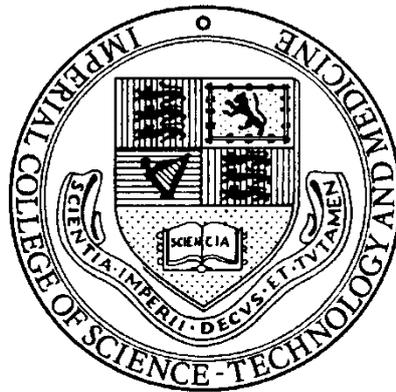


Imperial College
of
Science, Technology and Medicine



CHARTER
AND
STATUTES
2007

Imperial College of Science, Technology and Medicine

CHARTER AND STATUTES

Explanatory Note

The Charter of Incorporation of the Imperial College of Science and Technology was granted under Letters Patent by HM King Edward VII at Westminster on 8th July 1907.

Conditions under which the City and Guilds College (then the Central Technical College of the City and Guilds of London Institute) was to become an integral part of the Imperial College were set forth in a Schedule to the Charter. This Schedule was cancelled by an Order in Council of 19th July 1910, and the original conditions were replaced by those set forth in the Schedule to that Order (commonly known as 'the Schedule of 1910').

Other Orders in Council which have resulted in additions to, or amendments of, the Charter or the Schedule of 1910 were made on (a) 21st November 1908; (b) 7th July 1916; (c) 6th February 1940; (d) 29th January 1947; (e) 29th June 1951 (which cancelled the Order made in 1916); and (f) 22nd June 1988. The last of these incorporated St Mary's Hospital Medical School as a constituent College and entitled the College as the Imperial College of Science, Technology and Medicine.

The merger with St Mary's Hospital Medical School was enacted by the Imperial College Act 1988 (chapter xxiv), which came into effect on 1st August 1988. Further mergers were also enacted by (a) the Imperial College Act 1997 (chapter ii), which united the Charing Cross and Westminster Medical School and the Royal Postgraduate Medical School with the College and which came into effect on 1st August 1997; and (b) the Imperial College Act 1999 (chapter iii), which united Wye College with Imperial College and which came into effect on 1st August 2000.

Two further mergers have been made by Contract. On 1st August 1995 the National Heart and Lung Institute transferred its assets and rights to the College; and on 1st August 2000 the Kennedy Institute of Rheumatology transferred its assets and rights to the College.

Following the merger with the Charing Cross and Westminster Medical School and the Royal Postgraduate Medical School, a Supplemental Charter and Statutes were granted by HM Queen Elizabeth II on 24th June 1998. Further Orders in Council which have resulted in additions, to or amendments of, the Charter and Statutes of 1998 were made on (a) 8th May 2003 (which granted the College the power to award degrees in its own name); (b) 16th July 2003; and (c) 10th January 2005.

In 2006 the College concluded that its objects and duties would be better achieved and performed if it were a separate university in its own right and therefore agreed with the University of London that Imperial College's status as a College of the University of London should be withdrawn. On 4th April 2007 a Supplemental Charter and Statutes were granted by HM Queen Elizabeth II. This Supplemental Charter, which came into force on the date of the College's Centenary, 8th July 2007, established the College as a University with the name and style of "The Imperial College of Science, Technology and Medicine".

On 6 July 2009 the Statutes were amended by an Order in Council increasing the size of the Council. Further Orders in Council which have resulted in additions, to or amendments of, the Charter and Statutes of 2007 were made on (a) 16 March 2011; and (b) 5 November 2014 (which provided for the replacement of the Rector by the President and the creation of the new role of Provost).

In this pamphlet are set forth the provisions of the Charter and Statutes of 2007 incorporating the amendments made on 6 July 2009, 16 March 2011 and 5 November 2014.

ELIZABETH THE SECOND

by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS the Imperial College of Science and Technology was established by Royal Charter granted by His Late Majesty King Edward the Seventh on the 8th day of July 1907 (hereinafter referred to as “the Charter of 1907”) combining the Royal College of Science, the Royal School of Mines and the City and Guilds College, for the purpose of giving the highest specialised instruction, and providing the fullest equipment for the most advanced training and research in various branches of science, especially in its application to industry:

AND WHEREAS the Imperial College of Science and Technology became a School of the University of London in 1908 and was redesignated a College of the University of London in 1994:

AND WHEREAS on the 22nd day of June 1988 the Royal Charter of the Imperial College of Science and Technology was amended by Order in Council to change the name of the body to the Imperial College of Science, Technology and Medicine (hereinafter referred to as “Imperial College”) with the purpose, *inter alia*, of carrying on the work of St. Mary’s Hospital Medical School:

AND WHEREAS by the Imperial College Act 1988, which came into effect on the 1st day of August 1988, St. Mary’s Hospital Medical School became united with Imperial College:

AND WHEREAS on the 23rd day of June 1948, under schemes made pursuant to section 15 of the National Health Service Act 1946, both the Charing Cross Hospital Medical School and the Westminster Medical School (hereinafter referred to as “the Medical Schools”) were constituted bodies corporate and in accordance with those schemes were administered as Schools of the University of London with the main objects of providing for the education of students in medicine and allied subjects, promoting research work for the advancement of medical sciences and engaging in ancillary activities:

AND WHEREAS on the 1st day of August 1984, in pursuance of the policy of the University of London that the academic strength and financial viability of the Medical Schools of the University of London should be enhanced by the merger of some of those Schools, the Medical Schools were dissolved, and a new body corporate was constituted by the Charing Cross and

Westminster Medical School Act 1984, which also provided for the new body corporate to be known as the Charing Cross and Westminster Medical School and for the schemes made pursuant to section 15 of the National Health Service Act 1946 to be revoked:

AND WHEREAS the Royal Postgraduate Medical School was incorporated by a Charter granted by His Late Majesty King George the Fifth on the 10th day of July 1931:

AND WHEREAS We Ourselves granted a Charter on the 25th day of February 1974 (hereinafter referred to as "the Charter of 1974"), whereby the Royal Postgraduate Medical School was reconstituted as a University of London medical school, having the objects of the teaching and practice of and research into the science and art of medicine and such allied subjects as may be decided upon from time to time by the Council of the Royal Postgraduate Medical School:

AND WHEREAS the National Heart and Lung Institute (hereinafter referred to as "the Institute") was originally incorporated in 1973 under the name "the Cardiothoracic Institute" as a company limited by guarantee with the main objects of promoting the study of disease and particularly diseases of the heart, circulation and chest and generally improving the standard of knowledge of the means of prevention, diagnosis and methods of treatment and cure of such diseases:

AND WHEREAS on the 1st day of August 1995, in pursuance of the policy of the University of London that the academic strength and financial viability of its Medical Schools should be enhanced by the merger of some of those Schools with certain of its multi-faculty institutions, the Institute transferred its assets and rights to Imperial College:

AND WHEREAS Imperial College, the Charing Cross and Westminster Medical School and the Royal Postgraduate Medical School (hereinafter referred to as "the former College and Schools") agreed that it was expedient that they should be united as one college and provision made for this in the Imperial College Act 1997 (hereinafter referred to as "the Act"), which also provided for the revocation of the Charter of 1974:

AND WHEREAS We Ourselves granted a new Charter on the 24th day of June 1998 (hereinafter referred to as "the Charter of 1998"), whereby the Charter of 1907 was replaced by one making suitable provision in consequence thereof:

AND WHEREAS the Charter of 1998 revoked the Charter of 1907, except insofar as it incorporates the Imperial College of Science, Technology and Medicine and confers on it perpetual succession and a Common Seal and power to sue and be sued and to do all such things as are ancillary to a body corporate:

AND WHEREAS the College of St. Gregory and St. Martin at Wye was founded in 1447 as a religious house and was dissolved in 1545, after which the site continued to be used for educational purposes, becoming a grammar school in 1627:

AND WHEREAS the Grammar School at Wye continued until 1894 when the South Eastern Agricultural College was established on the site:

AND WHEREAS the South Eastern Agricultural College became a school of the University of London in 1898 and in 1946 the said College entered into association with the Horticultural College for Women, Swanley:

AND WHEREAS on 13th September 1948 those associated bodies were incorporated by Royal Charter as The College of St. Gregory and St. Martin at Wye generally known as "Wye College" having the objects among others of providing for persons of both sexes instruction and means of research in all or any of the subjects relating to the practice and science of agriculture and horticulture comprised in the Faculty of Science of the University of London and in such other subjects of or cognate to a University Education in Agriculture and Horticulture as might be decided upon from time to time by the Governing Body of Wye College:

AND WHEREAS by the Imperial College Act 1999, which came into effect on the 1st day of August 2000, The College of St. Gregory and St. Martin at Wye became united with Imperial College:

AND WHEREAS Imperial College has now concluded that its objects and duties would be better achieved and performed if it were a separate university in its own right and has agreed that it is expedient that the Charter of 1998 should be replaced by one making suitable provision in consequence thereof:

AND WHEREAS a humble Petition has been presented to Us by the Court and Council of Imperial College praying that We should be graciously pleased to grant a new Charter replacing the Charter of 1998:

AND WHEREAS We have taken the said Petition into Our Royal consideration and are minded to accede thereto:

NOW THEREFORE KNOW YE that We, by virtue of Our Prerogative Royal and of Our especial grace, certain knowledge and mere motion, have been pleased to will and ordain and by these Presents do for Us, Our Heirs and Successors, will and ordain as follows:

1. There shall be and there is hereby constituted a University with the name and style of "The Imperial College of Science, Technology and Medicine" (hereinafter referred to as "the University").
2. The Charter of 1998, except insofar as it revoked the Charter of 1907, shall be and is hereby revoked but nothing in this revocation shall affect the remaining provisions of the Charter of 1907 or the legality or validity of any act, deed or thing lawfully done or executed under the provisions of the Charter of 1907 or the Charter of 1998.
3. Notwithstanding the remaining terms of the Charter of 1907, the following shall henceforth constitute the University, that is to say, those persons who for the time being are members of the Court or of the Council, the Fellows of the University, the staff, students or other members of the University.
4. The Objects of the University shall be to provide the highest specialised instruction and the most advanced training, education,

research and scholarship in science, technology and medicine, especially in their application to industry; and in pursuit of these objects to act in co-operation with other bodies.

5. The University, subject to this Our Charter and Statutes, shall have power to do any lawful thing in furtherance of its objects and, without prejudice to the generality of the foregoing, shall have power:
 - (a) to grant or confer in the name of the University or in conjunction with another institution or institutions recognised by the University under conditions laid down in the Statutes, Ordinances or Regulations, Degrees, Diplomas, Certificates and other academic distinctions to and on persons who have pursued a course of study approved by the University, and to revoke such academic awards;
 - (b) to confer or revoke Honorary Degrees, Fellowships and Associateships of the University and other distinctions on approved persons provided that all Honorary Degrees, Fellowships, Associateships and other distinctions so conferred shall be conferred and held subject to any provisions which are or may be made in reference thereto by the Statutes, Ordinances or Regulations;
 - (c) to acquire, own, maintain, manage and dispose of real and other property;
 - (d) to solicit, receive and administer grants, fees, subscriptions, donations, endowments, legacies, gifts and loans of any property whatsoever, whether real or personal;
 - (e) to act as trustees for and in relation to endowments, legacies and gifts;

- (f) to invest any monies in the hands of the University and available for investment in accordance with the relevant law and the Statutes;
- (g) to borrow and raise money in any lawful manner as determined by the Council in accordance with the Statutes and any Ordinances or Regulations made thereunder;
- (h) to join or collaborate with any other institution, organisation, company, partnership, joint venture or association having in view or promoting any activity the same as, or similar or related to, or which can provide a service for, any activity of the University as provided for by law, by the provisions of this Our Charter, and in such manner as may be authorised by Statutes, Ordinances and Regulations of the University, and to delegate or revoke delegation of any of the University's functions to individuals, boards, committees or other entities (comprising its own officers or members or otherwise) with a view to furthering any of the above collaborative purpose or purposes;
- (i) to provide indemnity insurance to cover the liability of the members of the Council which by virtue of any rule of law would otherwise attach to them in respect of any negligence, default, breach of trust, or breach of duty of which they may be liable in relation to the University. Any such insurance shall not extend to:
 - (i) any liability resulting from conduct which the members of the Council knew, or must be assumed to have known, was not in the best interests of the University, or which the members of the Council did not care whether it was in the best interests of the University or not;
 - (ii) any liability to pay the costs of unsuccessfully defending criminal prosecutions for offences arising

out of the fraud or dishonesty or wilful or reckless misconduct of the members of the Council;

- (iii) any liability to pay a fine.
 - (j) to enter into engagements and to accept obligations and liabilities in all respects without any restriction whatsoever and in the same manner as an individual may manage his or her own affairs; and
 - (k) generally to do all other lawful acts whatsoever that may be necessary for and conducive or incidental to the attainment of the objects of the University.
6. All the functions of the University shall be performed by or through the authorities of the University established by or under the provisions of this Our Charter and the Statutes, being the authorities to whose respective jurisdictions those functions are thereby assigned in the manner therein provided.
 7. The work of the University shall be carried out in a spirit of tolerance. Academic staff shall have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges.
 8. In carrying out its functions, the University shall not discriminate unlawfully against any person whether on the grounds of religion, race, ethnic origin, gender, sexual orientation, marital status (including civil partnerships), disability, age, social background, political belief or otherwise.
 9. There shall be a Council of the University (hereinafter referred to as "the Council") which, subject to the provisions of this Our Charter, shall be the governing and executive body of the University and shall exercise all the powers of the University, save to the extent that this Our Charter and the Statutes otherwise provide.

10. Subject to the provisions of this Our Charter, the constitution of the Council, its powers and duties, the manner of appointment or election and period of office of its members, the manner of filling vacancies in its membership, the conduct of its meetings and affairs and all other matters relating to the Council shall be as prescribed by or under the Statutes.
11. Subject to the provisions of this Our Charter and the Statutes, 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.
12. The Council shall have the custody and sole use of the Common Seal of the University, and arrangements for its safe keeping and manner of authentication shall be as prescribed by Ordinance.
13. There shall be a Court of the University (hereinafter referred to as "the Court") with constitution, powers and functions as defined by Ordinance.
14. There shall be a Senate of the University (hereinafter called "the Senate") whose duties and membership shall be as prescribed by or under the Statutes and it shall, subject to the general superintendence and control of the Council, be the body responsible for the academic work of the University.
15. There shall be a President of the University (hereinafter referred to as "the President") who shall be appointed by the Council.
 - (a) The President shall be the chief academic and administrative officer of the University.
 - (b) The President's powers and duties shall, subject to the provisions of this Our Charter, be as prescribed in the Statutes.
16. There shall be such other officers of the University as may be prescribed by Statute.
17. In so far as it shall further the educational purposes of the University, there shall be a Students' Union of the University (hereinafter referred to as "the Imperial College Union") for the benefit of the students of the University and in their interests as students. 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.
18. Subject to Article 19 hereof, the Council may make Statutes for the promotion and fulfilment of the objects of the University and for its governance and management, provided that no Statute affecting academic policy shall be made until the Senate has been consulted.
19. The Statutes set out in the First Schedule to this our Charter (hereinafter referred to as "the Statutes") shall be the First Statutes of the University and shall have effect from the date on which this Our Charter comes into force and shall remain in effect until added to, amended or revoked in the manner hereinafter prescribed.
20. The Council may add to, amend or revoke the Statutes by Special Resolution, provided that no new Statute, addition, amendment or revocation shall have effect until it has been approved by the Lords of Our Most Honourable Privy Council, of which approval a certificate under the hand of the Clerk of Our Privy Council shall be conclusive evidence.
21. Subject to the provisions of this Our Charter and the Statutes, the Council may make such Ordinances and Regulations as it considers necessary or desirable for the purpose of carrying out the objects of

the University, provided that no Ordinance or Regulation shall have effect if it be repugnant to the provisions of this Our Charter or to the Statutes. Such Ordinances and Regulations may add to, amend or repeal Ordinances and Regulations from time to time in force.

- 22. The Statutes may direct that any of the matters authorised or directed in this Our Charter to be prescribed or regulated by Statute shall be prescribed or regulated by Ordinance or Regulation or by decision made by the Council, provided that any such further prescription, regulation or decision shall not be repugnant to the provisions of this Our Charter or of the Statutes.
- 23. The Council may at any time seek to add to, amend or revoke any of the provisions of this Our Charter by Special Resolution, and any such addition, amendment or revocation if approved by the Court shall, when allowed by Us, Our Heirs or Successors in Council, have effect so that this Our Charter shall thereafter continue and operate as if it had been originally granted and made as so added to, amended or revoked, and this provision shall apply to this Our Charter as so revoked or varied.
- 24. For the purpose of this Our Charter, a "Special Resolution" means a resolution passed at a meeting, of which at least 21 days' notice has been given, of not less than two-thirds of the members of the

Council by a majority of not less than three-quarters of those present and voting at the meeting.

- 25. We reserve unto Ourselves, Our Heirs and Successors to be the Visitor of the University, acting through the President of Our Privy Council, or, on representation of the Court, to appoint by Order in Council a Visitor for such period as We, Our Heirs or Successors shall see fit, and the Visitor's decision on matters within his or her jurisdiction shall be final.
- 26. Our Royal Will and Pleasure is that this Our Charter shall ever be construed benevolently and in every case most favourably to the University and to the promotion of the objects of this Our Charter.
- 27. This Our Charter shall come into force on the 8th day of July 2007.

IN WITNESS whereof We have caused these Our Letters to be made Patent

WITNESS Ourselves at Westminster the day of
in the year of Our Reign

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL

FIRST SCHEDULE

STATUTES OF IMPERIAL COLLEGE OF SCIENCE, TECHNOLOGY AND MEDICINE

1. DEFINITION OF TERMS

- (1) In these Statutes and the Appendices thereto words bear the same meaning as in the Charter and, unless the context otherwise requires:
- (a) “academic staff” means those persons employed by the University who (having successfully completed any relevant probationary period) have the title of Professor, Reader, Senior Lecturer or Lecturer at the University or are appointed to any other post designated by the Council as a post on the academic staff of the University;
 - (b) “the appointed day” means the date on which the Charter to which these Statutes are scheduled comes into effect;
 - (c) “the Charter” means the Charter of the Imperial College of Science, Technology and Medicine granted in 2007 to which these Statutes are scheduled;
 - (d) “elected members” means persons as defined by Regulation for the purpose of election;
 - (e) “external members” means members of the Council who are not persons holding honorary status in the University as defined by Ordinance, or students of the University, or employees of the University;
 - (f) “non-academic staff” means persons employed by the University in those grades designated by the Council as non-academic grades;
 - (g) “Ordinance” means an Ordinance made by the Council in accordance with the Charter and these Statutes;
 - (h) “Regulation” means a Regulation made by the Council in accordance with the Charter and these Statutes;
 - (i) “staff” means persons employed by the University;
 - (j) “students” means persons registered for courses of study at the University;
- (2) Any reference to a numbered Statute shall be taken to refer to the Statute of such number in these Statutes.
- (3) Associate Provosts, Vice-Presidents, Vice-Provosts, Deans, Vice Deans, Deputy Deans and Consuls for the purpose of appointment or election shall be as defined by Ordinance.
- (4) Except where the context otherwise requires, words importing the singular number shall include the plural number and words importing the masculine gender shall include the feminine gender and *vice versa*.
- (5) References to the provisions of any statute or statutory provision include, unless the context otherwise requires, reference to the corresponding provisions of any subsequent statute or statutory provision directly or indirectly amending, consolidating, extending, replacing or re-enacting the same.

2. MEMBERSHIP OF THE UNIVERSITY

The membership of the University shall be defined by Ordinance.

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 President *ex officio*;

The Provost *ex officio*;

The Chief Financial Officer *ex officio*;

4 *Ex officio* Members of the senior staff of the University chosen 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 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 appoint 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 appoint the Deputy Chairman of the Council from amongst its external members;
- (d) to appoint the President;
- (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 President, 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.

4. THE COURT

The constitution, powers and functions of the Court shall be defined by Ordinance.

5. THE SENATE

The constitution, powers and functions of the Senate shall be defined by Ordinance.

6. RESERVED AREAS OF BUSINESS

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.

7. ACTS DURING VACANCIES

No act or resolution of the Council or any committee or board constituted in accordance with these Statutes shall be invalid by reason only of any vacancy in the body doing or passing it or by reason of any want of qualification by or invalidity in the election or appointment of any *de facto* member of the body whether present or absent, or by reason of the accidental omission to give any member notice of the meeting or the non-receipt by any member of that notice.

8. OFFICERS OF THE UNIVERSITY

(1) The President

- (a) The President of the University shall be appointed by the Council.
- (b) The President 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 President 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 President shall have power to delegate any powers and duties to any person or committee.

(2) The Provost

- (a) The Provost of the University shall be appointed by the Council, on the recommendation of the President.
- (b) The Provost 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 Provost shall be responsible for the delivery of the College's core academic mission, including oversight of the quality and efficacy of education and research; recruitment, development and retention of academic and research staff; and student life and well-being 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 Provost shall have power to delegate any powers and duties to any person or committee.

(3) **Chief Financial Officer**

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

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

The Council shall, on the recommendation of the President, appoint the 4 ex officio Members of the Council chosen 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 President, 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 & Registrar**

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

(7) **Other Officers**

The Council may, on the recommendation of the President 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 President.

9. STAFF OF THE UNIVERSITY

Procedures governing the discipline, grievances and dismissal of academic staff employed by the University shall be in accordance with the provisions of the Appendix to these Statutes.

10. STUDENTS' UNION

- (1) There shall be a Union of Students of the University entitled "the Imperial College Union" which shall for all purposes be treated solely as an integral part of the University.

- (2) There shall be a President of the Imperial College Union elected from amongst those students of the University who are full members of the Union.

- (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.

11. ACCOUNTS AND AUDIT

The Council shall ensure that financial accounts are kept and that an annual statement of the University's finances is prepared and published. The Council shall appoint, for such period and on such terms and conditions as the Council shall determine, an Auditor to undertake an audit of such financial accounts. The Auditor shall be a member of a body of accountants established in the United Kingdom and eligible for

appointment as company auditors within the meaning of the Companies Act 1985. No person shall be appointed or remain an Auditor who is, or any one of whose partners is, a member of the Council or the full-time staff of the University.

12. TRANSITIONAL PROVISIONS

From the Appointed Day:

- (a) The Chairman of the Council shall be the Lord Kerr of Kinlochard and the terms of his appointment shall continue and be unaffected notwithstanding this Charter;
- (b) The Deputy Chairman of the Council shall be Dr George Gowans Gray CBE and the terms of his appointment shall continue and be unaffected notwithstanding this Charter;

- (c) The Rector shall be Sir Richard Sykes FRS and the terms of his appointment shall continue and be unaffected notwithstanding this Charter;
- (d) Save for *ex officio* members of the Council, the members of the Council immediately before this Charter comes into force shall continue to be members of the Council and shall be treated as appointed from the dates of their original appointments;
- (e) Save for *ex officio* members of the Court, the members of the Court immediately before this Charter comes into force shall continue to be members of the Court and shall be treated as appointed from the dates of their original appointments;
- (f) Save for *ex officio* members of the Senate, the members of the Senate immediately before this Charter comes into force shall continue to be members of the Senate and shall be treated as appointed from the dates of their original appointments.

APPENDIX TO THE STATUTES

DISCIPLINE, GRIEVANCE AND DISMISSAL PROCEDURES FOR ACADEMIC STAFF

PART 1: GENERAL

1. Application

- (1) This Appendix applies to the following:
 - (a) the members of the academic staff (except, in relation to the application of Part II, for those excluded from Part II by clause 5(1) below);
 - (b) such other members of staff or categories of staff of the University as are brought within its scope by the Council;and “member(s) of staff” in this Appendix means those members of the staff to whom this Appendix applies.
- (2) This Appendix will override any provision in any contract, term or condition of employment which is inconsistent with this Appendix, whether dated before or after the commencement of this Appendix, but:
 - (a) it shall not affect the validity of any settlement agreement under section 203 of the Employment Rights Act 1996, or any similar waiver or agreement permitted by law; and
 - (b) it shall not preclude any member of staff deciding or agreeing to terminate employment with the University, whether by voluntary severance, early retirement or otherwise, on whatever terms have been agreed.

- (3) Parts II to V of this Appendix shall not apply to removal from an appointment as Vice-President, Vice-Provost, Associate Provost, Dean, Vice Dean, Deputy Dean, Consul, Head of Department, or such other posts as have been designated by the Council, to which a member of staff has been elected or appointed and which is distinct from that individual’s substantive post, where dismissal from the substantive post is not contemplated, but the Council shall by Ordinance prescribe a procedure for handling such removals prior to the prescribed or normal termination date, which shall include a right to make representations to the person exercising the power of removal and a right of appeal to an appeal panel constituted in accordance with clause 4(1) below.
- (4) This Appendix shall not apply to the President or the Provost, except for Part III, which shall, unless the Council, with the President’s concurrence, resolves otherwise, apply to the President or Provost in post at the time it comes into effect, with such modifications and adaptations as the Council, with the President’s concurrence, shall prescribe, but it shall not apply to any later President or Provost, even if also the holder of an academic post.

2. General principles of construction and application

- (1) This Appendix and any Ordinances or Regulations made under it shall be applied and construed in every case to give effect to the following guiding principles:
 - (a) that the University applies academic freedom as broadly defined in Sections VI and VII of *Recommendation concerning the Status of Higher Education Teaching Personnel* adopted by the General

Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in Paris on 11 November 1997. This freedom includes:

- (i) freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
 - (ii) freedom to carry out and publish research work without any interference, subject to accepted professional principles including professional responsibility and subject to national and international recognised professional principles of intellectual rigour, scientific inquiry and research ethics;
 - (iii) freedom to teach without any interference, subject to accepted professional principles including professional responsibility and intellectual rigour with regard to standards and methods of teaching.
- (b) to enable the University to provide education, promote learning and engage in research efficiently and economically; and
- (c) to apply the principles of justice and fairness.
- (2) Where, in any proceedings under this Appendix, a member of staff invokes sub-clause (1)(a) above, that claim shall be considered by the person or persons dealing with the matter and, if it is found that any action has been taken against the member of staff because that member of staff questioned or tested received wisdom or put forward new ideas or controversial opinions, the person or persons dealing with the matter shall cancel that action and it shall be treated as invalid. In the event that a member of staff appeals a disciplinary warning on the grounds of sub-clause (1)(a) above then the appeal against the warning and the review of the academic

freedom complaint will be considered by the person dealing with the matter assisted by two senior members of academic staff, none of whom shall previously have had any involvement with the case.

- (3) Where there is any issue as to the meaning of “academic freedom” in any proceedings under Parts II, III, IV, V, VI and VII of this Appendix, regard shall be had to Sections VI and VII of the *Recommendation concerning the Status of Higher-Education Teaching Personnel* adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in Paris on 11 November 1997.
- (4) Any reference in this Appendix to a provision in an Act of Parliament or to a Code of Practice shall be taken to be a reference to that provision as it may have been amended, superseded or re-enacted from time to time.
- (5) In interpreting or construing any provision in this Appendix, regard shall be had to the *Notes on Clauses on the Draft Revised Model Statute* issued by the Universities and Colleges Employers Association (2002), so far as the provisions of the Draft Revised Model Statute have been adopted in this Appendix.
- (6) All procedures within the Ordinances will be conducted in line with the requirements of this Appendix.

3. Dismissal

- (1) For the purpose of this Appendix and, subject to clause 3(4) below, “dismissal” shall have the same meaning as in section 95 of the Employment Rights Act 1996.
- (2) A member of staff may be dismissed if that dismissal is for a reason set out in section 98 of the Employment Rights Act 1996.
- (3)
 - (a) a dismissal by reason of redundancy shall be handled in accordance with Part II;
 - (b) a dismissal for disciplinary reasons shall be handled in accordance with Part III;

- (c) a dismissal on health grounds shall be handled in accordance with Part IV;
 - (d) a dismissal on capability grounds shall be handled in accordance with Part V; and
 - (e) a dismissal on any other grounds shall be handled in accordance with Part VI.
- (4) Clause 3(3) above shall not apply to the termination of a limited term contract (within the meaning of section 235 of the Employment Rights Act 1996) by the passage of time, or otherwise in accordance with the terms under which that contract comes to an end, without an offer to renew the contract, but any decision by the University not to offer renewal of such a contract, whether on the ground of redundancy or otherwise, shall be handled in accordance with Part V.

4. **Hearing, appeal and grievance panels**

- (1) Any panel established pursuant to clauses 1(3), 8(1), 10(b)(vii), 15(2), 16(2) or 18(2) of this Appendix shall consist of three persons, none of whom shall previously have had any involvement with the case. The three person panel shall include one lay member of Council, one College Consul and one drawn from a list agreed from time to time by the Council. If no College Consul is eligible and willing to serve, or if the panel is an appeal panel within clause 1(3) above considering the position of a College Consul, then two persons will be drawn from the list agreed by Council.
- (2) An appeal against a disciplinary warning on the grounds of academic freedom as defined in clause 2(1)(a) will be considered by a panel of three persons, none of whom shall previously have had any involvement with the case.
- (3) Where a hearing is convened under Part II, Part III, Part IV or Part V, and dismissal is a potential outcome, the hearing shall include provision for the person considering the case to be

assisted in their deliberations by a senior member of the academic staff with no previous involvement in the case.

- (4) Ordinances may provide for any relevant National Health Service or other relevant body to be represented on any panel established under this Appendix to deal with a member of staff falling within clause 19(1) below and for the panel to be enlarged for this purpose. Such provision is not intended to provide for a concurrent decision on the matter by the relevant body.
- (5) At any hearing the member of staff shall be entitled to be represented or assisted by another member of staff or a trade union representative, or by such other person as may be permitted by Ordinance.
- (6) Any panel within clause 4(1) shall give its decision in writing, which shall be provided to the member of staff and reported to the Chairman of the Council. The Chairman will report decisions to Council.

PART II: REDUNDANCY

5. Application

- (1) The power to dismiss, and the procedures prescribed, under this Part shall apply to all staff to whom this Appendix applies, provided that in its application to those staff defined in sub-sections (3) to (6) of section 204 of the Education Reform Act 1988 [staff appointed prior to, and not promoted after, 20 November 1987], the power to dismiss shall be subject to such limitations (if any) on the power to dismiss for redundancy as applied to the member of staff concerned prior to the introduction of the Statute made by the University Commissioners in the exercise of their powers under sections 203 and 204 of the Education Reform Act 1988.
- (2) The provisions under this Part shall be subject to Council approval as set out in the Ordinance on the dismissal of members of staff by reason of redundancy.

- (3) This Part 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 clause 16 below.

6. Definition of “redundancy”

Subject to clause 5(2) above, dismissal by reason of redundancy has the same meaning, for the purpose of this Part and clause 16, as in section 139 of the Employment Rights Act 1996.

7. Procedure for dismissal by reason of redundancy

- (1) The Council shall by Ordinance prescribe the procedures for dismissing members of staff on grounds of redundancy, which shall include the following:
- (a) a preliminary stage involving consultation with appropriate representatives in accordance with, and if and to the extent required by, section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 or, in those cases where such consultation is not so required, discussion with the staff concerned, or in appropriate cases both such consultation and individual discussions ;
 - (b) a procedure which is fair, and which allows each staff member whom the University proposes to dismiss for redundancy, having been informed of the selection criteria to be employed, to make written and oral representations on his or her behalf to the person or body authorised under the procedure to take a decision to dismiss, under a procedure which complies with any relevant and binding codes or guidance issued by ACAS;
 - (c) provision for informing any member of staff dismissed under this Part of the reasons for the dismissal and, where selection has taken place, why he or she was selected;

- (d) provision authorising the Provost or other person authorised by the Provost to dismiss any member of staff selected for dismissal under this Part and requiring reports of dismissals to be submitted to the Council; and

- (e) for the person responsible for the selection decision to be assisted in their deliberations by a senior member of the academic staff.

- (2) The procedures following the preliminary stage may be used at any particular time only after the Council has first determined that the circumstances are such that the procedures should be instituted. The Ordinance should make provision for the Council to review the redundancy proposal after or during the consultation period, if they wish to do so.

8. Appeal against dismissal by reason of redundancy

- (1) The Ordinances shall include provision for an appeal to a panel by a member of staff who has been given notice of dismissal under this Part, such appeal to be conducted in accordance with clause 4(1) and the requirements for appeals against dismissal prescribed by any relevant and binding codes or guidance issued by ACAS.
- (2) The panel shall be entitled to review all aspects of the matter other than the Council’s determination under clause 7(2) above.
- (3) The panel shall have the power to reach a final decision on the matter or to remit the matter for further consideration by the person or body whose decision is being appealed.

PART III: DISCIPLINARY PROCEDURES

9. Grounds for disciplinary action

Disciplinary action under this Part may be taken, and where found to be appropriate a penalty imposed, in respect of such conduct as may be

designated as misconduct under, or found to constitute misconduct in accordance with, a Disciplinary Ordinance adopted by the Council.

academic staff, where dismissal is a potential outcome of the hearing;

10. Disciplinary procedures

The Council shall adopt a disciplinary procedure for members of staff in the form of a Disciplinary Ordinance, which shall provide:

- (a) for less serious matters to be dealt with either informally, or formally by warnings following a fair and appropriate procedure, and for a member of staff to be able to appeal against the imposition of a formal warning to a person designated by the Provost; or a panel if clause 2(1)(a) of Part I is invoked; and
- (b) for dealing with more serious matters, which shall include provisions for the following:
 - (i) fair and reasonable time limits for each stage;
 - (ii) investigating complaints and dismissing those found to be without substance;
 - (iii) suspension, on full pay, by the Provost or his or her authorised delegate pending an investigation or hearing where this is necessary;
 - (iv) a hearing by a person appointed for the purpose of such hearing, or for hearing disciplinary cases generally or within a particular category, by the Provost, who shall normally be a Faculty Dean or authorised nominee of such Faculty Dean, and the procedure for which shall be specified, and shall in any event comply with the requirements of any relevant and binding codes or guidance issued by ACAS;
 - (v) the person hearing the case may be assisted in their deliberations by a senior member of the

- (vi) designating an allegation against a member of staff as constituting “gross misconduct” such as, if established, to merit summary dismissal without notice; and
- (vii) a right to appeal against the finding of, or penalty imposed by, the person or persons conducting the hearing, including a finding under clause 10(b)(vi) above. An appeal shall comply with the requirements for an appeal prescribed by any relevant and binding codes or guidance issued by ACAS, but shall not take the form of a re-hearing of the evidence, and witnesses may be called where appropriate.

11. Code of Practice

In drawing up the procedures, and in any regulations made or action taken hereunder, the University shall have regard to any relevant and binding codes or guidance issued by the Advisory Conciliation and Arbitration Service (ACAS).

12. Dismissal

- (1) The Director of Human Resources or other designated officer shall give effect to a decision that a member of staff should be dismissed:
 - (a) where the person conducting the disciplinary hearing has designated the conduct as “gross misconduct” such as to merit summary dismissal pursuant to clause 10(b)(vi), the Director of Human Resources or designated officer shall forthwith dismiss the member of staff and issue the notice of dismissal;
 - (b) in all other cases, the Director of Human Resources or designated officer shall issue the notice of dismissal or dismiss together with payment in lieu of notice.

- (2) Any dismissal or notice of dismissal shall be cancelled, withdrawn or modified if an appeal panel decides that the member of staff should not be dismissed or should only be dismissed with notice.
- (3) The Ordinance shall include provision for an appeal to a panel by a member of staff who has been given notice of dismissal under this Part, such appeal to be conducted in accordance with Clause 4(1) and the requirements for appeals against dismissal prescribed by any relevant and binding codes or guidance issued by ACAS.

13. Relationship with Part IV

The Ordinances shall make provision for dealing with a case in progress under this Part where it emerges that the member of staff's conduct or performance may have been wholly or partly attributable to a medical condition, but any proceedings under this Part shall be valid even if they could have been brought under Part IV, and a member of staff may, subject to the Equality Act 2010, be subject to penalty, including dismissal, under this Part notwithstanding the fact that his or her conduct may have been wholly or partly attributable to a medical condition.

14. Clinical staff

Action under this Part or under Part IV may be taken against a member of staff falling within clause 19(1) below in respect of conduct or incapacity arising in connection with that member of staff's clinical work or activities as if the work or the activities were performed in and for the University.

PART IV: INCAPACITY ON HEALTH GROUNDS

15. Dismissal on health grounds

- (1) The Council shall by Ordinance prescribe a procedure for dismissing staff because of incapacity on health grounds, whether physical or mental. The procedure shall be conducted

in accordance with the requirements within the Equality Act 2010.

- (2) The Ordinance may also apply where conduct is under formal review if the cause for concern is wholly or partly attributable to a medical condition. Any proceedings under Part III will still be valid even if they could have been brought under Part IV.
- (3) The procedure shall include a hearing conducted by a person appointed by the Provost, who shall normally be a Faculty Dean or authorised nominee of such Faculty Dean for the purpose of such hearing or for hearing such cases generally. The person hearing the case will be assisted by a senior member of academic staff.
- (4) The Ordinance shall include provision for an appeal to a panel by a member of staff who has been given notice of dismissal under this Part, such appeal to be conducted in accordance with clause 4(1) and the requirements for appeals against dismissal prescribed any relevant and binding codes or guidance issued by ACAS. The procedure shall include provision for the panel to appoint a medically qualified assessor, in any case in which it considers it appropriate to do so. The member of staff may request that a medically qualified assessor is appointed to advise the panel. The panel will consider the request and decide whether to appoint a medically qualified assessor at its discretion.

PART V: CAPABILITY

16. Grounds for capability action

Capability action under this Part may be taken, and where found to be appropriate a penalty imposed, in respect of such problems arising where a member of staff is not sustaining the acceptable level of performance needed to meet the requirements for their role in accordance with, a Capability Ordinance adopted by the Council.

academic staff, where dismissal is a potential outcome of the hearing; and

17. Capability procedures

- (1) The Council shall adopt a capability procedure for members of staff in the form of a Capability Ordinance, which shall provide:
 - (a) for less serious matters to be dealt with either informally, or formally by warnings following a fair and appropriate procedure, and for a member of staff to be able to appeal against the imposition of a formal warning to a person designated by the Provost; or a panel if clause 2(1)(a) of Part I is invoked; and
 - (b) for dealing with more serious matters, which shall include provisions for the following:
 - (i) fair and reasonable time limits for each stage;
 - (ii) investigating performance concerns and dismissing those found to be without substance;
 - (iii) suspension, on full pay, by the Provost or his or her authorised delegate pending an investigation or hearing where this is necessary;
 - (iv) a hearing by a person appointed for the purpose of such hearing, or for hearing capability cases generally or within a particular category, by the Provost, who shall normally be a Dean of Faculty or authorised nominee of such Dean of Faculty, and the procedure for which shall be specified, and shall in any event comply with the requirements of any relevant and binding codes or guidance issued by ACAS;
 - (v) the person hearing the case may be assisted in their deliberations by a senior member of the

- (vii) a right to appeal against the finding of, or penalty imposed by, the person or persons conducting the hearing, including a finding under clause 22(b)(vi) above. An appeal shall comply with the requirements for an appeal prescribed by any relevant and binding codes or guidance issued by ACAS, but shall not take the form of a re-hearing of the evidence, and witnesses may be called only where appropriate.

18. Dismissal

- (1) The Director of Human Resources or other designated officer shall give effect to a decision that a member of staff should be dismissed;
- (2) the Director of Human Resources or designated officer shall issue the notice of dismissal or dismiss together with payment in lieu of notice.
- (3) Any dismissal or notice of dismissal shall be cancelled, withdrawn or modified if an appeal panel decides that the member of staff should not be dismissed or should only be dismissed with notice.
- (4) The Ordinance shall include provision for an appeal to a panel by a member of staff who has been given notice of dismissal under this Part, such appeal to be conducted in accordance with Clause 4(1) and the requirements for appeals against dismissal prescribed by any relevant and binding codes or guidance issued by ACAS.

PART VI: OTHER DISMISSALS

19. Non-renewal of a limited term contract

- (1) The Provost, or other person or persons designated by the Provost, shall in every case where a limited term contract is due to terminate consider whether that contract should be renewed or extended or a contract of indefinite duration should be offered, having consulted the appropriate representatives in accordance with, and if and to the extent required by, section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 and having given an opportunity to the member of staff to make representations. In any case where the duty to consult appropriate representatives does not apply, and in such other cases as may be deemed appropriate by the Director of Human Resources, the member of staff shall have the right to make representations in person under a procedure prescribed by the Council, which shall not be less favourable than that required in the ACAS Code of Practice 2009.
- (2) The Ordinance shall include provision for an appeal to a panel by a member of staff who has been given notice of dismissal under this Part, such appeal to be conducted in accordance with clause 4(1) and the requirements for appeals against dismissal prescribed by any relevant and binding codes or guidance issued by ACAS.

20. Probationary appointments

- (1) This Part shall also apply to members of staff who have been appointed subject to review after a period of probationary service.
- (2) The Council shall by Ordinance prescribe a procedure under which staff on probation shall be reviewed and shall include provision for non-confirmation in post either during or at the end of the probationary period if their performance is found to be deficient or for any other substantial reason or reasons they are judged unsuitable to be confirmed in post. Such provision shall also include provision for a hearing in accordance with the

requirements of any relevant and binding codes or guidance issued by ACAS

- (3) The review referred to in sub-clause (2) may encompass matters which, in other circumstances, would fall to be dealt with under Parts II, III or IV of this Appendix.
- (4) The Ordinance shall include provision for an appeal to a panel by a member of staff who has been given notice of dismissal under this Part, such appeal to be conducted in accordance with clause 4(1) and the requirements for appeals against dismissal prescribed by Schedule 2 to the Employment Act 2002.

21. Dismissal on other grounds

- (1) This clause covers dismissals on any ground falling within clause 3(2) other than those covered by Parts II, III, IV, V and clauses 19 and 20 of Part VI of this Appendix (*i.e.* “some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held” (Employment Rights Act 1996, section 98(1)(b); “the employee could not continue to work in the position which he held without contravention (either on his part or on that of his employer) of a duty or restriction imposed by or under an enactment” (section 98(2)(d) or dismissal on the ground of having reached the retirement age for the post held).
- (2) Dismissals covered by sub-clause (1) above shall be handled in accordance with a procedure prescribed by Ordinance, which shall include the right to be heard, prior to a decision to dismiss being taken, by a person appointed by the Provost for the purpose of conducting that hearing. The person hearing the case may be assisted by a senior member of academic staff.
- (3) The Ordinance shall include provision for an appeal to a panel by a member of staff who has been given notice of dismissal under this Part, such appeal to be conducted in accordance with clause 4(1) and the requirements for appeals against dismissal prescribed by any relevant and binding codes or guidance issued by ACAS.

22. Clinical staff

- (1) This clause applies to a member of the clinical academic staff who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service trust or similar body, and may by Ordinance be extended to other groups of staff in a similar situation.
- (2) Where the registration, contract or status referred to in sub-clause (1) above is terminated, withdrawn or revoked, the Provost or his or her nominee may, having first afforded an opportunity to the member of staff concerned to make representations in writing, will then meet with the member of staff in accordance with the requirements of any relevant and binding codes or guidance issued by ACAS. The person hearing the case will be assisted by a senior member of academic staff.
- (3) Where the Provost or his or her nominee dismisses the member of staff concerned; and where the registration, contract or status is suspended, the Provost or a person authorised so to act by the Provost may suspend the member of staff from employment for so long as the registration, contract or status is suspended, that suspension from employment to be without pay where the registration, contract or status has been suspended as a substantive disciplinary measure.
- (4) The Ordinance shall include provision for an appeal to a panel by a member of staff who has been given notice of dismissal under this Part, such appeal to be conducted in accordance with clause 4(1) and the requirements for appeals against dismissal prescribed by any relevant and binding codes or guidance issued by ACAS.

PART VII: GRIEVANCE PROCEDURES

23. Grievance Procedures

- (1) The Council shall issue a Grievance Procedure in the form of an Ordinance for members of staff, and in doing so shall have regard to the requirements of the Statutory Grievance Procedure as set out in any relevant and binding codes or guidance issued by ACAS.
- (2) The Grievance Ordinance shall apply to grievances by members of staff concerning their appointments or employment or the terms and conditions of their employment, or in relation to other matters affecting themselves as individuals or their personal dealings or relationships with other members of the University, other than those for which provision is made elsewhere in this Appendix or in respect of the outcome of any matter dealt with under this Appendix (including, for the avoidance of doubt, any grievance about the conduct of or outcome of any disciplinary process), or where the Council has prescribed other procedures, provided those other procedures are no less favourable to the individual than under the Grievance Ordinance. The Ordinance will not apply to grievances raised collectively by an appropriate representative on behalf of more than one member of staff, and for which an alternative procedure is available.
- (3) The Grievance Ordinance shall provide that consideration of a complaint under the Ordinance may be deferred if other proceedings under this Appendix concerning the individual and relevant to the application are pending or in progress.
- (4) The Grievance Ordinance shall provide for the fair and speedy resolution of complaints, informally wherever possible, and for the complainant to be entitled to be assisted by any other member of staff or by a trade union representative at any hearings within the Ordinance.
- (5) The Grievance Ordinance shall make provision for a member of staff who is dissatisfied with the outcome of a complaint to be able to appeal to a more senior officer of the University

appointed for the purpose of hearing the appeal, or hearing grievance appeals generally, by the Provost, unless the complaint has been ruled frivolous, vexatious or invalid in accordance with the Ordinance.

- (6) Any grievance within the scope of the Ordinance made under this clause which comprises or includes a grievance against the President or Provost shall be dealt with in accordance with the Ordinance, but subject to such modifications of the Grievance Ordinance as may be provided for by the Ordinance to ensure that the person or persons considering the grievance are not appointed by the President or Provost.