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THE CONSTITUTION AND GOVERNMENT

STATUTE 1

The Title of the College

The College shall be called Homerton College and its corporate title shall be The Principal, Fellows and Scholars of Homerton College in the University of Cambridge.

STATUTE 2

The Visitor

The Visitor of the College shall be the Chancellor of the University.

STATUTE 3

The Governing Body

- (i) The Governing Body shall consist of the Principal and all Fellows.
- (ii) The Governing Body shall possess the ultimate authority in the government of the College as a place of education, religion, learning and research, which authority it shall exercise in accordance with and subject to the provisions of these Statutes.
- (iii) The Governing Body shall have power to make, vary or set aside Ordinances. No motion concerning an Ordinance shall be considered unless fourteen days' written notice of the motion has been given to members of the Governing Body. An amendment to any such motion may be moved without notice and, if such amendment is approved, the motion as amended shall be deemed to have been proposed with due notice. A motion concerning an Ordinance shall be approved by the votes of a majority of the whole Governing Body. Ordinances shall be subject to the provisions of these Statutes and shall be binding on all members of the College.
- (iv) The Governing Body shall have the power to do any act which by the Statutes of the University or otherwise is directed or authorised to be done by the College.

- (v) The Governing Body shall appoint a Secretary to the Governing Body.
- (vi) The Governing Body shall have power to appoint committees, whose membership need not be restricted to members of the Governing Body, and, subject to the provisions of these Statutes, to delegate to any such committees or to any College Officer such powers as the Governing Body shall determine.
- (vii) The Governing Body shall hold an annual meeting called the Audit Meeting in the Michaelmas Term to approve the audited accounts of the College and the reports of the auditor, Audit Committee and the Bursar.
- (viii) The Governing Body shall determine the amount of tuition fees and other fees and charges. The Governing Body shall determine the stipends and allowances of the College Officers, Fellows and employees of the College. The Governing Body shall have power to make grants and to provide benefits to the College Officers, Fellows, members of the College and other persons in pursuance of the purposes of the College.
- (ix) In addition to the Audit Meeting, there shall be at least one meeting of the Governing Body each Term, and such other meetings as may be required.
- (x) The Principal shall, at the written request of any ten members of the Governing Body, summon a meeting of the Governing Body. Such written request shall state the purpose of the proposed meeting. The Principal shall, upon receiving such a request, summon a meeting of the Governing Body to be held within twenty eight days. In the absence of the Principal and Vice-Principal a meeting shall be called by the next senior Fellow.
- (xi) Except as provided in Statute 38 [Alteration of Statutes], seven days' written notice of the time and purpose of a meeting of the Governing Body shall be given by the Secretary to the members of the Governing Body.
- (xii) The Principal shall normally preside at meetings of the Governing Body, and if the Principal is not present the Vice-Principal shall preside, and if neither is present, the senior Fellow present at the meeting shall preside.
- (xiii) The quorum for a meeting of the Governing Body shall be one half of all the members.
- (xiv) Except where otherwise provided by Statute, a decision of the Governing Body shall be taken by a majority of the members present and voting, and in case of equality of votes, the person presiding shall have a second or casting vote.
- (xv) The election of a Fellow other than an Honorary Fellow shall require the affirmative votes of not less than two-thirds of those members present at a meeting of the Governing Body

- (xvi) Where the election of a Fellow has been delegated to the Council, the Council shall give fourteen days' notice to each member of the Governing Body of its intention to make an election. Such an election shall require the affirmative votes of not less than two-thirds of those present at the Council meeting at which it is considered.
- (xvii) In any vote on the election, re-election, appointment or re-appointment of a member of the Governing Body to any College Office, Fellowship or employment in the College, or on any application of a member for leave of absence, or on the removal of a member from any College Office, Fellowship or employment in the College, that member shall not vote and shall not be counted in reckoning any necessary majority, or in the determination of the quorum in section (xiii) of this Statute.
- (xviii) The Governing Body shall, subject to the provisions of these Statutes, have power to make rules regulating its own procedure.
- (xix) Members shall not be absent from meetings of the Governing Body without good cause. If a member is absent from half the meetings in a single academical year without the approval of the Governing Body, given during the course of that academical year, then voting rights will be withdrawn from that member for the meetings in the following academical year.

STATUTE 4

The Council

- (i) The Governing Body shall, by Ordinance made under Statute 3(iii), establish a Council to exercise on its behalf such powers of the Governing Body as may, subject to section (ii) below, be specified in that Ordinance or explicitly in these Statutes.
- (ii) Neither the Council, nor any committee, nor any College Officer, shall be authorised to exercise the powers of the Governing Body relating to:
 - (a) the alteration of these Statutes, or
 - (b) the making, varying or setting aside of Ordinances, or
 - (c) any matter requiring a special majority of the Governing Body.
- (iii) Except as provided in Statute 38 [Alteration of Statutes], seven days' written notice of the time and purpose of a meeting of the Council shall be given by the Secretary to the members of the Council.
- (iv) Except where otherwise provided by Statute, a decision of the Council shall be taken by a majority of the members present and voting, and in case of equality of votes, the person presiding shall have a second or casting vote.

- (v) In any vote on the election, re-election, appointment or re-appointment of a member of the Council to any College Office, Fellowship or employment in the College, or any application of a member for leave of absence, or on removal of a member from any College Office, Fellowship or employment in the College, that member shall not vote and shall not be counted in reckoning any necessary majority, or in the determination of the quorum in section (vii) of this Statute.
- (vi) Members shall not be absent from meetings of the Council without good cause. If a member is absent from half the meetings in a single academical year without the approval of the Council, given during the course of that academical year, then voting rights will be withdrawn from that member for the meetings in the following academical year.
- (vii) The quorum for the Council shall be determined by Ordinance.

THE PRINCIPAL

STATUTE 5

The Principal: duties, powers and emoluments

- (i) The Principal shall protect and further, in the University and elsewhere, the interests of the College as a place of education, religion, learning and research. The Principal shall exercise a general superintendence over the affairs of the College and shall secure the observance by all members of the College of the provisions of the Statutes.
- (ii) The Principal shall have power, in all cases not provided for by the Statutes or Ordinances or by resolution of the Governing Body or Council, to make such provision for the peace, honour and well being of the College as he or she thinks fit.
- (iii) The Principal shall reside within the College or in an official residence or in such other place as the Governing Body may approve as being consistent with the proper performance of the duties of Principal, for such periods as are prescribed by Ordinance.
- (iv) The Principal shall be entitled to such stipend and allowances as may be prescribed by Ordinance provided that no reduction in the amount of the stipend and allowances shall affect the Principal without his or her consent.
- (v) The tenure of office of the Principal shall be prescribed by Ordinance provided that no reduction in tenure shall affect the Principal without his or her consent.

STATUTE 6

The election to, and vacation of, the office of Principal

- (i) Whenever the office of Principal falls vacant, or whenever the Governing Body has an election under the provisions of (ii) below, the Governing Body shall elect the person who in its judgement is best qualified to preside over the College.
- (ii) When it is known that the office of Principal is to become vacant, the Governing Body may make an election to such office within the twelve months preceding the date of the vacancy. The election shall take effect from the date on which the office of Principal becomes vacant.

- (iii) The election to the office of Principal shall be by the affirmative votes of two-thirds of the whole of the Governing Body at the time of the election meeting.
- (iv) The procedure for election to the office of Principal shall be prescribed by Ordinance.
- (v) The Principal shall not take part in the election of his or her successor.
- (vi) If a Principal is not appointed within one year from the occurrence of a vacancy then authority for appointing the Principal shall pass to the Visitor.
- (vii) Before entering into office the Principal shall be admitted by the Governing Body summoned for that purpose, after having read aloud the following declaration:

“I, A.B., accept the office of Principal of Homerton College and promise that I will fulfil the duties of that office to the best of my ability, that I will loyally observe the Statutes, Ordinances and good customs of the College, and that I will in all things endeavour to promote the peace, honour and well being of the College.”
- (viii) The Principal shall vacate his or her Office if he or she becomes Head or a Fellow, other than an Honorary or Emeritus Fellow, of any other College in the University of Cambridge or the University of Oxford.

STATUTE 7

The appointment of an Acting Principal

In the event of absence of the Principal which the Governing Body expects to extend for one or more Terms, the Governing Body may appoint an Acting Principal from among the Fellows to carry out the duties and to exercise the powers of the Principal in accordance with these Statutes.

THE FELLOWS

STATUTE 8

Official Fellowship (Class A)

The Governing Body may elect to a Fellowship in Class A any person holding the College Office of Bursar, Tutor, Lecturer or such other College Office as may be approved by the Governing Body under Statute 20.

STATUTE 9

Professorial Fellowship (Class B)

The Governing Body may elect to a Fellowship in Class B any person holding or elected or appointed to hold a Professorship in the University or any other University office which under the Statutes of the University qualifies the officer to hold a Professorial Fellowship.

STATUTE 10

Research Fellowship (Class C)

The Governing Body may elect to a Fellowship in Class C any person engaged in the advancement of learning and research.

STATUTE 11

General Fellowship (Class D)

The Governing Body may elect to a Fellowship in Class D any person whom it considers appropriate so to elect having regard to the interests of the College.

STATUTE 12

Emeritus Fellowship

- (i) The Governing Body may elect to an Emeritus Fellowship any Fellow or person who has previously held a Fellowship of the College or an office in the College before 2001. Such Emeritus Fellowship may be subject to conditions prescribed by Ordinance.
- (ii) In these Statutes the expression “Fellow” shall not include Emeritus Fellow.
- (iii) The Governing Body may, for grave cause, terminate the tenure of an Emeritus Fellow by the affirmative votes of two-thirds of the whole Governing Body.
- (iv) An Emeritus Fellow shall not be a member of the Governing Body but may be granted privileges as prescribed by Ordinance.

STATUTE 13

Honorary Fellowship

- (i) The Governing Body may elect, by the affirmative votes of two-thirds of the whole Governing Body, to an Honorary Fellowship any person of distinction whose election it considers to be in the interests of the College.
- (ii) Honorary Fellows shall be entitled, subject to the provision of section (iii) below, to hold their Honorary Fellowship for life.
- (iii) The Governing Body may, for grave cause, terminate the tenure of an Honorary Fellow by the affirmative votes of two-thirds of the whole Governing Body.
- (iv) In these Statutes the expression “Fellow” shall not include Honorary Fellow.
- (v) An Honorary Fellow shall not be a member of the Governing Body but may be granted privileges as prescribed by Ordinance.

STATUTE 14

Bye-Fellowship

- (i) The Council may elect into a Bye-Fellowship any person whose election it considers to be in the interests of the College. The Council shall in each case determine conditions of tenure of the Bye-Fellowship.
- (ii) The Council may terminate the tenure of a Bye-Fellow.
- (iii) In these Statutes, the expression "Fellow" shall not include Bye-Fellow.
- (iv) A Bye-Fellow shall not be a member of the Governing Body but may be granted privileges as prescribed by Ordinance.

STATUTE 15

General Provisions concerning Fellowships in Classes A to D

- (i) Fellows shall observe the Statutes and Ordinances and promote the advancement of the College.
- (ii) Fellowships may be subject to conditions prescribed by Ordinance.
- (iii) Fellows shall comply with such residence requirements as the Governing Body may determine provided that such requirements shall not be altered to affect a Fellow without his or her consent.
- (iv) The duties and privileges of Fellows shall be prescribed by Ordinance.
- (v) Every Fellow who at the time of his or her election has not taken any degree of the University shall proceed to such a degree as soon as he or she is eligible to do so.

STATUTE 16

The precedence of Fellows

- (i) The Vice-Principal shall during his or her tenure of office take precedence over all other Fellows.

- (ii) Subject to section (i) above, Fellows shall rank in precedence according to the length of time during which they have been Fellows in classes A, B, C or D, whether continuously or not. The precedence of Fellows who enter into their Fellowships on the same day, and of Fellows who have been Fellows for the same number of days, shall be determined by Ordinance.

STATUTE 17

The election and admission to, and vacation of, Fellowships

- (i) Elections and re-elections to Fellowships shall be by such arrangement as the Governing Body shall prescribe by Ordinance.
- (ii) Fellows shall enter into their Fellowship on the date of election unless the Governing Body otherwise determines.
- (iii) The Principal shall admit Fellows at the earliest convenient time after entry into their Fellowship. Prior to their admission, Fellows shall read aloud, at a meeting to which all Fellows have been invited, the following declaration: "I, [A.B], elected Fellow of Homerton College, do hereby promise that I will loyally observe the Statutes and good customs of the College, and that I will in all things endeavour to promote the peace, honour and well-being of the College."
- (iv) Fellows in Class A, B, C or D shall vacate their Fellowships as prescribed in the Statutes.
- (v) A Fellow shall vacate his or her Fellowship if he or she is admitted to the office of Principal, or if he or she becomes Head or a Fellow, other than an Honorary or an Emeritus Fellow, of any other College in the University of Cambridge or the University of Oxford.

STATUTE 18

The removal and discipline of Fellows and College Officers

- (i) This Statute shall not apply to any person to whom Statute 26 applies.
- (ii) The Governing Body shall prescribe by Ordinance the circumstances in which consideration may be given to the removal or discipline of a Fellow or a College Officer.

- (iii) Those circumstances shall include
 - (a) grave neglect of duty,
 - (b) failure to observe the Statutes, Ordinances or good customs of the College,
 - (c) conduct prejudicial to the peace, honour or well being of the College, and
 - (d) incapacity, whether for medical or other reasons;and other circumstances may also be included.
- (iv) The Governing Body shall prescribe by Ordinance procedures for the consideration of the removal or discipline of a Fellow or a College Officer.
- (v) Those procedures shall ensure the fair consideration of the matter and shall ensure
 - (a) that any Fellow or College Officer who is subject to such procedures shall be given due notice in writing of the matter to be considered;
 - (b) that the matter shall not be determined without a hearing;
 - (c) that the Fellow or College Officer concerned shall be able to be accompanied at any hearing; and
 - (d) that the Fellow or College Officer concerned shall be entitled to appeal against any determination of the matter (other than a determination after appeal) that is to his or her detriment.
- (vi) After the completion of those procedures, the Governing Body may remove or suspend the Fellow or College Officer from his or her Fellowship or College Office, as the case may be, or may take such alternative or additional action as it shall consider appropriate.
- (vii) The Principal may suspend a Fellow or College Officer pending the institution and determination of procedures for the consideration of his or her removal or discipline. Such suspension shall be without loss of stipend or other benefit pending the completion of procedures. Any such action by the President shall be reported to the next meeting of the Council and shall lapse at that time unless confirmed (for a specified period or until the completion of procedures) by the Council.

STATUTE 19

Notice to Fellows

Fellows shall register with such College Officer as the Governing Body shall appoint an address to which all notices intended for them are to be sent; and in all cases in which by these Statutes notice is required to be given to Fellows it shall be sufficient that the notice is sent by post or otherwise to that address, and such notice shall be deemed to be given on the day of posting or transmission.

THE COLLEGE OFFICERS

STATUTE 20

The College Officers

- (i) The College Offices shall be those of Principal, Vice-Principal, Senior Tutor, Bursar, Lecturer, Dean, and such others as the Governing Body may determine.
- (ii) The appointment of and provisions relating to the College Officers, including the vacation of College Offices, shall be prescribed by Statute or Ordinance.

STATUTE 21

The Vice-Principal

- (i) The Vice-Principal shall be appointed by the Governing Body from among the Fellows.
- (ii) The Vice-Principal shall attend under the Principal to the good government of the College and to the observance of these Statutes and he or she shall promote the welfare of the Fellows.
- (iii) If the Principal is unable to act the Vice-Principal shall have the powers and perform the duties of the Principal, unless an Acting Principal has been appointed under Statute 7 [The appointment of an Acting Principal].
- (iv) The Vice-Principal shall perform such other duties as are prescribed by these Statutes, or are assigned to him or her by the Governing Body.
- (v) The Vice-Principal shall not be out of residence without the leave of the Council during Term at the same time as the Principal. If the Vice-Principal is unable to act, an Acting Vice-Principal may be appointed by the Governing Body; otherwise the senior Fellow in residence shall act as Vice-Principal.
- (vi) If the Vice-Principal is appointed Acting Principal under Statute 7 [The appointment of an Acting Principal], he or she shall cease to be Vice-Principal for the period in which he or she holds the office of Acting Principal. During that period an Acting Vice-Principal shall be appointed by the Governing Body.

STATUTE 22

The Senior Tutor

- (i) The Governing Body shall appoint a Senior Tutor. The Senior Tutor shall be elected to a Fellowship.
- (ii) The Senior Tutor shall, in consultation with the Dean where appropriate, exercise a general supervision over the education, health and welfare of all student members and shall ensure compliance with all University rules relating to them.
- (iii) The Senior Tutor shall carry out such additional tasks or duties as the Governing Body or Council may determine.

STATUTE 23

The Bursar

- (i) The Governing Body shall appoint a Bursar. The Bursar shall be elected to a Fellowship.
- (ii) The Bursar shall be responsible for the management, under the direction of the Council, of the assets, income and expenditure of the College. The Bursar shall ensure the collection of all rents and monies due to the College, the payment of such amounts as may be due from the College and the proper keeping of accounts of all receipts and payments.
- (iii) The Bursar shall carry out such additional tasks or duties as the Governing Body or Council may determine.

STATUTE 24

The Dean

- (i) The Governing Body shall appoint a Dean from among the Fellows.
- (ii) The Dean, in consultation with the Principal as appropriate, shall be responsible for all matters concerning discipline, excluding academic matters, as defined by Ordinance.

- (iii) The Dean shall have power, subject to Ordinance, to impose on a student such disciplinary sanctions as he or she may consider appropriate, which may include the imposition of a fine and which may include temporary, but not final, removal from the College or any part thereof. At any stage in the consideration of a disciplinary matter, the Dean may refer the matter to the Principal, and the Dean shall so refer a matter if he or she considers that it may justify final removal from the College. In the event of such reference, the Principal may impose on a student such disciplinary sanctions as he or she may consider appropriate.
- (iv) The Dean shall carry out such additional tasks or duties as the Governing Body or Council may from time to time determine.

STATUTE 25

Leave of Absence

- (i) The Council may grant leave of absence, on the application of a Fellow, according to rules prescribed by Ordinance.
- (ii) A person who has been granted leave of absence under section (i) above shall not attend or vote at any meeting of the Governing Body during his or her period of leave, other than a meeting summoned for the altering of a Statute or for an election to the office of Principal; and, except for those purposes, shall be deemed not to be a member of the Governing Body.

STATUTE 26

Academic Staff Statute

Part I General

1. Application

- (i) This Statute applies:
 - (a) to any person holding a College Office, the duties of which are not of a limited nature;
 - (b) to any person employed by the College to carry out teaching or research save for those expressly excluded by the Council from the scope of this Statute on the ground that the person's duties in that regard are of a limited nature; and
 - (c) to the Principal, to the extent and in the manner set out in Part VII.

For the purpose of this Statute, a person's duties shall be taken to be of a limited nature if the remuneration for those duties is not the principal source of remuneration of that person; and, in relation to any particular person, the Council may resolve that the person's duties are of a limited nature where the remuneration for those duties would not normally be the principal source of remuneration of the person performing them.

- (ii) In this Statute any reference to "academic staff" is a reference to persons to whom this Statute applies. A "primary office or employment" in relation to a member of the academic staff means one by virtue of the tenure of which that person is a member of the academic staff. A "secondary office or employment", in relation to a member of the academic staff, means one which is not a primary office or employment for that member; or in respect of which the duties are of a limited nature only; or which is either prescribed by Ordinance as secondary, or so specified at the time of appointment.
- (iii) Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this Statute concerning a member of the academic staff; provided that this
 - (a) shall not affect the validity of any compromise agreement or any agreement or waiver of rights permitted by law generally; and
 - (b) shall not preclude any member of the academic staff agreeing to terminate his or her office or employment by the College on whatever terms may be agreed.
- (iv) Parts II to V of this Statute shall not apply to the dismissal of a member of the academic staff from any secondary office or employment, provided that dismissal from a primary office or employment is not in contemplation. The Governing Body shall prescribe by Ordinance a procedure for dealing with removal from a secondary office or employment before its prescribed or normal termination date, which shall include provision for a hearing and an appeal.

2. General principles of construction and application

- (i) This Statute and any Ordinance made under this Statute shall be applied and construed in every case to give effect to the following guiding principles:
 - (a) to ensure that members of the academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
 - (b) to enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and
 - (c) to apply the principles of justice and fairness.

- (ii) Nothing in this Statute shall be construed as affecting the Statutes and Ordinances of the College concerning re-election on the expiry of a fixed term of a Fellowship.

3. Dismissal

- (i) For the purposes of this Statute, “dismiss” and “dismissal” refer to academic staff and:
 - (a) include remove or, as the case may be, removal from office; and
 - (b) in relation to employment under a contract, shall be construed in accordance with a definition to be prescribed by Ordinance having regard to the meaning of those words in general employment law.
- (ii) A member of the academic staff may be dismissed if that dismissal is for a reason prescribed by Ordinance having regard to the meaning of those words in general employment law.
- (iii) A member of the academic staff may be dismissed
 - (a) by reason of redundancy in accordance with Part II of this Statute;
 - (b) for disciplinary reasons in accordance with Part III of this Statute;
 - (c) for incapacity on health grounds in accordance with Part IV of this Statute; and
 - (d) on other grounds, including the non-renewal of a fixed-term appointment or the non-confirmation of appointment at the end of an initial probationary period, in accordance with Part V of this Statute.

4. Hearing, appeal and grievance panels

- (i) A panel established for the purposes of this Statute shall comprise three persons, none of whom shall have had any involvement with the matter that would make his or her participation as a member of the panel unfair.
- (ii) The Governing Body may by Ordinance provide rules for the conduct of panels. Such rules may make provision for a panel to continue their consideration of a matter notwithstanding a reduction in their membership.
- (iii) A panel established for the purposes of this Statute shall conduct a hearing into the matter before them. At any hearing, the member of the academic staff concerned shall be entitled to be accompanied by a representative or another person of his or her choosing.

- (iv) A panel established for the purposes of this Statute shall give a reasoned decision in writing to the member of the academic staff concerned, which shall be reported to the Council.

Part II Redundancy

5. Application

- (i) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the College or apply in relation to a person unless:
- (a) his or her appointment is made, or his or her contract of employment is entered into, on or after the twentieth day of November 1987; or
 - (b) he or she is promoted on or after that date.
- (ii) For the purposes of this Section in relation to a person, a reference to an appointment made or a contract entered into on or after the twentieth day of November 1987 or to promotion on or after that date shall be construed in accordance with any generally applicable law.

6. Definition of “redundancy”

For the purposes of this Statute dismissal shall be taken to be dismissal by reason of redundancy if it is attributable wholly or mainly to:

- (i) the fact that the College has ceased, or intends to cease, to carry on the activity for the purposes of which the person concerned was appointed or employed or has ceased, or intends to cease, to carry on that activity in the place in which the person concerned worked; or
- (ii) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.

7. Procedure for dismissal by reason of redundancy

The Governing Body shall prescribe by Ordinance a procedure for dismissing members of the academic staff on grounds of redundancy. The procedure shall provide for an initial stage of consultation at the end of which the Council shall resolve whether or not to proceed with a reduction of staff by reason of redundancy. The procedure shall provide, after such resolution,

- (i) for a process which is fair and which allows each member of the academic staff concerned, having been informed of the selection criteria to be employed, to make representations on his or her behalf;

- (ii) for giving each member of the academic staff dismissed under this Part notice of dismissal and for informing him or her of the reasons for it.

8. Appeal against dismissal by reason of redundancy

- (i) The procedure prescribed under section 7 of this Statute shall provide for an appeal to a panel by a member of the academic staff who has been given notice of dismissal under this Part.
- (ii) The appeal panel shall be entitled to review all aspects of the matter other than the resolution of the Council to proceed with a reduction of staff by reason of redundancy.
- (iii) The appeal panel shall have power to reach a final decision on the appeal, or to remit the matter back for further consideration.

Part III Disciplinary Procedures

9. Grounds for disciplinary action

- (i) For the purposes of this Statute, “good cause” in relation to the dismissal or removal of a member of the academic staff means a reason which is related to conduct or capability or qualifications for performing work of the kind which the member was appointed or employed to do. Without prejudice to the generality of the foregoing, “good cause” may include the following matters so found under procedures prescribed under this Statute:
 - (a) conviction for an offence such as to render the person convicted unfit for the performance of the duties of the office or for employment as a member of the academic staff; or
 - (b) conduct of an immoral, scandalous, or disgraceful nature incompatible with the duties of the office or employment; or
 - (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of the office or employment; or
 - (d) physical or mental incapacity.
- (a) “capability” means capability assessed by reference to skill, aptitude, health, or any other physical or mental quality; and
- (b) “qualifications” means any degree, diploma, or other academic, technical, or professional qualification relevant to an office or position held.

10. Disciplinary procedures

- (i) The Governing Body shall prescribe by Ordinance a disciplinary procedure for members of the academic staff, which shall provide for less serious matters to be dealt with by warnings following a procedure which is fair and which provides for a right of appeal against any warning.
- (ii) The disciplinary procedure shall provide for more serious matters to be dealt with in a way which includes provision for
 - (a) fair and reasonable time limits for each stage;
 - (b) the investigation of complaints and the dismissal of those found to be without substance;
 - (c) suspension on full pay pending an investigation or hearing where that is necessary;
 - (d) a hearing by a panel, at which the member of the academic staff against whom the complaint has been made shall have had notice of the complaint, and shall be entitled to be present, to hear the evidence, to call relevant witnesses, and to examine and cross-examine witnesses;
 - (e) the dismissal by the panel of any complaint found to be without substance;
 - (f) the dismissal by them without penalty of a complaint found to be of substance;
 - (g) the imposition by the panel of an appropriate penalty or penalties, which, in addition to a warning or dismissal (with or without notice), may include suspension without pay for up to three months, the withholding of future increments, reduction in grade in any primary office or employment, removal from any secondary office or employment, and the substitution (as an alternative to dismissal, where in the opinion of the panel dismissal would be justified) of any lesser office or employment for any primary office or employment; and
 - (h) the award of compensation in respect of any loss caused or damage done.

11. Appeals

- (i) A member of the academic staff shall have a right of appeal against the finding of, or penalty imposed by, a panel constituted under section 10 of this Statute.
- (ii) Such an appeal shall be to a fresh panel, having no common membership with the panel who heard the matter at first instance. It shall include a hearing by the appeal panel, but that hearing shall not take the form of a re-hearing of the

evidence, and evidence shall only be heard as the appeal panel may determine in accordance with any Ordinance made under this Statute.

- (iii) In determining an appeal, an appeal panel may substitute for the decision of the panel hearing the matter at first instance any decision that that panel might have made.
- (iv) A dismissal by a panel hearing a matter at first instance shall be effective notwithstanding any appeal against such dismissal, unless either that panel, in giving their decision, or an appeal panel thereafter shall determine otherwise (subject to such conditions as the respective panel may impose).
- (v) A dismissal or notice of dismissal shall be cancelled, withdrawn or modified if an appeal panel decides that the member of the academic staff should not be dismissed or should only be dismissed with notice. The cancellation of a dismissal shall have effect to reinstate the member of the academic staff as if no dismissal had occurred.

12. Relationship with Part IV

The Governing Body may by Ordinance provide for dealing with a case in progress under this Part where it appears that the conduct or capability of the member of the academic staff concerned may be attributable, wholly or in part, to a medical condition, but any proceedings under this Part shall be valid notwithstanding that they might have been brought under Part IV of this Statute, and a member of the academic staff may be subject to proceedings and to a penalty, including dismissal, under this Part notwithstanding the fact that his or her conduct or capability may have been attributable, wholly or in part, to a medical condition.

Part IV Incapacity on Health Grounds

13. Dismissal on health grounds

- (i) This Part makes provision for dealing with cases of incapacity on health grounds in relation to members of the academic staff.
- (ii) In this Part references to health grounds are references to capability assessed by reference to health or any other physical or mental quality.
- (iii) The Governing Body shall prescribe by Ordinance a procedure for assessing incapacity on health grounds and for taking appropriate action in relation thereto, which may include dismissal.
- (iv) That procedure shall include a hearing by a panel and a right of appeal to a fresh panel. The panel hearing the matter at first instance and the appeal panel shall each include a medically qualified person.

Part V Other Dismissals

14. Non-renewal of a fixed-term appointment

- (i) The Governing Body shall prescribe by Ordinance a procedure, including appropriate consultation, for a review in each case where a member of the academic staff has been appointed to a primary office or employment for a fixed term and that fixed term is due to terminate. The review shall be to decide whether the office or employment should be allowed to terminate without renewal, or should be renewed for a further fixed-term, or should be extended to an appointment of indefinite duration.
- (ii) The review may encompass matters which, in other circumstances, might fall to be dealt with under Parts II, III or IV of this Statute.
- (iii) A decision that an office or employment should be allowed to terminate without renewal shall not be made unless it is judged to be inexpedient or undesirable to renew or extend the appointment by reason of one or more of the following considerations:
 - (a) the availability of funding for the office or employment, or the financial situation of the College;
 - (b) the performance of the member of the academic staff concerned (having regard to any warnings and advice relating to performance that he or she may have been given);
 - (c) the need for the office or employment or for the performance of the duties thereof;
 - (d) the nature and character of the office or employment; and
 - (e) the desirability of making the office or employment permanent and filling it through open competition.
- (iv) The procedure under this section shall provide that, where it has been decided under subsection (i) of this section that an office or employment should be allowed to terminate without renewal, the member of the academic staff shall be notified of the reasons for that decision, and shall be afforded a further review of the matter.

15. Probationary appointments

- (i) The Governing Body shall prescribe by Ordinance a procedure, including appropriate consultation, for a review in each case where a member of the academic staff has been appointed to a primary office or employment for an initial probationary period and that period is coming to an end. The review shall be to decide whether appointment to the office or employment should be confirmed, whether the initial probationary period should be extended, or

whether the member of the academic staff should be dismissed at the end of the probationary period.

- (ii) The review may encompass matters which, in other circumstances, might fall to be dealt with under Parts II, III or IV of this Statute.
- (iii) The procedure under this section shall provide that, where it has been decided under subsection (i) of this section that dismissal should take place at the end of a probationary period, the member of the academic staff shall be notified of the reasons for that decision, and shall be afforded a further review of the matter.

16. Dismissal on other grounds

The Governing Body shall prescribe by Ordinance a procedure for dealing with dismissal on any other ground than those covered by Parts II, III, IV and sections 13 and 14 of Part V of this Statute. The procedure shall include the right to a hearing and a right of appeal.

Part VI Grievance Procedures

17. Grievance Procedure

- (i) The Governing Body shall prescribe by Ordinance a grievance procedure for the settlement or redress of the grievances of members of the academic staff which concern their offices or employments, where those grievances relate to matters affecting themselves as individuals or to matters affecting their personal dealings or relationships with other staff of the College, not being matters for which express provision is made elsewhere in the Statutes.
- (ii) The grievance procedure shall provide that consideration of a grievance may be deferred if other proceedings under the Statutes relevant to the grievance are pending or in progress.
- (iii) The grievance procedure shall provide for the fair and speedy resolution of grievances, informally wherever possible, and shall provide for the person aggrieved to be allowed assistance by an appropriate person at any hearing.
- (iv) The grievance procedure shall provide for a member of the academic staff who is dissatisfied with the outcome of a complaint to be heard by a panel, unless the complaint has been judged, in accordance with the procedure, as trivial, vexatious or outside the scope of the procedure.

Part VII Removal of the Principal from office

18. Removal of the Principal from office

- (i) The Governing Body shall prescribe by Ordinance a procedure for the removal of the Principal from office. Any variation made to that procedure shall have no effect in relation to the Principal in office at the time of such variation until

he or she has consented to it, but such variation shall otherwise be binding and effectual.

- (ii) The procedure for the removal of the Principal from office shall provide for
 - (a) the initial consideration by the Council (exclusive of the Principal and the complainant Fellows) of a complaint by any three Fellows seeking the removal of the Principal from office for good cause;
 - (b) the dismissal by the Council of such complaint if they are of the view that it is not supported by sufficient evidence of good cause for removal from office;
 - (c) otherwise, the appointment by the Council of a panel to hear and determine the matter, which panel shall comprise three persons who are not Fellows and are not employed by the College, one of whom holds, or has held, judicial office, or who is a barrister or solicitor of at least ten years' standing, that person to be chair of the panel;
 - (d) the removal of the Principal from office if the panel decide that there is good cause for such removal;
 - (e) a right of appeal to a fresh panel, also constituted in accordance with (c) above, against a decision of removal from office; and
 - (f) where the complaint is of incapacity on health grounds, the inclusion on the panel hearing the matter at first instance and on any appeal panel of a medically qualified person.

THE MEMBERS

STATUTE 27

Membership

- (i) The members of the College shall be those persons who are or have been Principal, Fellows, or students of the College and any other person appointed as a member by the Governing Body.
- (ii) The Governing Body shall determine the conditions under which persons may be admitted to and remain members of the College, provided that
 - (a) no one shall be admitted as a student member of the College who is not qualified to be matriculated, and
 - (b) the College shall be subject to such conditions as the University may determine for the admission of students and the presentation of candidates for degrees.

STATUTE 28

Duties of members

- (i) All members of the College shall observe the Statutes, Ordinances, and good customs of the College and the University.
- (ii) Members shall pay all University and College fees and charges to which they are liable.
- (iii) Student members of the College shall apply themselves peaceably and diligently to their studies.
- (iv) The Governing Body may make Ordinances governing the studies of student members, their periods of residence, their behaviour whilst in residence, and the conditions, including conditions as to academic performance and to medical fitness, upon which they are permitted to reside.

STATUTE 29

Scholarships and other awards

- (i) There shall be in the College such numbers of Scholars as the Governing Body may determine.
- (ii) The Governing Body shall have the power of election to Scholarships and shall determine by Ordinance the terms and conditions governing the election to and tenure of Scholarships, having regard to any rules laid down by the Statutes and Ordinances of the University and to any rules governing the awards concerned, which are legally binding upon the College.
- (iii) The tenure of every Scholarship shall be contingent upon residence, unless the holder be engaged in study or research which in the opinion of the Governing Body necessitates absence from the University, and upon good conduct and diligence in study.
- (iv) Scholars shall be admitted to their Scholarships by the Principal, according to a procedure laid down by Ordinance.
- (v) The Governing Body shall also have power to establish Bursaries, Studentships and Travel Scholarships and to determine by Ordinance the terms and conditions governing the election to and tenure of such awards, having regard to any rules laid down by the Statutes and Ordinances of the University and to any rules governing the awards concerned, which are legally binding upon the College.

STATUTE 30

Student Discipline

- (i) The Principal shall have power to suspend temporarily and exclude any student in the interests of their own personal health and safety, or the health and safety of the student community, or pending any disciplinary proceedings.
- (ii) The Principal, whether on reference from the Dean under Statute 24 [The Dean] or otherwise, shall have power to impose on a student such disciplinary sanctions as he or she may consider appropriate, which may include removal from the College, for contravention of any of the requirements of Statute 28 [Duties of Members].
- (iii) The Dean shall have responsibility for student discipline as provided in Statute 24.

- (iv) A student disciplinary appeal procedure shall be established by Ordinance under which a student may appeal against a disciplinary decision of the Principal or the Dean.

STATUTE 31

Association of student members of the College

- (i) The student members of the College shall be entitled to form an association for the promotion of social, cultural, athletic or other Collegiate purposes. Those of their number who are graduates shall be entitled to form a separate association for the promotion of such purposes.
- (ii) The constitution of any such association and any changes proposed to it shall be approved by the Council. If any question arises as to the interpretation of the constitution, it shall be determined by the Council.

FINANCIAL MATTERS

STATUTE 32

The accounts and audit

- (i) Subject to the Statutes of the University, the accounts of the College shall be kept in such form as the Council shall determine.
- (ii) In each year the College shall close its accounts on 31 July, or such other date as shall be determined by the Council.
- (iii) The accounts shall be audited each year by an Auditor appointed by the Governing Body, who shall be a qualified accountant, not being a member of the Governing Body. The Auditor shall report to the Governing Body, and shall sign such certificates as may be required by the Statutes of the University, or shall state in writing to the Governing Body the reasons for not so signing. The audited accounts and the reports of the Auditor, the Audit Committee and the Bursar shall be submitted to the Governing Body at the Audit Meeting.
- (iv) A statement of accounts in the form prescribed by the University shall be sent each year at the required time to the appropriate University authority, together with the Auditor's certificates.
- (v) Any member of the Governing Body shall be entitled at any reasonable time to inspect the full financial records of the College.
- (vi) There shall be an Audit Committee established by Ordinance.

STATUTE 33

The investment and application of capital monies

- (i) The Council shall have power to authorise the purchase, sale or transfer of property, real or personal, and securities (which term includes stocks, funds and shares) of any description on behalf of the College.
- (ii) In relation to the management, development, improvement, sale, lease, mortgage or other disposition of any land or any estate or interest therein held by the College, or to the acquisition of any land or any estate or interest therein, the Council may exercise any power and may carry out any transaction which an individual, holding or acquiring such land, estate or interest for their own benefit, could exercise or carry out.

- (iii) The powers conferred by this Statute shall apply to all endowments, land, securities, property and funds of the College. They shall also apply to any specific trust for purposes connected with the College of which the College is trustee which existed on the date of the approval of these Statutes by Her Majesty in Council; and, to the extent that the law permits, they shall also apply to any such fund created after that date.
- (iv) In order to facilitate the management of College Funds and Trust Funds under the College's control, the Council may at any time resolve that all or any part of the endowments or other funds of the College and of the funds of any specific trust for purposes connected with the College of which the College is a trustee (hereinafter called the constituent funds) be treated as a consolidated fund invested for the rateable benefit of the constituent funds and to and upon any such resolution the following provisions shall apply:
 - (a) A consolidated fund shall be held on behalf of the constituent funds in shares as nearly as may conveniently be proportionate to their respective capital values upon the first constitution of the Consolidated Fund; such shares shall be fixed by resolution of the Council. The Council may at any time increase or decrease any consolidated fund by adding thereto new constituent funds, adding to one or more existing constituent funds, or withdrawing all or any part of one or more constituent funds, and upon any such increase or decrease shall fix the share of such constituent funds in proportion to their respective value as a fraction of the value of the whole fund on the date of the addition or withdrawal or may bring all or any of the shares into a new or other consolidated fund in accordance with the provisions of this sub-section.
 - (b) The Council may at any time wind up a consolidated fund and divide the investments thereof between the constituent funds in proportion to their respective shares therein.
 - (c) The Council may appropriate annually for expenditure to the constituent funds of a consolidated fund as much of the fair value, as prescribed by Ordinance, of the consolidated fund as it considers in its absolute discretion is prudent having regard to the total return achieved and reasonably to be expected in the long term of the consolidated fund, appropriating it in proportion to the constituent funds at the time of the appropriation.
 - (d) In the preceding section "fair value" means the amount at which an asset could be exchanged in an arm's length transaction between informed and willing parties, other than in a forced or liquidation sale and "total return" means return in terms of both income, whether received or accrued, and capital appreciation, whether realised or unrealised.
 - (e) Any surplus appropriation to a Trust Fund may at the discretion of the Council be expended in any subsequent year or be invested and added to the capital of the fund or be applied for the general educational purposes of the College.

- (f) In the preceding section 'surplus appropriation' means monies appropriated but unexpended in any year after the purposes of the Trust Fund have been fully provided for in that year (whether wholly by distribution from the trust or partly by expenditure from the trust and partly by other monies).

STATUTE 34

The power to accept endowments

The Governing Body shall have power to accept endowments for any purposes in furtherance of the interests of the College as a place of education, religion, learning and research and to make regulations by Ordinance giving effect to wishes or suggestions of donors recorded in writing (whether so expressed as to create a trust or not) regarding the application of such endowments and regarding any place, activity or emolument to be supported thereby, even though the regulations may be inconsistent with the provisions of these Statutes; provided always that no such regulation shall derogate from any obligation imposed on the College by the Statutes of the University.

STATUTE 35

Contribution to the University

There shall be paid in each year by the College to the University such sum as is by the Statutes of the University authorised to be levied from the College; provided that so much of the sum so to be paid as shall be levied in respect of any Trust or other separate Fund shall be paid from the appropriation to such Trust or Fund unless the Council shall in any case determine otherwise.

MISCELLANEOUS

STATUTE 36

The Common Seal and Muniments

- (i) The Bursar shall be responsible for the safe custody of the Common Seal and of the muniments of the College.
- (ii) The Common Seal shall not be affixed to any document without the sanction of the Council except for any class or classes of document in respect of which the Council has given authority in advance. The Bursar shall ensure that a record is kept of documents sealed and ensure that each sealing is reported to the Governing Body.
- (iii) The Common Seal shall not be affixed to any document except in the presence of the Principal or Vice-Principal and one other member of the Governing Body.

STATUTE 37

Invalid Proceedings

- (i) If within thirty days of an election or the performance of any act by any person or body having power to act under these Statutes, representation is made in writing by any member of the College to the Principal that there has been a contravention of these Statutes, the Principal shall enquire into the matter.
- (ii) The Principal shall then either declare that there has been no contravention, or that there has been a contravention and the act is of no effect; or, if the Principal is of the opinion that any irregularity has not significantly affected the result, that the validity of the act is not affected by such contravention.
- (iii) If the Principal has not announced his or her decision within twenty days after receipt of the representation, or after the announcement of his or her decision if within that time, any member of the College may within one week appeal in writing to the Visitor, whose decision shall be final. If there is no such appeal, the decision of the Principal shall be final.
- (iv) Unless there has been a representation in writing under section (i) above,
 - (a) no act shall be invalid by reason of the fact that there has been a contravention of these Statutes, and

- (b) no act shall be invalid by reason of the fact that any person taking part in the act and chosen in the manner prescribed or authorised by these Statutes or the Ordinances to be the person or a member of the body authorised to act, was not qualified to be so chosen.

STATUTE 38

Alteration of Statutes

These Statutes shall be subject to alteration by a Statute made by the College in accordance with the procedures laid down in the Universities of Oxford and Cambridge Act, 1923, and passed by the votes of not less than two-thirds of those present at a meeting of the Governing Body, summoned in the same way and subject to the same procedure as other meetings of the Governing Body, save that fourteen days' written notice of the meeting shall be given to all members. Provided that

- (a) notice of any proposed Statute shall be given to the University before the Statute is submitted to Her Majesty in Council;
- (b) a Statute which affects the University shall not be altered except with the consent of the University.

STATUTE 39

Commencement of Statutes

These Statutes shall take effect on the day following the date of the Charter establishing the College.

STATUTE 40

Interpretation

- (i) If any question shall arise in regard to the construction of any Statute of the College, it shall be decided by the Governing Body. But it shall be competent to any party affected by such decision to appeal to the Visitor.
- (ii) "Academic Staff Statute" means Statute 26 [Academic Staff] and "a member of the academic staff" means a person to whom the Academic Staff Statute applies.
- (iii) "The College" means Homerton College.
- (iv) "The Governing Body" shall, if the context so requires, mean or include the Council when the Council is exercising such powers as have been delegated to it.

- (v) “Student” and “student member” bear the meanings assigned to them by Statute 27 [Membership].
- (vi) “The University” means the University of Cambridge.