

**New Statutes approved by the Privy Council on 6 March 2007,
to take effect from 1 August 2007**

**HEYTHROP COLLEGE
University of London**

Definitions

Unless the context otherwise requires, in the Charter, Statutes and Ordinances:-

- Governing Body means the body established by the Charter;
- Academic Board means the Academic Board of the College;
- Appointed Day means the day on which the Charter or these Statutes become effective;
- Charter means the Charter of the College;
- Ordinances means Ordinances made pursuant to the Charter or these Statutes;
- Regulations means regulations made pursuant to the Charter, Statutes or Ordinances;
- Visitor means Visitor of the College, the Archbishop of Westminster
- President means President of the College: the Charter provides for the President to be the Provincial of the British Province of the Society of Jesus.
- Bishops Conference means the Catholic Bishops' Conference of England and Wales;
- Principal means Principal of the College;
- Vice-Principal means a Vice-Principal of the College
- Academic Staff means Principal, Vice-Principal and all persons holding full-time posts or part-time posts equivalent to one-half time or more as Professor, Reader, Senior Lecturer, Lecturer or member of the Research Staff;
- Administrative Staff means those members of the staff, other than academic or library staff, holding full-time posts or part-time posts equivalent to one-half time or more on those grades which are formally related to academic staff grades or appointed to such other posts or grades of post as the Governing Body may determine;
- Library Staff mean those members of the staff holding full-time posts or part-time posts equivalent to one-half time or more, as Librarian, Deputy Librarian or Assistant Librarian or appointed to such other posts or grades of post as the Governing Body may determine;
- Non-Academic Staff means all members of the staff of the College who are not members of the academic staff and who hold full-time posts or part-time posts equivalent to one-half time or more;
- Research Staff mean those members of the staff holding full-time posts or part-time posts equivalent to one-half time or more as Senior Research Officer or

- Research Officer or appointed to such other posts or grades of post as the Governing Body may determine;
- Staff means all the above categories taken together;
 - External members means members of the Governing Body who are not staff or students of the College and who are not members by virtue of their office;
 - Trustees for Roman Catholic Purposes means the legal identity of British Province of the Society of Jesus (Jesuits) in their role as Trustees of the Society's funds;
 - University means the University of London;
 - Senate means the Senate of the University;
 - Student means any person registered as pursuing any course of study in the College;
 - Students' Union means the Students' Union of the College;
 - Alumni Association means the Alumni Association of the College;
 - Special Resolution means a resolution passed at one meeting of the Governing Body and confirmed at a subsequent meeting held not less than one calendar month nor more than three calendar months after the former;
 - Year means a period of twelve months ending on the 31st day of December or on such other date as may be prescribed from time to time by the Ordinances, which may prescribe different dates for different purposes.
 - Reserved areas of business means committee business including appointments, promotions, conditions of service and other matters affecting the personal affairs of individual members of staff and the admission and academic assessment of individual students, or matters which are deemed by the Chair to be commercially sensitive.
 - Words importing the masculine shall include the feminine and, unless the context otherwise requires, words in the singular shall include the plural and words in the plural shall include the singular.
 - Words defined in the Charter or these Statutes shall have the same meaning in the Ordinances and the Regulations unless the context is repugnant thereto.
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Amendment to Statutes and Ordinances

Statutes may be amended by Special Resolution of the Governing Body and with the approval of the Privy Council.

Ordinances may be amended by the Governing Body.

Statutes

Statute 1 Functions, Responsibilities and Powers of the Governing Body

1 General Powers of the Governing Body

The Governing Body shall, subject to the Charter, the Statutes of the College and the Statutes and Ordinances of the University of London, have general control over the conduct of the College's affairs, including determination of its educational character, mission and strategic direction.

2 Specific Powers of the Governing Body

Provided that it takes into account the views of the Academic Board on any matters deemed by the Governing Body to affect the academic policy or life of the College, the Governing Body shall have powers and responsibilities:

- (a) To make, repeal and amend Ordinances;
- (b) To safeguard the academic freedom of expression of members of the College;
- (c) To safeguard equality of opportunity for staff and students of the College;
- (d) To appoint and remove the Principal;
- (e) To direct and oversee arrangements for Internal and External Audit: viz. to appoint External and Internal Auditors; to establish an Audit Committee; and to approve the annual audited accounts;
- (f) To determine the structure, staffing and overall composition of the College.

3 Delegation of Powers by the Governing Body

- 3.1 The Governing Body may delegate any of its powers (except those listed above in 1.2 (a) – (e)) to the Academic Board or Committees or Sub-committees formed from its own number or otherwise appointed, or to joint committees, or to officers of the College but the terms of the delegation must be agreed by the Governing Body and recorded in the minutes.
- 3.2 The Ordinances will define reporting back procedures for committees operating with delegated powers.
- 3.3 Nothing in this Statute shall enable the Governing Body to delegate its powers under Statute 6.

Statute 2 Composition of the Governing Body

1 Membership

The Governing Body shall consist of the following members:

- (a) *Ex officio members (three)*
 - The President of the College
 - The Principal
 - The Chair of the Governing Body if not otherwise a member
- (b) *Nominated external members (nine)*

Nine members (who may not be staff or students) appointed by the Governing Body after consultation with the following bodies:

- (i) Five members nominated by the Trustees for Roman Catholic Purposes;
 - (ii) One member nominated jointly by the Archdiocese of Westminster and the Bishops' Conference;
 - (iii) Three members appointed in consultation with the University.
- (c) *Co-opted external members (between four and seven)*
 At least four and not more than seven persons, not being members of staff or students, and who may not be nominated by any of the groups or organisations already represented.
- (d) *Elected internal members (seven)*
 Seven members, elected by the following groups:
- (i) Four members of the Academic Staff elected by the Academic Staff;
 - (ii) One member of the Non-Academic Staff, elected by the Non-Academic Staff;
 - (iii) Two students, elected by the Students' Union, one of whom will normally be the President of the Heythrop Students' Union.

2 Terms of Office of Members of the Governing Body

- 2.1 All external members shall normally be appointed for a period of three years and shall be eligible for re-appointment for up to two further periods of three years.
- 2.2 Ex officio members shall remain members only as long as they hold the office by which they became members of the Governing Body.
- 2.3 The re-appointment of nominated members shall be made in consultation with the groups whose nominees they are, subject to provision being made for retirement in rotation.
- 2.4 Members elected by the Academic and Non-Academic Staff remain in membership for three years, and are eligible for re-election for a further three year period, or until they cease to be members of the Academic or Non-Academic Staff whichever is the sooner, subject to provision being made for retirement in rotation.
- 2.5 Student members are elected for up to three years or until they cease to be students of the College, whichever is the sooner.

3 Filling of Vacancies and Elections

The Ordinances shall prescribe for the filling of casual vacancies and for the form of election of the elected members.

4 Officers of the Governing Body

The Ordinances shall prescribe for the officers of the Governing Body.

5 Conduct of Meetings

The Ordinances shall prescribe for the conduct of meetings of the Governing Body.

6 Quorum

A quorum for a meeting of the Governing Body shall be twelve members. The majority of members present must be external members.

Statute 3 Academic Board

1 General Powers of the Academic Board

The Academic Board has the responsibility to advise the Governing Body of any academic matters which it considers to have financial implications for the College, and has the right to be consulted by the Governing Body before decisions are made affecting the academic well-being of the College.

2 Specific Powers of the Academic Board

The Ordinances shall prescribe for the powers, responsibilities, composition and operation of the Academic Board.

Statute 4 Auditors

1 External Auditors

1.1 The Governing Body will appoint External Auditors. Every such Auditor shall be a member of a recognised supervisory body (as defined in Part II of the Companies Act 1989 or any subsequent statutory modification thereof).

1.2 No person shall be appointed or remain Auditor who is or any one of whose partners is a member of the Governing Body or the staff of the College.

1.3 The External Auditors shall hold office for such period and shall receive such remuneration as may be determined from time to time by the Governing Body.

1.4 The Auditors shall have right of access at all reasonable times to the books, records, accounts and vouchers of the College and shall be entitled to require such information and explanation as may be necessary for the performance of the Auditors' duties.

1.5 The Auditors shall make a report to the Governing Body at least once in each year.

1.6 The Auditors may resign by writing to the Clerk to the Governing Body.

2 Internal Auditors

2.1 The Internal Auditors shall hold office for such period and shall receive such remuneration as may be determined from time to time by the Governing Body.

2.2 The Auditors shall have right of access at all reasonable times to the books, records, accounts and vouchers of the College and shall be entitled to require such information and explanation as may be necessary for the performance of the Auditors' duties.

2.3 The Auditors shall make a report to the Governing Body at least once in each year.

3 Audit Committee

The Governing Body shall establish an Audit Committee with the powers and responsibilities defined by the Higher Education Funding Council for England.

Statute 5 Students' Union

There shall be a Students' Union of the College, established for the benefit of the students of the College. The composition and function of the Students' Union shall be prescribed in the Ordinances.

mfb/ final 2006
December 6 06

Statute 6 Academic Staff: Dismissal, Discipline, Grievance Procedures and related matters

REVISED MODEL STATUTE
[Approved by the Privy Council Office: 31 March 2003]

PART I: GENERAL

1. Application

- (1) This Statute applies to the following:
- (i) members of the academic staff (except for those excluded from Part II by clause 5(1) below);
 - (ii) such other members of staff or categories of staff of the College as are brought within its scope by the Governing Body;
 - (iii) and will also apply to the Principal but special provision will be made in the Ordinances for necessary changes to procedures (Statute 7 below);
- “Member(s) of staff” in this Statute means those members of the staff to whom this Statute applies.
- (2) This Statute will override any provision in any contract, term or condition of employment which is inconsistent with this Statute, whether dated before or after the commencement of this Statute, but –
- (i) it shall not affect the validity of any waiver under section 197 of the Employment Rights Act 1996, any compromise agreement under section 203 of the Employment Rights Act 1996, or any similar waiver or agreement permitted by law; and
 - (ii) it shall not preclude any member of staff deciding or agreeing to terminate employment with the College, whether by voluntary severance, early retirement or otherwise, on whatever terms have been agreed.
- (3) Parts II to V of this Statute shall not apply to removal from an appointment as Vice-Principal, Dean or Head of Department, or such other posts as have been designated by the Governing Body, 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 Governing Body shall by Ordinance prescribe a procedure for handling such removals prior to the prescribed or normal termination date, which shall include a hearing panel and an appeal panel.

2. General principles of construction and application

- (1) This Statute and any Ordinances or Regulations made under it shall be applied and construed in every case to give effect to the following guiding principles:
 - (i) to ensure that members of 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;
 - (ii) to enable the College to provide education, promote learning and engage in research efficiently and economically; and
 - (iii) to apply the principles of justice and fairness.
- (2) Where, in any proceedings under this Statute, a member of staff invokes sub-clause (1)(i) 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.
- (3) Where there is any issue as to the meaning of “academic freedom” in any proceedings under Parts II, III, IV, V and VI of this Statute, 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 Statute to a provision in an Act of Parliament shall be taken to be a reference to that provision as it may have been amended or superseded from time to time.
- (5) In interpreting or construing any provision in this Statute, regard shall be had to the Notes on Clauses on the Revised Model Statute issued by the Universities and Colleges Employers Association (September 2003).

3. Dismissal

- (1) For the purpose of this Statute, “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)
 - (i) A dismissal by reason of redundancy (other than the non-renewal of a fixed-term contract) shall be handled in accordance with Part II;

- (ii) a dismissal for disciplinary reasons shall be handled in accordance with Part III;
- (iii) a dismissal on health grounds shall be handled in accordance with Part IV; and
- (iv) a dismissal on any other grounds, including the non-renewal of a fixed-term contract, shall be handled in accordance with Part V.

4. Hearing, appeal and grievance panels

- (1) Any panel established pursuant to clauses 8(1), 10(ii)(d) and (h), 15(2), 18(2) and 20(5) of this Statute shall consist of three persons, none of whom shall previously have had any involvement with the case, at least one of whom shall be a lay member of the Governing Body and one a member drawn from a list agreed from time to time by the Academic Board.
- (2) At any panel within sub-clause (1) above, the member of staff shall be entitled to be represented or assisted by any person.
- (3) Any panel within sub-clause (1) above shall give a reasoned decision in writing which shall be provided to the member of staff and reported to the Governing Body.

PART II: REDUNDANCY

5. Application

- (1) The power to dismiss, and the procedures prescribed, under this Part shall not apply 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], who shall for this purpose continue to be subject to such powers, if any, as applied to them 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) This Part shall not apply to the non-renewal of a fixed-term contract, which shall be dealt with under clause 16 below.

6. Definition of “redundancy”

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

7. Procedure for dismissal by reason of redundancy

- (1) The Governing Body shall by Ordinance prescribe the procedures for dismissing members of staff on grounds of redundancy, which shall include the following:
 - (i) a preliminary stage involving consultation with appropriate representatives in accordance with and to the extent required by section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 and discussion with the staff concerned;
 - (ii) a procedure which is fair and which allows each staff member concerned, having been informed of the selection criteria to be employed, to make written and oral representations on his or her behalf;
 - (iii) 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; and
 - (iv) authorising the Principal or other person to dismiss any member of staff selected for dismissal under this Part and requiring reports of dismissals to be submitted to the Governing Body.
- (2) The procedures following the preliminary stage may be used at any particular time only after the Governing Body has first determined that the circumstances are such that the procedures should be instituted.

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.
- (2) The panel shall be entitled to review all aspects of the matter other than the Governing Body'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 body whose decision is being appealed.

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 the following:

- (i) conduct amounting to a criminal offence, whether or not there has been a prosecution and conviction, of a kind that is judged in all the circumstances to be relevant to the member of staff's employment by the College;

- (ii) failure, refusal, neglect or inability to perform some or all of the duties or to comply with some or all of the conditions attaching to the post, or performing those duties or complying with those conditions in an unsatisfactory or inadequate manner;
- (iii) conduct of a kind judged to be inappropriate or unacceptable on the part of a holder of the post held by the member of staff, such as (but not confined to) the following:
 - (a) breach of any obligation or duty arising under any of the College's regulations regarding financial matters, harassment, equal opportunities, public interest disclosure, health and safety, or data protection or any other rules, regulations or codes binding on the member of staff;
 - (b) damage to or improper use of College facilities, premises, property or equipment;
 - (c) disruption of, or improper interference with, the activities of the College or of any employee, student, Governor or visitor (other than any lawful industrial action);
 - (d) violent, indecent, disorderly, threatening, abusive, insulting or harassing behaviour or language (whether written, spoken or in any other form);
 - (e) fraud, deceit, deception or dishonesty in relation to the College or any related activity, including research and examining;
 - (f) action likely to cause injury or impair safety;
 - (g) divulging information or material received in confidence (unless the disclosure is permitted under the Public Interest Disclosure Act 1998 or in accordance with the College's Public Interest Disclosure Procedure).

10. Disciplinary procedures

The Governing Body shall by Ordinance promulgate disciplinary procedures for members of staff, which shall provide:

- (i) for less serious matters to be dealt with by warnings following a fair and appropriate procedure and for a member of staff to be able to appeal against the imposition of a warning to a person designated by the Principal; and
- (ii) for dealing with more serious matters, which shall include provision for the following:
 - (a) fair and reasonable time limits for each stage;
 - (b) investigating complaints and dismissing those found to be without substance;
 - (c) suspension, on full pay, by the Principal pending an investigation or hearing where this is necessary;

- (d) a hearing by a panel, authorised by the Principal, at which the member of staff against whom the complaint has been made shall have been informed of the complaint, shall be entitled to be present, to hear the evidence, to call relevant witnesses, and to examine and cross-examine witnesses (but provision may be made for witnesses in appropriate cases to give their evidence behind a screen or from another room or place and for questions to be asked only by a representative);
- (e) appropriate penalties, which in addition to warnings and dismissal shall, for staff appointed or promoted after the coming into effect of this Statute, include withholding any forthcoming increment in salary, suspension without pay (for up to three months), and reduction in grade and/or loss of title (and “promoted” for the purpose of this provision shall have the same meaning as in section 204 of the Education Reform Act 1988);
- (f) the award of compensation either to the College or to an individual in respect of any loss caused or damage done;
- (g) designating a member of staff’s conduct as constituting “gross misconduct” such as to merit summary dismissal without notice; and
- (h) a right to appeal against the finding of, or penalty imposed by, the panel, including a finding under paragraph (g) above. An appeal shall not take the form of a re-hearing of the evidence and witnesses may be called only with the appeal panel’s permission.

11. Code of Practice

In drawing up the procedures, and in any regulations made or action taken thereunder, regard shall be had to Section 1 of the Code of Practice on Disciplinary and Grievance Procedures (as may be amended or replaced from time to time) issued in September 2000 by the Advisory Conciliation and Arbitration Service (ACAS) and brought into effect by order of the Secretary of State under section 199 of the Trade Union and Labour Relations (Consultation) Act 1992.

12. Dismissal

- (1) The Director of Administration & Clerk to the Governing Body or other designated officer shall give effect to a decision of a panel that a member of staff should be dismissed:
 - (i) where the panel has designated the conduct as “gross misconduct” such as to merit summary dismissal pursuant to clause 10(ii)(g), the Director of Administration/Clerk to the Governing Body shall forthwith dismiss the member of staff;
 - (ii) in all other cases, the Director of Administration & Clerk to the Governing Body 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.

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 Disability Discrimination Act 1995, 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

Section 14 of the Revised Model Statute provides exclusively for clinical staff

PART IV: INCAPACITY ON HEALTH GROUNDS

15. Dismissal on health grounds

- (1) The Governing Body shall by Ordinance prescribe a procedure for dealing with staff, including dismissal, because of incapacity on health grounds, whether physical or mental.
- (2) The procedure shall include a hearing by a panel, with a right of appeal to another panel, and both panels shall contain an appropriately medically qualified person.
- (3) No member of staff may be dismissed whether under this Part or Part III where that dismissal would contravene the Disability Discrimination Act 1995.

PART V: OTHER DISMISSALS

16. Non-renewal of a fixed-term contract

- (1) The Principal, or other person or persons designated by him, shall in every case where a fixed-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 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.
- (2) A decision not to renew or extend or offer a contract of indefinite duration under the preceding paragraph must be justified on the basis that, in respect of one or

more of the following considerations, it is not expedient or desirable to renew or extend the contract or offer a contract of indefinite duration:

- (i) the availability of funding for the post, or the financial situation;
 - (ii) the individual's performance (following appropriate warnings and counselling);
 - (iii) the need for the post or the duties attaching to the post;
 - (iv) the nature and character of the post;
 - (v) the desirability of making the post permanent and appointing to it after open competition.
- (3) A member of staff whose fixed-term contract is not renewed or extended on termination or is not offered a contract of indefinite duration shall be given full reasons for the decision and shall be entitled to have the decision reviewed by a panel in accordance with a procedure to be prescribed by Ordinance.
- (4) The panel, whose decision shall be final, shall consider whether the reasons advanced in support of the decision are reasonable and supportable.

17. 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 Governing Body shall by Ordinance prescribe a procedure under which staff on probation shall be reviewed and shall include provision for non-confirmation in post 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.
- (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 Statute.
- (4) The substance of sub-clauses (3) and (4) of clause 16 shall apply to a member of staff who has not been confirmed in post under this clause.

18. 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 and clauses 16, 17 and 19 of Part V of this Statute (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, s. 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" (s. 98 (2)(d)).

- (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 by a panel and the right to appeal to a panel.

19. Clinical staff

- (1) Provision for clinical staff is described in section 19 of the Revised Model Statute

PART VI: GRIEVANCE PROCEDURES

20. Grievance Procedure

- (1) The Governing Body shall by Ordinance promulgate a Grievance Procedure for members of staff and in doing so shall have regard to Section 2 of the Code of Practice (as may be amended or replaced from time to time) referred to in clause 11 above.
- (2) The Procedure shall apply to grievances by members of staff concerning their appointments or employment in relation to matters affecting themselves as individuals or their personal dealings or relationships with other staff of the College other than those for which provision is made elsewhere in this Statute or in respect of the outcome of any matter dealt with under this Statute, or where the Governing Body has prescribed other procedures, provided those other procedures are no less favourable to the individual than under the Grievance Procedure.
- (3) The Procedure shall provide that consideration of a complaint under the Procedure may be deferred if other proceedings under this Statute concerning the individual and relevant to the application are pending or in progress.
- (4) The Procedure 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 prior to that under sub-clause (5) below.
- (5) The Procedure shall make provision for a member of staff who is dissatisfied with the outcome of a complaint to be able to have the complaint heard by a Grievance Panel unless the complaint has been ruled frivolous, vexatious or invalid in accordance with the Procedure.

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Statute 7 Provisions as to the Principal

The Governing Body may request its Chair to remove the Principal from office for good cause in accordance with the procedure described in the Ordinances. “Good Cause” in this Statute has implies good cause arising under “discipline, dismissal, redundancy and removal on health grounds” as those terms are used in Statute 6.