

## 17. STUDENT MEMBERSHIP OF COUNCIL AND COMMITTEES ESTABLISHED BY COUNCIL; RESERVED AREAS OF BUSINESS

- (1) Student Members to be elected to the Council and to the Academic Board as provided in Statutes 3 (1) (D) (ii) and 7 (1) (C) (ii) respectively and to such Committees and other bodies as the Council may from time to time determine shall be registered full-time Students of the College and their membership of the Council or of the Academic Board or of Committees and other bodies shall terminate if they cease to be registered full-time Students of the College. The Council after consulting the Students' Union shall make Regulations governing the election of Student Members with the purpose that the persons thus elected shall be fully representative of the Student body.
- (2) Student Members of the Council, of the Academic Board and of such Committees and other bodies as the Council may from time to time determine shall not participate in the consideration of reserved areas of business. Reserved areas of business include appointments, promotions and other matters affecting the personal affairs of individual Members of Staff of the College, and the admission and academic assessment of individual Students. Papers for consideration at any such meeting, and minutes and other records relating to such matters, shall not at any time be available to a Student Member. The Chair of the meeting may decide in any case of doubt whether a matter is one to which this paragraph applies and his or her decision shall be final.

## 18. ACADEMIC STAFF

### PART I CONSTRUCTION, APPLICATION AND INTERPRETATION

#### 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 in research efficiently and economically; and

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

#### Reasonableness of decisions

2. No provision in Part II or Part III shall enable the body or person having the duty to reach a decision under the relevant Part to dismiss any member of the academic staff unless the reason for his or her dismissal may in the circumstances (including the size and administrative resources of the College) reasonably be treated as a sufficient reason for dismissing him or her.

#### Application

3. (1) This Statute shall apply
- (a) to Professors, Readers, Senior Lecturers, Senior Clinical Lecturers, Lecturers, Clinical Lecturers or persons holding any other appointment (other than an honorary appointment) designated as an appointment on the Academic Staff of the College by the Council;
  - (b) to staff holding academic related posts, being posts recognised by the Council for the purposes of this Statute; and
  - (c) to the Provost to the extent and in the manner set out in the Annex to this Statute.
- (2) In this Statute any reference to "academic staff" is a reference to persons to 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) Act 1978.

Meaning of "good cause"

5. (1) For the purposes of this Statute "good cause" in relation to the dismissal or removal from office or place of a member of the academic staff, being in any case a reason which is related to conduct or to capability or qualifications for performing work of the kind which the member of the academic staff concerned was appointed or employed to do, means:
- (a) conviction for an offence which may be deemed by a Tribunal appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of the office or 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 office; or
  - (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.

Meaning of "redundancy"

6. For the purposes of this Statute dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to:
- (a) the fact that the College has ceased, or intends to cease, to carry on the activity for the purposes of which the member of the academic staff concerned was appointed or employed by the College, or has ceased, or intends to cease, to carry on that activity in the place in which the member concerned worked; or
  - (b) the fact that the requirements of that activity for members of the

academic staff to carry out work of a particular kind, or 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.

Incidental, supplementary and transitional matters

7. (1) In any case of conflict, the provisions of this Statute shall prevail over those of any other Statute and over those of any byelaw, rule or regulation and the provisions of any Regulation made under this Statute shall prevail over those of any other Regulation:

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 overriding 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 shall prevent waivers made under section 142 of the Employment 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 for the purpose of discussing any point of procedure.
- (4) Any reference in this Statute to the University, to the Vice-Chancellor of the University or to Professors or Readers of the University is a reference to the University of London, or to the Vice-Chancellor or Professors or Readers of the University of London as the case may be.
- (5) In this Statute:
- (a) references to the designated officer are references to an officer of the College designated by the Council for the relevant purposes of this Statute; and

- (b) references to numbered Parts, paragraphs, and subparagraphs are references to Parts, paragraphs, and subparagraphs so numbered in this Statute.

## PART II REDUNDANCY

### Purpose of Part II

- 8. This Part enables the Council, as the appropriate body, to dismiss any member of the academic staff by reason of redundancy.

### Exclusion from Part II of persons appointed or promoted before 20th November 1987

- 9. (1) 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 20th November 1987; or
  - (b) he or she is promoted on or after that date.
- (2) For the purposes of this paragraph in relation to a person, a reference to an appointment made or a contract entered into on or after 20th November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of section 204 of the Education Reform Act 1988.

### The Appropriate Body

- 10. (1) The Council shall be the appropriate body for the purposes of this Part.
  - (2) This paragraph applies where the Council has decided that it is desirable that there should be a reduction in the academic staff:
    - (a) of the College as a whole; or
    - (b) of any Faculty or other academic unit of the College as defined in Statute 10by way of redundancy.
- 11. (1) Where the Council has reached a decision under paragraph 10(2) it

shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (3) of this paragraph to give effect to its decision by such date as it may specify and for that purpose

- (a) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and
  - (b) to report their recommendations to the Council.
- (2) The Council 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 Council shall comprise:
- (a) a Chair; 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 Council has approved a selection and recommendation made under paragraph 11(1) it may authorise an officer of the College as its delegate to dismiss any member of the academic staff so selected.
- (2) Each member of the academic staff selected shall be given separate notice of the selection approved by the Council.
- (3) Each separate notice shall sufficiently identify the circumstances which have satisfied the Council that the intended dismissal is reasonable and in particular shall include:
- (a) a summary of the action taken by the Council under this Part;
  - (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.

### PART III DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE

#### Disciplinary Procedures

- 13. (1) Minor faults shall be dealt with informally.
- (2) Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used:

#### Stage 1 - Oral Warning

If conduct or performance does not meet acceptable standards the member of the academic staff will normally be given a formal ORAL WARNING. The member will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of the right of appeal under this paragraph. A brief note of the oral warning will be kept but it will be spent after 12 months, subject to satisfactory conduct and performance.

#### Stage 2 - Written Warning

If the offence is a serious one, or if a further offence occurs, a WRITTEN WARNING will be given to the member of the academic staff by the Head of Department. This will give details of the complaint, the improvement required and the timescale. It will warn that a complaint may be made to the designated officer seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 if there is no satisfactory improvement and will advise of the right of appeal under this paragraph. A copy of this written warning will be kept by the Head of Faculty or other academic unit of the College as defined in Statute 10 but it will be disregarded for disciplinary purposes after two years subject to satisfactory conduct and performance.

#### Stage 3 - Appeals

A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the designated officer within two weeks. A Vice-Provost shall hear all such appeals and his or her decision shall be

final.

Preliminary examination of serious disciplinary matters

14. (1) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in paragraph 13, or in any other case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 may be made to the designated officer who shall bring it to the attention of the Provost.
- (2) To enable the Provost to deal fairly with any complaint brought to his or her attention under sub-paragraph (1) he or she shall institute such investigations or enquiries (if any) as appear to him or her to be necessary.
- (3) If it appears to the Provost that a complaint brought to his or her attention under sub-paragraph (1) relates to conduct or performance which does not meet acceptable standards but for which no written warning has been given under paragraph 13 or which relates to a particular alleged infringement of Regulations for which a standard penalty is normally imposed in the College or within the Faculty, School, Department or other relevant area, or is trivial or invalid he or she may dismiss it summarily, or decide not to proceed further under this Part.
- (4) If the Provost does not dispose of a complaint under sub-paragraph (3) he or she shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if he or she sees fit, he or she may suspend the member from the precincts of the College or any part thereof on full pay pending a final decision:
- Provided that, in the case of a Professor or Reader of the University, the Provost shall immediately report such suspension to the University.
- (5) Where the Provost proceeds further under this Part he or she 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 Provost shall consider the matter in the light of all the material then available and may:
- (a) dismiss it himself or herself; or



- (b) refer it for consideration under paragraph 13; or
  - (c) deal with it informally himself or herself if it appears to the Provost 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
  - (d) direct the designated officer to prefer a charge or charges to be considered by a Tribunal to be appointed under paragraph 16.
- (7) If no comment is received within 28 days the Provost may proceed as aforesaid as if the member concerned had denied the substance and validity of the alleged case in its entirety.

### Institution of Charges

15. (1) In any case where the Provost has directed that a charge or charges be preferred under paragraph 14(6)(d), he or she shall request the Council to appoint a Tribunal under paragraph 16 to hear the charge or charges and to determine whether the conduct or performance of the member of the academic staff concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to the member's appointment or employment.
- (2) Where the Council has been requested to appoint a Tribunal under paragraph 16 the designated officer or, if he or she is unable to act, another officer appointed by the Provost 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 of the academic staff concerned together with the other documents therein specified, and
  - (b) to make any necessary administrative arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case before the Tribunal.

### The Tribunal

16. A Tribunal appointed by the Council shall comprise:
- (a) a Chair; and
  - (b) a member of the Council, not being a person employed by the College; and
  - (c) one member of the academic staff nominated by the Academic Board:

Provided that in any case where the member of the academic staff concerned is a Professor or Reader of the University, the Tribunal shall include, in addition to the members referred to under sub-paragraphs (b) and (c), two members nominated 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.
- (2) Without prejudice to the generality of the foregoing such 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 qualified or not, in connection with and at any hearing of charges by a Tribunal;
  - (b) that a charge shall not be determined without an oral hearing at which the member of the academic staff concerned and any person appointed by him or her to represent him or her are entitled to be present;
  - (c) that the member of the academic staff and any person representing the staff member may call witnesses and may question witnesses upon the evidence on which the case against him or her is based; and
  - (d) that full and sufficient provision is made:
    - (i) for postponements, adjournments, dismissal of the charge or charges for want of prosecution, remission of

the charge or charges to the Provost for further consideration and for the correction of accidental errors; and

- (ii) for appropriate time limits for each stage (including the hearing) to the intent that any charge thereunder shall be heard and determined by a Tribunal as expeditiously as 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 Provost and to each party to the proceedings.
- (2) 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.

#### Powers of the appropriate officer where charges are upheld by Tribunal

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 appropriate officer (not comprising a greater penalty than that recommended by the Tribunal) may be:
- (a) to discuss the issues raised with the member concerned; or
  - (b) to advise the member concerned about his or her future conduct; or
  - (c) to warn the member concerned; or
  - (d) to suspend the member concerned for such period as the appropriate officer shall think fair and reasonable, not to exceed three months after the Tribunal's decision; or

- (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 a Professor or Reader of the University, the officer shall inform the Vice-Chancellor of the University of the dismissal and of the outcome of any appeal made by the member of the academic staff under Part V 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 Provost 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 the dismissal or removal from office.
- (2) In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.
- (3) In this Part references to the appropriate officer are references to the Provost or an officer acting as his or her delegate to perform the relevant act.
- (4) References to the member of the academic staff include, in cases where the nature of the alleged disability so requires, a responsible relative or 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 examination at the College's expense.

#### Termination of Employment

23. If the Board determines that the member shall be required to retire on medical grounds, the appropriate officer shall direct the designated officer or his or her delegate to terminate the employment of the member concerned on those medical grounds.

### 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.

- (2) No appeal shall however lie against:
  - (a) a decision of the appropriate body under paragraph 10(2);
  - (b) the findings of fact of a Tribunal under paragraph 18(1) save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that 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 designated officer and any other person added as a party at the direction of the person appointed.

### Institution of Appeals

26. A member of the academic staff shall institute an appeal by serving on the designated officer, within the time allowed under paragraph 27, notice in writing setting out the grounds of the appeal.

### Time for appealing and notices of appeal

27. (1) A notice of appeal shall be served within 28 days of the date on which the document recording the decision appealed from was sent

to the appellant or such longer period, if any, as the person appointed may determine under sub-paragraph (3).

- (2) The designated officer shall bring any notice of appeal received (and the date when it was served) to the attention of the Council and shall inform the appellant that he or she has done so.
- (3) Where the notice of appeal was served on the designated officer outside the 28 day period the person appointed under paragraph 28 shall not permit the appeal to proceed unless he or she considers that justice and fairness so require in the circumstances of the case.

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 or she 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 a Professor or Reader of the University the person appointed shall sit with:
  - (a) a member of the Council not being a person employed by the College; and
  - (b) a member of the academic staff nominated by the Academic Board; and
  - (c) two persons nominated by the University not being persons employed by the College.

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 or her appeal;
  - (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him or her to represent him or her 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 stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.
- (3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may:
- (a) remit an appeal from a decision under Part II to the Council as the appropriate body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or
  - (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 Part IV for further consideration as the person or persons hearing the appeal may direct; or
  - (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 or her powers under paragraph 29(3)(a), (b) or (c), on any appeal together with any findings of fact different from those come to by the Council as the appropriate body under Part II or by the Tribunal under Part III, as the case may be, to the Provost, to the parties to the appeal and to the Vice-Chancellor of the University in the case of an appeal by a member of the academic staff who is a Professor or Reader of the University.

PART VI GRIEVANCE PROCEDURES

Purpose of Part VI

31. The aim of this Part is to settle or redress individual grievances promptly, fairly and so far as may be, within the Faculty or other academic unit of the College as defined in Statute 10 by methods acceptable to all parties.

Application

32. The grievances to which this Part applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate:

- (a) to matters affecting themselves as individuals; or
- (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 Faculty or other academic unit of the College as defined in Statute 10 have been exhausted the member of the academic staff may raise the matter with the Head of the Faculty or other academic unit of the College as defined in Statute 10.

- (2) If the member of the academic staff is dissatisfied with the result of an approach under sub-paragraph (1) or if the grievance directly concerns the Head of the Faculty or other academic unit of the College as defined in Statute 10, the member may apply in writing to the Provost for redress of the grievance.
- (3) If it appears to the Provost that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he or she may dismiss it summarily, or take no action upon it. If it so appears to the Provost he or she shall inform the member and the Grievance Committee accordingly.
- (4) If the Provost is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of):
  - (a) a complaint under Part III;
  - (b) a determination under Part IV; or
  - (c) an appeal under Part Vhe or she shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he or she shall notify the member and the Grievance Committee accordingly.
- (5) If the Provost does not reject the complaint under sub-paragraph (3) or if he or she does not defer action upon it under sub-paragraph (4) he or she shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him or her to seek to dispose of it informally. If he or she so decides he or she shall notify the member and proceed accordingly.
- (6) If the grievance directly concerns the Provost, the Chair of the Council shall consider the matter in accordance with sub-paragraphs (3) to (5) and, in this event, for any reference in this Part to the Provost there shall be substituted a reference to the Chair of the Council.

#### Grievance Committee Procedure

34. If the grievance has not been disposed of informally under paragraph 33(5), the Provost shall refer the matter to the Grievance Committee for consideration.

35. The Grievance Committee to be appointed by the Council shall comprise:

- (a) a Chair; and
- (b) a member of the Council not being a person employed by the College; and
- (c) one member of the academic staff nominated by the Academic Board.

Procedure in connection with determinations; and right to representation

36. The procedure in connection with the consideration and determination of grievances shall be determined in Regulations in such a way as to ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.

Notification of decisions

37. The Committee shall inform the Council whether the grievance is or is not well-found and if it is well-found the Committee shall make such proposals for the redress of the grievance as it sees fit.