

**RVC**

**STATUTES**

**REVISED**

**NOVEMBER 2007**



- (a) Words importing the singular number only shall include the plural number and *vice versa* and words importing the masculine gender only shall include the feminine and *vice versa* and words importing persons shall include corporations.
- (b) Headings are inserted for convenience only and shall not affect the meaning or construction of these Statutes.
- (c) References to a particular law shall be construed as references to that law as it is in force at the relevant time taking account of any amendment, re-enactment or extension and shall include any subordinate legislation for the time being in force made under it.

Membership of the Council

- 3 The Council shall consist of the following members subject to there being a maximum number of eighteen members of whom independent members (being members who are neither staff nor students of the College and are otherwise independent of the College) shall form the majority:
- (a) up to eleven independent members, appointed by the Council;
  - (b) the Principal, *ex officio*;
  - (c) up to three senior academics of Vice-Principal status or equivalent, appointed by the Council, *ex officio*;
  - (d) two members of the Academic Board of the College, appointed by the Academic Board;



*Meetings of the Council and Committees thereof*

7. There shall be held in every academic year of the College not fewer than three meetings of the Council to be called Ordinary Meetings.
  
8. Upon the written requisition of the Chairman of the Council or of not less than five members of the Council the Secretary to the Council shall convene a Special Meeting of the Council. Such requisition shall specify the object of the desired Meeting and the Secretary shall within 28 days after receipt of such requisition convene a Special Meeting to be held within 28 days of the date of the notice convening the meeting for the purpose specified in the requisition.
  
9. (a) The Council shall at its first Meeting in each year appoint a Chairman and a Vice-Chairman for the ensuing year. The Chairman and Vice-Chairman may not be either employees or students of the College. They shall hold office until the corresponding meeting in the following year or until they or either of them ceases to be a member of the Council whichever shall be the earlier. In the absence of the Chairman, the chair shall be taken at any

College. All questions arising at any Meeting of the Council shall be decided by a

[REDACTED]

of an equality of votes the Chairman of the Meeting shall have as well as his own vote a second or casting vote. No voting by proxy shall be permitted.

- 11 Subject to the provisions of the Charter and the Statutes the Council shall have power to make and when made to vary regulations governing the procedure at its Meetings and the mode of convening the same.

[REDACTED]

Committee shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Member or person acting as aforesaid or that they or any of them were not eligible as Members or a Member of the Council or of any such Committee, be as valid as if every such person had been

[REDACTED]

Committee as the case may be.

*Powers of the Council*

[REDACTED]

16. The Council shall, either itself or through delegated authority where appropriate, conduct the general business of the College consistently with the provisions of the Charter and the Statutes, and shall approve the annual budget and monitor expenditure on account of the ordinary business of the College, and shall have

... of the College and shall have

[REDACTED]

such other powers and duties as may be entrusted to him by the Council. If he

[REDACTED]



amendment to or annulment of the existing regulations or the making of any new regulations shall have been given in the notice calling such Meeting.

- 22 The Seal of the College shall be under the control of the Council and shall be kept and used as the Council may direct.

*The Academic Board*

- 23 There shall be a body known as the Academic Board, whose membership shall include representation from a range of levels of the College's academic staff and also from the College's students.

- 24 The Principal shall be the Chairman of the Academic Board at its meetings, and he shall in the case of an equality of votes have a second or casting vote. In the absence of the Principal the Academic Board shall elect one of their members to

which he provides a second

[REDACTED]

I

Construction

1 This Statute and any regulation made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say -

(a) to ensure that 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, promote learning and engage

with the community and economically and  
[REDACTED]

(c) to apply the principles of justice and fairness.

Reasonableness of decisions

2. No provision in Part II or Part III of this Statute shall enable the body or person having the duty to reach a decision under the relevant Part to dismiss any member

of the College for his dismissal may in the circumstances  
[REDACTED]

Annex to this Statute.

[REDACTED]

whom this Statute applies.

Interpretation

Meaning of "dismissal"

4. In this Statute "dismiss" and "dismissal" mean dismissal of a member of the academic staff and -

(a) include remove or, as the case may be, removal from office; and

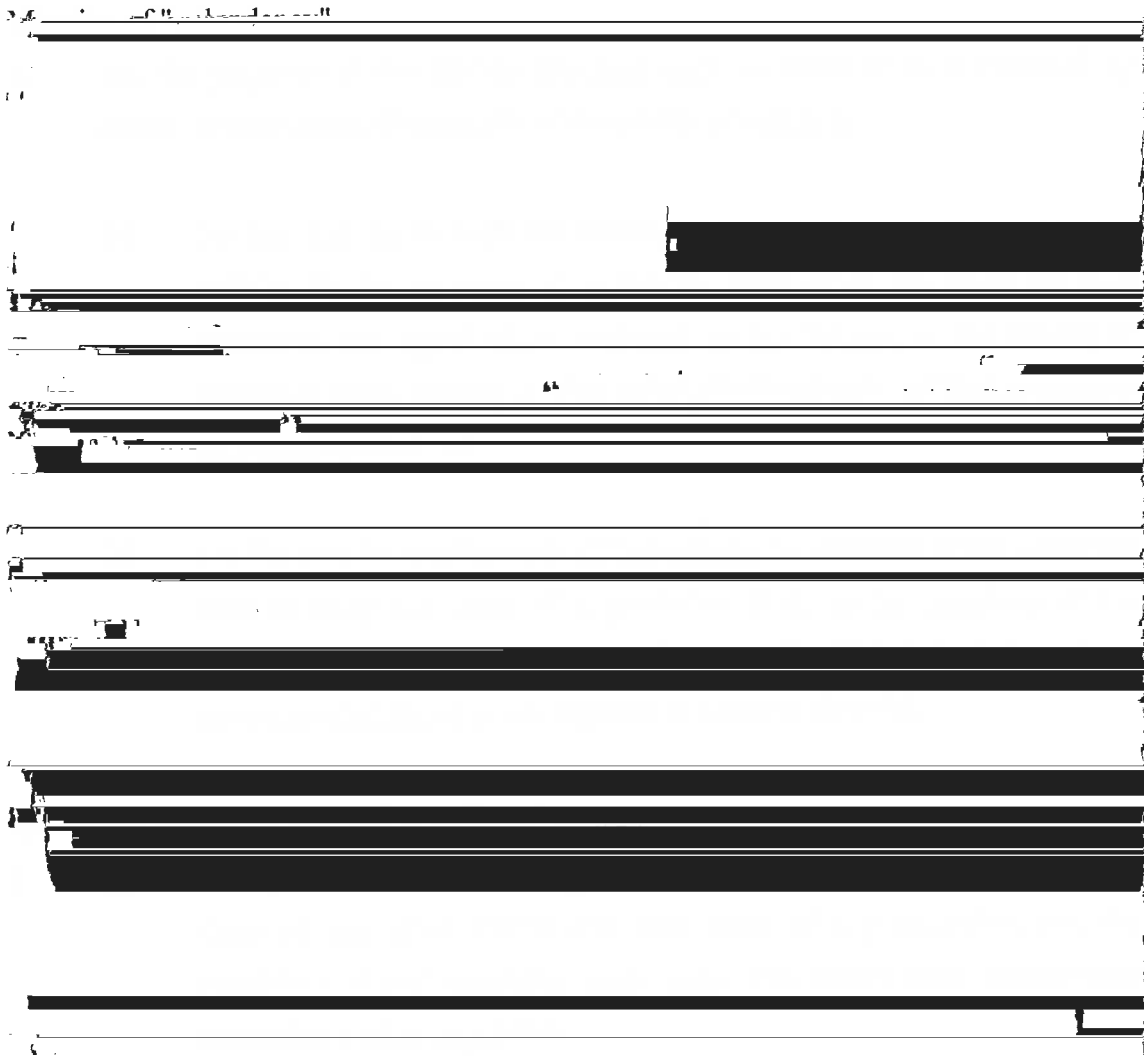
(b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation)

(d) physical or mental incapacity established under Part IV.

(2) In this paragraph -

(a) "capability", in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and

(b) "qualifications" , in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.



Provided that Part III of and the Annex to this Statute shall not apply in relation to anything done or omitted to be done before the date on which the instrument making these modifications was approved under subsection (9) of Section 204 of the Education Reform Act 1988.

- (2) Nothing in any appointment made, or contract entered into, shall be construed as over-riding or excluding any provision made by this Statute concerning the dismissal of a member of the academic staff by reason of redundancy or for good cause; provided that nothing in this sub-paragraph

[REDACTED]

Protection (Consolidation) Act 1978 from having effect.

- (3) Nothing in any other Statute or in any regulation made thereunder shall authorise or require any person to sit as a member of any Committee, Tribunal or body appointed under this Statute or to be present when any such Committee, Tribunal or body is meeting to arrive at its decision or



- (b) to report their recommendations to the appropriate body.
- (2) The appropriate body shall either approve any selection recommendation made under sub-paragraph (1), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- (3) A Redundancy committee appointed by the appropriate body shall comprise
  - (a) a Chairman; and
  - (b) two members of the Council, not being persons employed by the College; and
  - (c) two members of the academic staff nominated by the Academic Board.

Notices of intended dismissal

12. (1) Where the appropriate body has approved a selection recommendation

and paragraph 11(1) it may authorise the Secretary or his delegate  
[REDACTED]

(b) an account of the selection processes used by the Redundancy Committee;

(c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged

under Part V (Appeals); and

(d) a statement as to when the intended dismissal is to take effect.

### III

#### Disciplinary Procedures

13. (1) Minor faults shall be dealt with informally.

(2) If a minor fault is serious but falls short of constituting possible

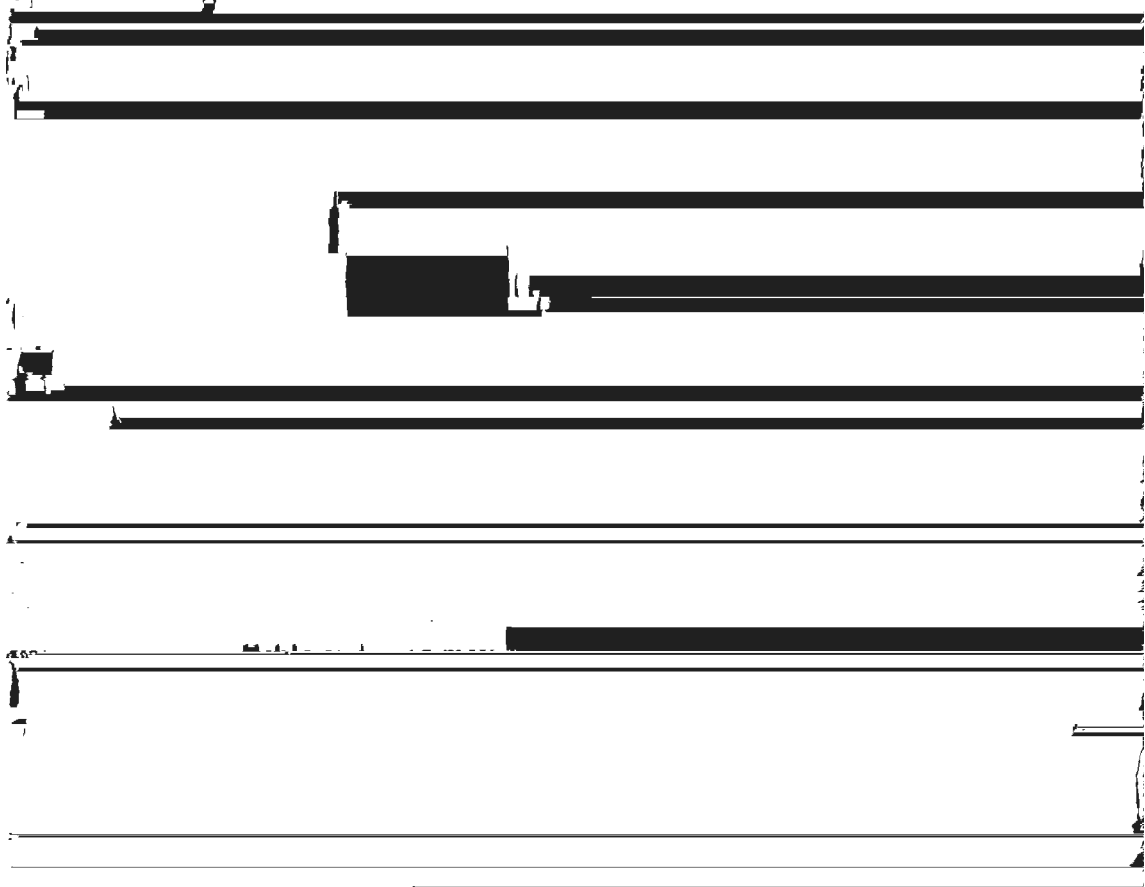




the member on full pay pending a final decision.

(5) Where the Principal proceeds further under this Part he shall write to the member of the academic staff concerned inviting comment in writing.

(6) As soon as may be following receipt of the comments (if any) the Principal shall consider the matter in the light of all the material then



- (a) dismiss it himself; or
- (b) refer it for consideration under paragraph 13; or
- (c) deal with it informally himself if it appears to the Principal appropriate to do so and if the member of the academic staff agrees in writing that the matter should be dealt with in that way; or

(2) Where the Council has been requested to appoint a Tribunal under paragraph 16 the Secretary or, if he is unable to act, another officer appointed by the Principal shall take charge of the proceedings.

(3) The officer in charge of the proceedings shall formulate, or arrange for the formulation of, the charge or charges and shall present, or arrange for the presentation of, the charge or charges before the Tribunal.

(4) It shall be the duty of the officer in charge of the proceedings

(a) to forward the charge or charges to the Tribunal and to the member

[REDACTED]

[REDACTED]

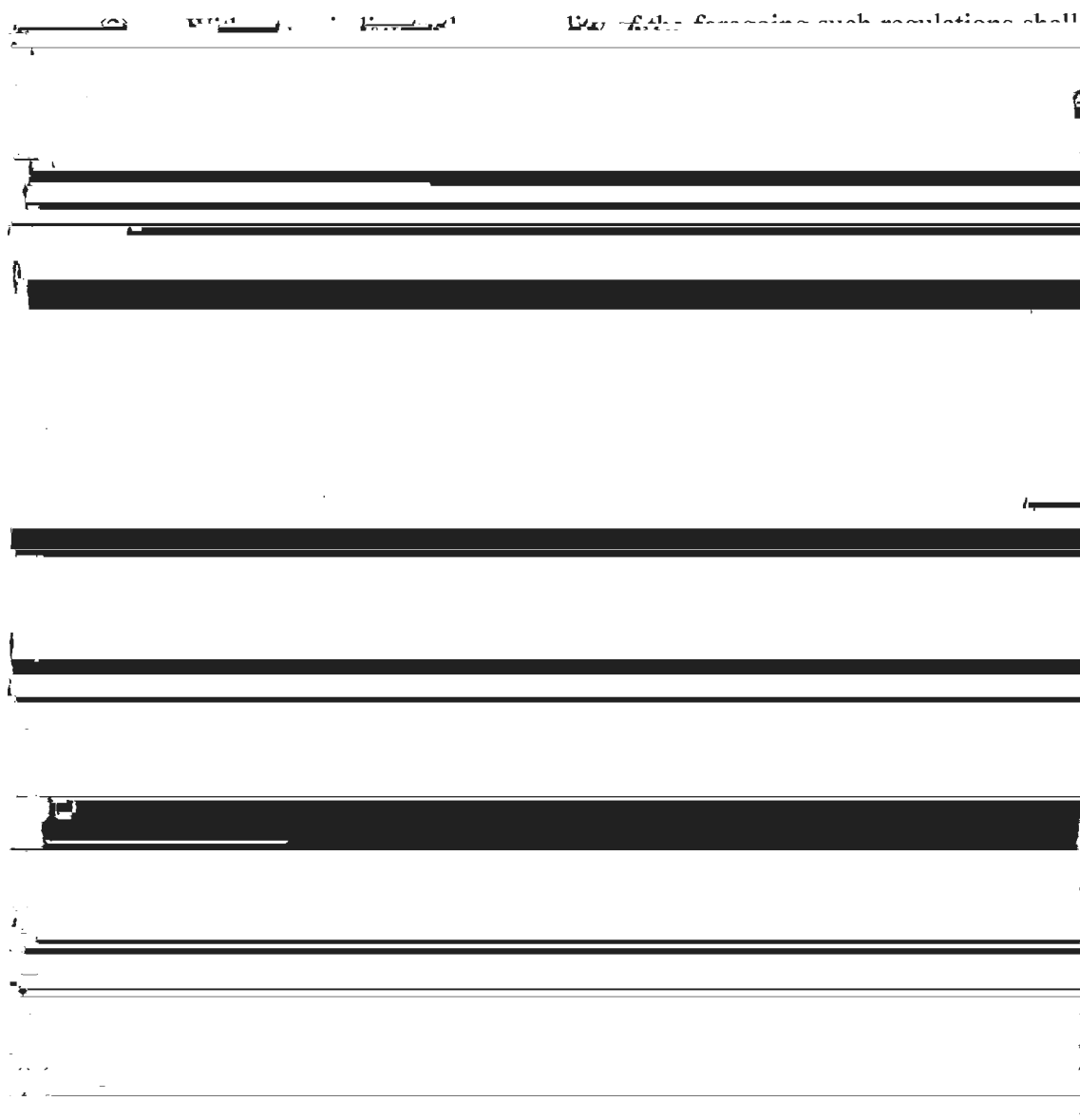
therein specified; and

by the University, not being persons employed by the College.

Provisions concerning Tribunal procedure

17. (1) The procedure to be followed in respect of the preparation, hearing and determination of charges by a Tribunal shall be that set out in regulations made under this paragraph.

By order of the University the following regulations shall



ensure -

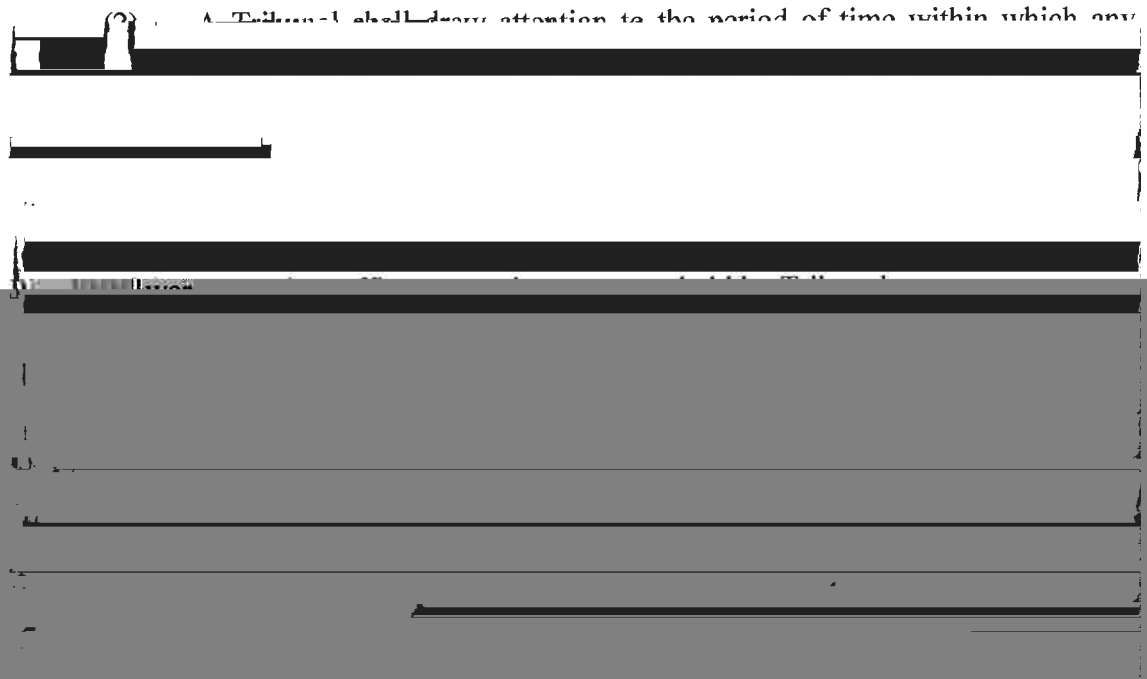
(a) that the member of the academic staff concerned is entitled to be represented by another person, whether such person be legally

reasonably practicable.

Notification of Tribunal decisions

18. (1) A Tribunal shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decision regarding that charge and its recommendations, if any, as to the appropriate penalty) to the Principal and to each party to the proceedings.

A Tribunal shall draw attention to the period of time within which any



appeal should be made by ensuring that a copy of Part V (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this paragraph.

19. (1) Where the charge or charges are upheld and the Tribunal finds good cause and recommends dismissal or removal from office, but in no other case, the appropriate officer shall decide whether or not to dismiss the member of the academic staff concerned.
- (2) In any case where the charge or charges are upheld, other than where the appropriate officer has decided under sub-paragraph (1) to dismiss the member of the academic staff concerned, the action available to the

(e) any combination of any of the above or such further or other action under the member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case.

(3) Where the appropriate officer has decided under paragraph (1) to dismiss a member of the academic staff who is an Appointed Teacher of the University, the officer shall inform the Vice-Chancellor of the University so that, subject to the outcome of any appeal made by the member of the academic staff under Part V, the University may withdraw from the Teacher the status or title of Professor or Reader of the University.

#### Appropriate Officers

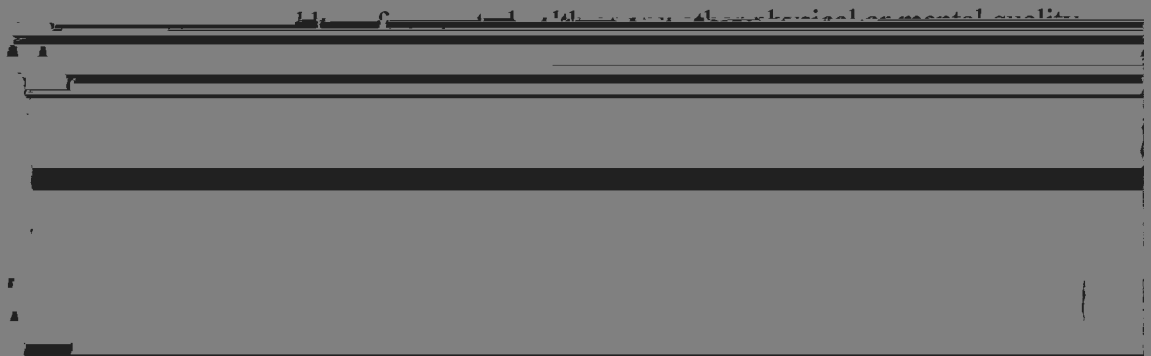
20. (1) The Principal shall be the appropriate officer to exercise the powers conferred by paragraph 19 and any reference to the appropriate officer includes a reference to a delegate of that officer.

(2) Any action taken by the appropriate officer shall be confirmed in writing.

#### PART IV REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

21. (1) This Part makes separate provision for the assessment of incapacity on medical grounds as a good cause for dismissal or removal from office.

(2) In this Part references to medical grounds are references to capability



friend in addition to (or instead of) that member

22. (1) Where it appears that the removal of a member of the academic staff on medical grounds would be justified, the appropriate officer -

(a) shall inform the member accordingly; and

(b) shall notify the member in writing that it is proposed to make an application to the member's doctor for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988.

(2) If the member shares that view the College shall meet the reasonable costs of any medical opinion required.

(3) If the member does not share that view the appropriate officer shall refer the case in confidence with any supporting medical and other evidence

(including any medical evidence submitted by the member), to a Board comprising one person nominated by the Council; one person nominated by the member concerned or, in default of the latter nomination, by the Academic Board; and a medically qualified chairman jointly agreed by the Council and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.

(4) The Board may require the member concerned to undergo medical

PART V APPEALS

Purpose of Part V

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

Application and interpretation of Part V

25. (1) This Part applies -

(a) to appeals against the decisions of the Council as the appropriate body (or of a delegate of that body) to dismiss in the exercise of its powers under Part II.

(b) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals under paragraph 13 (Appeals against disciplinary warnings);

(c) to appeals against dismissal otherwise than in pursuance of Part II or Part III;

(d) to appeals against discipline otherwise than in pursuance of Part III; and

(e) to appeals against decisions reached under Part IV and "appeal" and "appellant" shall be construed accordingly.



hearing;

(c) any finding by a Board set up under paragraph 22(3).

(3) In this Part references to "the person appointed" are references to the person appointed by the Council under paragraph 28 to hear and determine the relevant appeal.

(4) The parties to an appeal shall be the appellant and the Secretary or, if he is unable to act, another officer appointed by the Principal and any other person added as a party at the direction of the person appointed.

Institution of Appeals

26 4 members of the academic staff shall institute an appeal by serving on the  
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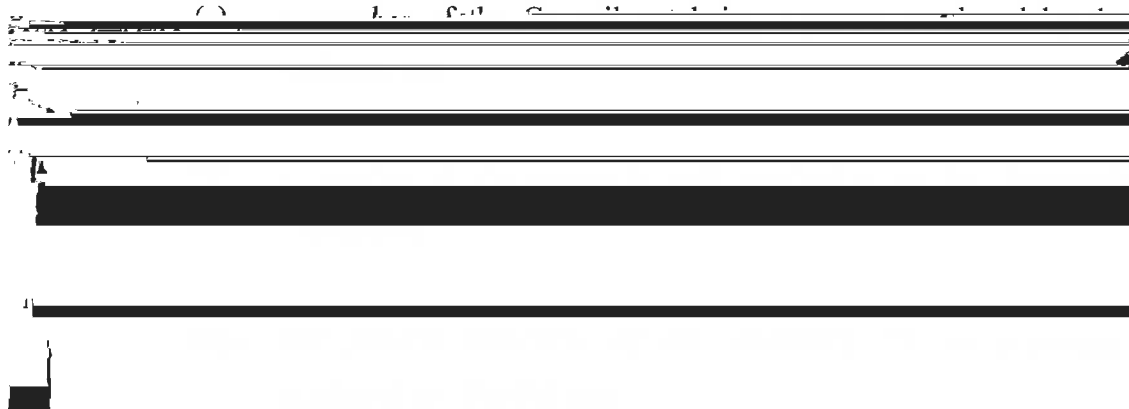
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Secretary, within the time allowed under paragraph 27, notice in writing setting out the grounds of the appeal.

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Persons appointed to hear and determine appeals

28. (1) Where an appeal is instituted under this Part the Council shall appoint a person described in sub-paragraph (2) to hear and determine that appeal.
- (2) The persons described in this sub-paragraph are persons not employed by the College holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing.
- (3) Subject to sub-paragraph (5) the person appointed shall sit alone unless he considers that justice and fairness will best be served by sitting with two other persons.
- (4) The other persons who may sit with the person appointed shall be -
- (a) a member of the Council not being a person employed by the college; and
  - (b) one member of the academic staff nominated by the Academic Board.
- (5) In the case of an appeal against a decision taken under paragraph 19 to dismiss a member of the academic staff who is an Appointed Teacher of the University the person appointed shall sit with -

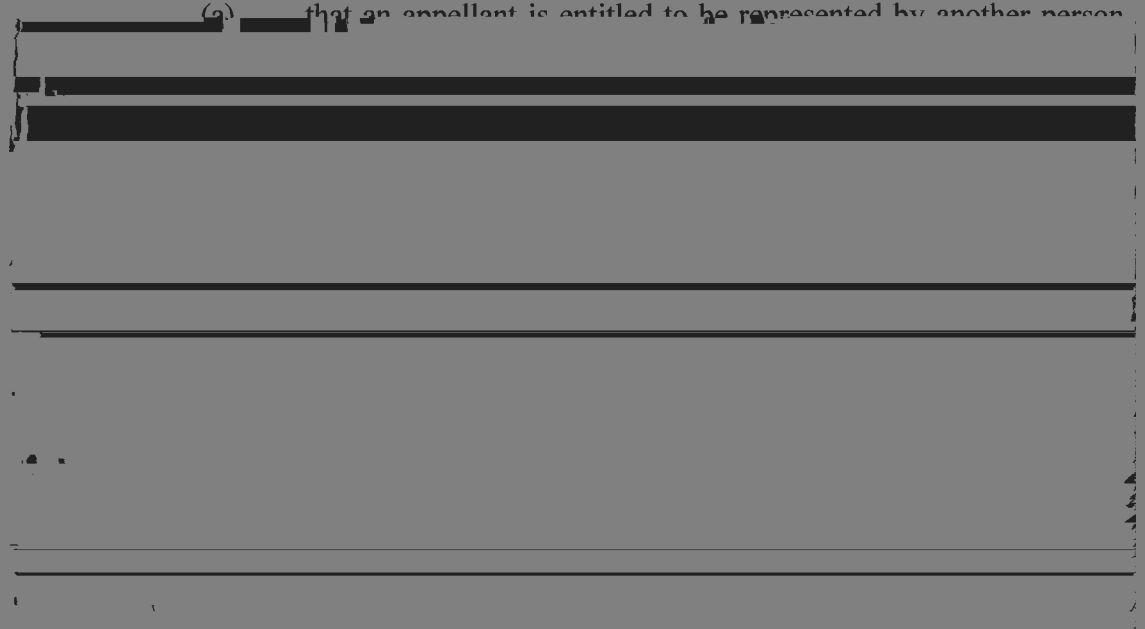


Provisions concerning appeal procedures and powers

29 (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in regulations made under this paragraph.

(2) Without prejudice to the generality of the foregoing such regulations shall ensure -

(a) that an appellant is entitled to be represented by another person



whether such person be legally qualified or not, in connection with and at any hearing of his appeal;

(b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him to represent him are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;

(c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and

(d) that the person appointed may set appropriate time limits for each

(b) remit an appeal arising under Part III for re-hearing by a differently constituted Tribunal to be appointed under that Part; or

(c) remit an appeal from a decision of the appropriate officer under

[REDACTED]

Part IV for further consideration as the person or persons hearing the appeal may direct.

[REDACTED]

(d) substitute any lesser alternative penalty that would have been open to the appropriate officer following the finding by the Tribunal which heard and pronounced upon the original charge or charges.

Notification of decisions

30. The person appointed shall send the reasoned decision, including any decision reached in exercise of his powers under paragraph 29(3) (a), (b) or (c), on any appeal together with any findings of fact different from those reported by

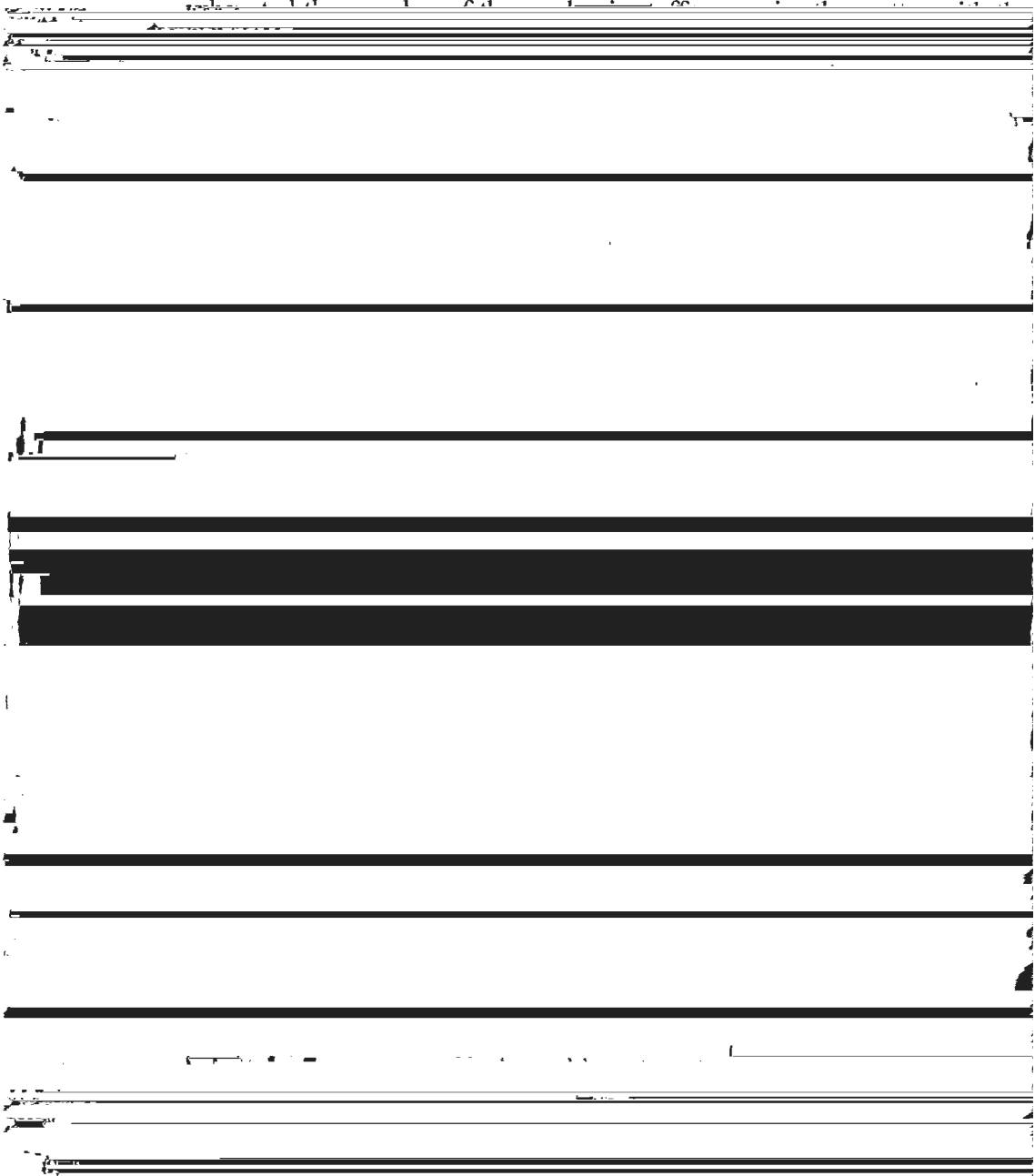
[REDACTED]

(b) to matters affecting their personal dealings or relationships with other staff of the College,

not being matters for which express provision is made elsewhere in this Statute.

Exclusions and Informal Procedures

33. (1) If other remedies within the department or other relevant area have been



- (5) If the Principal does not reject the complaint under sub-paragraph (3) or if he does not defer action upon it under sub-paragraph (4) he shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him to seek to dispose of it informally. If he so decides he

[REDACTED]

#### Grievance Committee Procedure

34. If the grievance has not been disposed of informally under paragraph 33(5), the

[REDACTED]

PROVISIONS AS TO THE PRINCIPAL

- 1 The Council may request its Chairman to remove the Principal from office for good cause in accordance with the procedure described in this Annex.

[REDACTED]

cause may be made by not less than three members of the Council to the Chairman of the Council.

[REDACTED]

(c) one member of the academic staff.

(6) Subject to the principles of justice and fairness the Tribunal may

determine its own procedure

(7) The Tribunal shall send its reasoned decision on any charge referred to it together with its findings of fact regarding the charge and its recommendations, if any, as to the appropriate penalty to the Chairman of

the Council and the Director of the University of the Pacific.



Statute.

For the purpose of the removal of the Principal for incapacity on medical grounds

[REDACTED]