

## REVISED STATUTE 18

### FINAL DRAFT

- 1 For the purposes of this Statute 18:
  - 1.1 “Academic Staff” means
    - Professors, Readers, Senior Lecturers, Lecturers and Assistant Lecturers;
    - the Secretary to the College;
  - 1.2 Senior staff holding academic related posts, being posts recognised by the Council for the purposes of this Statute; and
    - the Principal; and
  - 1.3 “Academic Freedom” shall have the meaning ascribed to it under the UNESCO definition of academic freedom set out in Schedule [1] of this Statute 18.
- 2 The Council shall adopt from time to time procedures for the disciplining and dismissal of the staff of the College and for the handling of grievances raised by the staff of the College. Such procedures shall be set out in Regulations.
- 3 In determining the procedures to be adopted under paragraph 2 of this Statute, the Council shall apply the following guiding principles:
  - 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, and otherwise to conduct themselves in accordance with the principles of Academic Freedom without placing themselves in jeopardy of losing their jobs or privileges;
  - to enable the College to provide education, promote learning and engage in research efficiently and economically; and
  - to apply the principles of justice and fairness.
4. Any Regulations made under this section shall be construed in every case to give effect to the guiding principles in paragraph 3 of this Statute and to the following principles:
  - 4.1 Academic Staff shall not be required to sit as a member of any Committee, Tribunal or body appointed under the Regulations against their wishes.

**4.2** Any appeal against dismissal or a decision in respect of a grievance shall be heard in accordance with the appeals section of the relevant Regulations, subject always to the fact that the appeal shall be heard and determined by the Principal (or his/her nominee) and a person appointed by the Council, such person being a person not employed by the College and holding, or having held judicial office or being a barrister or solicitor of at least 10 years' standing.

**4.3** With regard to any proposed dismissals of Academic Staff on the grounds of redundancy, the Council will be asked to ratify any proposals to enter into redundancy consultation. The Council shall appoint a Redundancy Committee comprising a Chairman, 2 members of the Council (not being persons employed by the College) and 2 members of Academic Staff nominated by the Academic Board. The Redundancy Committee shall delegate to the College's Human Resources Department and the relevant managers of the affected Academic Staff the management of the redundancy consultation process in accordance with the redundancy procedure set out in the Regulations, subject always to the fact that the Redundancy Committee shall:

- ratify the redundancy selection process and criteria; and
- approve the dismissal of those Academic Staff subsequently selected for redundancy prior to notice of dismissal being given to those Academic Staff;
- in relation to any proposed dismissal of a member of Academic Staff by reason of incapacity on medical grounds, in the event that the member of Academic Staff does not consent to a medical report being obtained, the Principal (or his/her nominee) shall refer the case in confidence to a Board comprising one person nominated by the Council, one person nominated by the member of Academic Staff (or, in default of the latter nomination, by the Academic Board) and a medically qualified chairman jointly agreed by the Council and the member of Academic Staff (or in default of agreement, to be nominated by the President of the Royal College of Physicians) which shall make a recommendation as to whether or not to dismiss the member of Academic Staff to the person with authority to dismiss under the Regulations.

**5.** For the avoidance of doubt, any procedure adopted by the Council for the dismissal of staff by reason of redundancy shall not apply to a member of Academic Staff whose appointment was made, or whose contract of employment was entered into, on or before 19 November 1987, and who has not been promoted after that date.

**NOTE:**

For the relevant Regulations under paragraph 2 of this Statute, reference should be made to the following procedures:

- [Disciplinary Procedure](#)
- [Grievance Procedure](#)
- [Incapacity Procedure](#)
- [Redundancy Procedure](#)