held, provided he/she is not seeking immediate re-examination by means of special papers.

1.6 Notification of Results

1.6.1 After the examiners have reached a decision through a meeting of the Board of Examiners for the programme, every candidate will be notified of the result of his/her examination including marks obtained under the authority of the Academic Registrar.

1.6.2 A diploma under the Seal of the College shall be subsequently delivered to each candidate who has been awarded a Master's degree, Postgraduate Diploma or Postgraduate Certificate. A candidate shall only be entitled to receive a diploma in respect of the award for which they are registered at graduation.