

DARWIN COLLEGE, CAMBRIDGE
STATUTES
2024

*Made by resolution of the Master and Fellows entitled to vote to amend the College's Statutes on
6 March 2023, sealed by the College on 25 May 2023,
and approved by His Majesty the King in Council on 21 February 2024*

I. THE CONSTITUTION OF THE COLLEGE

1. The corporate body of the College shall consist of the Master and Fellows and its corporate title shall be "The Master and Fellows of Darwin College in the University of Cambridge".
2. The Visitor of the College shall be the Lord Chief Justice of England.
3. The Master and the other College Officers and the Fellows shall be elected as hereinafter provided.
4. There shall be such number of Fellowships under the several Titles as may from time to time be determined in accordance with the provisions of Statute II.A.
5. There shall be a Governing Body, a Council, an Admissions Committee, a Finance Committee, a Fellowships Committee and a Darwin College Students' Association.

II.A. THE FELLOWS – GENERAL PROVISIONS

1. Every Fellow shall hold a Fellowship under one or other of the following Titles. The number of Fellowships under each Title shall be decided by the Governing Body.

- Title A. Official Fellows
- B. Honorary Fellows
- C. Professorial Fellows
- D. Research Fellows
- E. Visiting Fellows
- F. Emeritus Fellows

2. Elections and re-elections to Fellowships shall be by the Governing Body.
3. No person shall be elected to or re-elected to a Fellowship without the concurrence of the votes, which shall be given in person at a meeting, of at least half of the whole number of members of the Governing Body, or of at least two-thirds of the number of members present, whichever is the greater number.
4. The Fellows under each of the Titles A, C, D and E, shall, unless excused by the Governing Body, reside for at least two-thirds of each University Term within the area prescribed by the University for the residence of University Officers.
5. If a Fellow under any Title except Title B be admitted to a Headship or to a Fellowship (other than an Honorary Fellowship) of any other College in Cambridge the Fellowship held by the Fellow at the College shall thereby be vacated.

6. Every Fellow shall conform to these Statutes and the Ordinances, shall promote the good government, discipline, and interests of the College as a place of education, learning and research and shall, so far as lies with Fellow, advise and assist the Students of the College.

7. Fellows under the several titles shall enjoy such privileges as may be prescribed by Ordinance and such additional privileges as may from time to time be determined by the Governing Body.

8. If any Fellow is charged by the Master, or before the Master by three or more members of the Governing Body, with gross misconduct, grave neglect of duty, failure to observe the Charter, these Statutes or the Ordinances of the College, or with conduct prejudicial to the interests or well-being of the College, the Governing Body shall appoint three Assessors to investigate the charge and to hear the defence, if any, of the Fellow in question. The Assessors shall ensure that the Fellow charged is fully apprised of the nature of the offence with which the Fellow is charged and that the Fellow is afforded an opportunity to appear in person before them, to be accompanied (having made a reasonable request therefor) by a companion being a Fellow or academic colleague, and to make such statement as the Fellow may wish. The companion (if any) may speak to put and sum up the Fellow's case, respond on behalf of the Fellow to any views expressed at the meeting and confer with the Fellow during the hearing, but the companion shall not have the right to answer questions on the Fellow's behalf. If the Governing Body, after receiving the report of the Assessors, are satisfied that the charge, or some part of it, is proved, they shall have power to impose any one or more of the following penalties: reprimand by the Master, deprivation of any College Office the Fellow may hold, suspension of tenure of the Fellowship, deprivation of the Fellowship, or expulsion from the College. The Fellow against whom the charge is brought shall not be present at any meeting of the Governing Body at which the charge is considered, except to state the case in defence and to answer questions put to the Fellow. The decision of the Governing Body, and any penalty imposed shall forthwith be communicated to the Fellow, who shall have the right of appeal to the Visitor within thirty days from the date of the decision of the Governing Body, and the Visitor, after inquiry, shall have power to confirm, vary or reverse the decision of the Governing Body. The Governing Body may by Ordinance provide that any appeal be made to an appropriately constituted appeal panel in lieu of appeal to the Visitor or by referral thereto by the Visitor. The Master may in case of emergency suspend a Fellow from the Fellowship and shall report the matter to the Governing Body at a meeting convened without delay for this specific purpose. If the Governing Body do not then proceed in accordance with the foregoing sections of this Statute the suspension shall be terminated. Provided that, subject to the provisions of section 9 of Statute XXVI, nothing in this Statute shall apply to the removal of any member of the academic staff to whom Statute XXVI applies.

9. No Honorary Fellow, Visiting Fellow or Emeritus Fellow shall have any voice or authority in the government of the College and they shall not be actual fellows within the meaning of the Universities of Oxford and Cambridge Act 1923 and for the purposes of that Act.

II.B. FELLOWS UNDER TITLE A

Official Fellows

1. An Official Fellowship under Title A shall be tenable by virtue of the holding of any one of the following qualifying Offices: Vice-Master, Praelector, Dean, Bursar, Librarian, Archivist, or such other Office as may from time to time be determined by Ordinance; provided that a Fellow under any other Title who holds one of these Offices shall not thereby become a Fellow under Title A.

2. The Governing Body shall determine with what qualifying Office the tenure of an Official Fellowship is associated.

3. The Governing Body shall have power to attach to the tenure of an Official Fellowship any

conditions which they may think proper, provided that the said conditions shall be consistent with the duties of the qualifying Office with which the tenure of the Official Fellowship is associated.

II.C. FELLOWS UNDER TITLE B
Honorary Fellows

1. The Governing Body may elect persons to Honorary Fellowships under Title B.
2. The tenure of a Fellowship under Title B shall be for life.

II.D. FELLOWS UNDER TITLE C
Professorial Fellows

1. The Governing Body may elect into a Fellowship under Title C any person being a Professor in the University or holding such other appointment in the University in each case as is specified by the Governing Body as qualifying for the purpose of this Statute, and may pre-elect any person who has been elected or appointed to such office. A person so pre-elected shall, on assuming the relevant University office, forthwith become a Fellow under Title C. Any person already a Fellow who is appointed to such an office in the University shall thereupon, without re-election, become a Fellow under Title C. A Fellow under Title C shall hold such Fellowship only as long as the Fellow holds the University office with which such Fellowship is associated.

II.E. FELLOWS UNDER TITLE D
Research Fellows

1. The Governing Body may, in the manner prescribed by Ordinance, elect persons to Research Fellowships under Title D.
2. Subject to Statute XXI.4. no Fellow under Title D shall have tenure for more than four years in all.
3. A Fellow under Title D shall engage in research in such manner and on such conditions as the Governing Body shall approve.
4. The Governing Body may assign to a Fellow under Title D such stipend and allowances as they may from time to time determine.

II.F. FELLOWS UNDER TITLE E
Visiting Fellows

1. The Governing Body may elect to a Visiting Fellowship under Title E any person who is not normally resident in Cambridge if they consider that such a person is specially fitted to be elected a Fellow and that it will be in the interests of the College to elect the said person.
2. A Fellowship under Title E shall be held on such conditions and for such periods as the Governing Body may determine, provided that no person shall hold a Fellowship under this Title for more than two years consecutively.
3. The Governing Body may assign to a Fellow under Title E such stipend and allowances as they may from time to time determine.

II.G. FELLOWS UNDER TITLE F
Emeritus Fellows

1. The Governing Body may elect to an Emeritus Fellowship under Title F any Fellow under Title A or C who (a) reaches the retirement age (if any) specified for the Universities Officers in the University Statutes, or (b) having reached the age of sixty years, retires from a University or College Office.
2. The Governing Body may elect to a Fellowship under Title F a Fellow under Title A or C who resigns on grounds of ill-health from a University Office or an Office of the College and who is not otherwise qualified for election to an Emeritus Fellowship.
3. In exceptional circumstances the Governing Body may elect to a Fellowship under Title F a person who, on reaching the retirement age (if any) specified for University Offices in the University Statutes, is not a Fellow but has previously held a Fellowship under title A or Title C.
4. The tenure of a Fellowship under Title F shall be for life.

III. THE COLLEGE OFFICES

1. The College Offices shall comprise those of Master, Vice-Master, Dean, Bursar, Librarian, Archivist and Praelector and such other offices as the Governing Body may from time to time decide.
2. The Governing Body shall have power, on electing or re-electing to a College Office, to attach to the tenure of that Office such duties and conditions additional to those specified in these Statutes as may seem to them desirable.
3. Except as provided in Statute V.4, no College Officer shall hold office after the end of the academical year in which the Officer shall have attained the retiring age (if any) for University Officers specified by the University Statutes at the time when the Officer reaches that age.
4. If any College Officer is charged by the Master, or before the Master by three or more members of the Governing Body, with gross misconduct, grave neglect of duty, failure to observe the Charter, these Statutes or the Ordinances of the College, or with conduct prejudicial to the interests or well-being of the College, the Governing Body shall appoint three Assessors to investigate the charge and to hear the defence, if any, of the Officer in question. The Assessors shall ensure that the Officer charged is fully apprised of the nature of the offence with which the Officer is charged and that the Officer is afforded an opportunity to appear in person before them or before persons appointed by them for the purpose, to be accompanied (having made a reasonable request therefor) by a companion being a Fellow or academic colleague, and to make such statement as the Officer may wish. The companion (if any) may speak to put and sum up the Officer's case, respond on behalf of the Officer to any views expressed at the meeting and confer with the Officer during the hearing, but the companion shall not have the right to answer questions on the Officer's behalf. If the Governing Body, after receiving the report of the Assessors, are satisfied that the charge, or some part of it, is proved, they shall have the power to impose any one or more of the following penalties: reprimand by the Master, deprivation of College Office or expulsion from the College. The Officer against whom the charge is brought shall not be present at any meeting of the Governing Body at which the charge is considered, except to state the case in defence and to answer questions put to the Fellow. The decision of the Governing Body, and any penalty imposed, shall forthwith be communicated to the Officer, who shall have the right of appeal to the Visitor within thirty days from the date of the decision of the Governing Body, and the Visitor, after inquiry, shall have the power to confirm, vary or reverse the decision of the Governing Body. The Governing Body may by Ordinance provide that any appeal be made to an appropriately constituted appeal panel in lieu of appeal to the

Visitor or by referral thereto by the Visitor. The Master may in case of emergency suspend an Officer from the College Office held by the Officer and shall report the matter to the Governing Body at a meeting convened without delay for this specific purpose. If the Governing Body do not then proceed in accordance with the foregoing sections of this Statute the suspension shall be terminated. Provided that, subject to the provisions of section 9 of Statute XXVI, nothing in this Statute shall apply to the removal of any member of the academic staff to whom Statute XXVI applies.

5. A holder of a College Office may receive such stipend and allowances as the Governing Body may determine from time to time.

6. The College shall adopt the Universities Superannuation Scheme or such other pension scheme as may apply to University Officers from time to time, and shall pay the pension contributions due thereunder in respect of the pensionable stipends of those College Officers who are brought under any such scheme.

IV. APPOINTMENTS AND ADMISSIONS

1. The terms of any appointment or election shall be recorded in the books of the College, shall be communicated in writing to the person concerned and shall not be operative unless and until that person has accepted the terms in writing.

2. The Master-elect shall be admitted by the Vice-Master, or, if the Vice-Master is not available, by the senior of the Fellows present who is a member of the Council. Before admission the Master-elect shall make the following declaration:

"I.....elected Master of this College, do hereby promise that I will faithfully perform the duties of the Office with care and diligence, observe all the Statutes, Ordinances, and good customs of the College, and in all things endeavour to the utmost of my power to promote the peace, honour and well-being of the College as a place of education, learning and research."

3. Each Fellow-elect shall be formally admitted by the Master or the Master's appointed deputy as soon as convenient after election. Before admission each Fellow-elect shall make the following declaration:

"I.....having been elected a Fellow of this College, do hereby promise that I will loyally observe all the Statutes, Ordinances, and good customs of the College, and in all things endeavour to the utmost of my power to promote the peace, honour and well-being of the College as a place of education, learning and research."

4. A Roll of the Fellows in order of seniority shall be kept in the College by the Bursar. A Fellow shall have seniority from the date from which the Fellow's election to a Fellowship took effect. Where two or more Fellowships take effect from the same date, the order of seniority shall be alphabetic by surname unless otherwise determined by the Governing Body.

5. On the election of a Fellow who has previously held a Fellowship, the period of tenure shall be included in reckoning the Fellow's seniority.

6. An election or appointment may be made not more than twelve months before the day on which the person concerned is expected to take up duties.

V. THE MASTER

1. The Master shall be elected by the Fellows holding Fellowships under Titles A, C, or D who shall choose as Master the person who is judged to be the best qualified to preside over the College as a place of education, learning and research; provided that, if, at the expiration of sixteen months from the date of the occurrence of a vacancy in the office of Master, an election shall not have been made, the power to appoint the Master shall pass to the Visitor.
2. The election of the Master shall take place at a meeting summoned for the purpose by the Vice-Master or, in the Vice Master's absence, by the senior of the Fellows in residence who is a member of the Council. Not less than fourteen days' notice of the meeting shall be sent in writing to all Fellows eligible to vote. The quorum for such a meeting shall be two-thirds of the whole number of the Fellows eligible to vote. If on the day fixed for the meeting no election has been made, the meeting shall have power to adjourn.
3. Voting in the election of the Master shall be by secret ballot. The election shall be by votes of a majority of those present and eligible to vote. The person in the chair shall have no second or casting vote. The Governing Body may prescribe procedures for the election of the Master to supplement those set out in this Statute V.
4. The Master shall not hold office after the date specified in Statute III.3, unless on entering office the appointee shall have attained an age of not less than sixty-two years, in which case the Master shall not hold office after the end of the academical year in which the Master shall have attained the age of seventy years.
5. During any absence or illness of the Master the duties of the Master shall be discharged by the Vice-Master, or if the Vice-Master also is absent or ill, by the senior of the Fellows who is a member of the Council.
6. The duties of the Master shall include:
 - (a) exercising a general superintendence over the affairs and management of the College;
 - (b) ensuring that the provisions of these Statutes are observed;
 - (c) presiding when present, at all meetings of the Governing Body and of the Council and at all meetings of other bodies or committees of which the Master is a member;
 - (d) making any provisions that the Master may deem necessary, in any emergency, to ensure the continued good management of the College, pending a meeting of the Governing Body or the Council to be called with all convenient speed to deal with the matter.
7. The Master shall, on retirement or resignation, become a Fellow under Title F with seniority in accordance with the date of election as Master or as Fellow of the College if the Master has previously held a Fellowship provided, that, if the Master resigns from the Mastership before reaching the retiring age specified for the University Officers in the University Statutes, the Master shall, if a Professor, become a Fellow under Title C but otherwise a Praelector and a Fellow under Title A, with seniority as aforesaid.

VI. THE VICE-MASTER

1. The Vice-Master shall be elected by the Governing Body from among the Fellows under Titles A

and C and shall be eligible for re-election.

2. The Vice-Master shall serve until 30 September in the third year following the date of appointment.
3. The duties of the Vice-Master shall include acting as the Master's deputy.
4. The Vice-Master shall vacate the Office upon ceasing to be a Fellow of the College.
5. The College may elect two Vice-Masters to serve at any time provided that the Governing Body has determined their order of seniority. The senior of them shall perform the duties of the Vice-Master under these Statutes save where the Governing Body has assigned any duty to the other of them or determined that any duty may be discharged by both of them jointly or severally. If one of such Vice-Masters vacates office, in the absence of any further joint appointment, all duties of the office of Vice-Master shall be the responsibility of the other of them.
6. If the Vice-Master is deputising for the Master or if the Vice-Master is absent or ill, the duties of the Vice-Master shall be discharged by the other of them when there are two Vice-Masters in office, and otherwise by the senior of the Fellows who is a member of the Council.

VII. THE DEAN

1. The Dean shall be appointed by the Governing Body and shall be eligible for re-appointment.
2. The Dean shall be appointed or re-appointed for such periods not exceeding five years at a time as may be specified by the Governing Body on the occasion of each appointment or re-appointment.
3. The Dean shall perform all those duties which by the University Statutes and Ordinances are required to be performed by the Senior Tutor of a College and such other duties as the Governing Body may prescribe.
4. The Dean shall exercise a general supervision over the Students of the College and shall be responsible for ensuring that the University's requirements in respect of those Students are complied with.

VIII. THE BURSAR

1. The Bursar shall be appointed by the Governing Body and shall be eligible for re-appointment.
2. The Bursar shall be appointed or re-appointed for such periods not exceeding five years at a time as may be specified by the Governing Body on the occasion of each appointment or re-appointment.
3. The Governing Body shall determine the conditions and terms of appointment to the Office of the Bursar.
4. The duties of the Bursar shall be determined by the Governing Body and shall include the management of the College property and keeping the College accounts.

IX. THE LIBRARIAN

1. The Librarian shall be appointed by the Governing Body and shall be eligible for re-appointment.
2. The Librarian shall serve for a period of years, not exceeding three, to be stated on the occasion of appointment or re-appointment.
3. The Librarian shall be responsible to the Governing Body for the development, maintenance and organisation of the College Library.

X. THE ARCHIVIST

1. The Archivist shall be appointed by the Governing Body and shall be eligible for re-appointment.
2. The Archivist shall serve for a period of years, not exceeding three, to be stated on the occasion of appointment or re-appointment.
3. The Archivist shall be responsible to the Governing Body for the collection, maintenance and organisation of the College Archives.

XI. THE PRAELECTORS

1. The Praelectors shall be appointed by the Governing Body and shall be eligible for re-appointment.
2. A Praelector shall serve until the meeting of the Governing Body next following the expiry of four years from the date of appointment or re-appointment.
3. A Praelector shall give general assistance to the Students of the College, and shall, if requested by the Master, Vice-Master, Dean or Bursar, give special assistance to any particular Student of the College.
4. A Praelector shall also undertake such other duties as may be prescribed by Ordinance or by the Governing Body.

XII. THE GOVERNING BODY

1. The Governing Body shall consist of the Master and those Fellows who hold their Fellowships under titles A, C, or D.
2. The Governing Body shall, subject to such limitations as are imposed by these Statutes, be the ultimate authority in the College, and shall have power to make Ordinances for the government of the College.
3. There shall be in the Michaelmas Term an Annual Meeting of the Governing Body at which the audited accounts of the College shall be submitted. The Governing Body shall hold such other meetings as may be required for the performances of the duties assigned to them by these Statutes.
4. Except as provided in sections 7 of this Statute, at least fourteen days' notice shall be given by the Master of a meeting of the Governing Body.

5. Written notice of the business to be put before a meeting of the Governing Body shall be sent to each member seven days before the meeting is due to take place. This notice shall include any resolution which shall have been sent in writing to the Master to reach the Master more than seven days before the meeting. At the meeting the Master shall have the right to add to the business any resolution proposed by a member of the Governing Body, but the Governing Body shall have the power then to decide, by a majority vote of those present, that such a resolution be not accepted for consideration at that meeting.
6. Subject to the provisions of these Statutes, meetings of the Governing Body shall be held at such times and shall be subject to such regulations as shall from time to time be determined by the Governing Body.
7. When requested by the Council, or on receipt of a requisition signed by members constituting one quarter or more of the membership of the Governing Body, the Master shall summon a special meeting of the Governing Body with all convenient speed. Such requisition shall set forth a resolution or resolutions to be brought before the meeting.
8. Any resolution passed by the Governing Body affecting matters which by these Statutes are placed under the control of the Council, shall be communicated to the Council and shall be considered by the Council at their next meeting. If the resolution is not adopted by the Council and it is reaffirmed in its entirety by the Governing Body in a vote in which at least two-thirds of the whole number of its members concur, then the resolution shall be binding on the Council and shall not be rescinded except by the Governing Body.
9. The Governing Body shall have power to appoint Committees, to state their terms of reference and to delegate authority.
10. The Secretary of the Governing Body shall be the Bursar unless the Governing Body shall decide otherwise.

XIII. THE COUNCIL

1. The Council shall consist of the Master, the Vice-Master, the Dean, the Bursar and the President of the Darwin College Students' Association, and six elective members, of whom four shall be Fellows and two shall be Students of the College. One at least of the Students elected by the Darwin College Students' Association shall, by the October following election, be entering upon the Student's second or later year of membership of the College. If the College has elected two Vice-Masters to serve at any time both shall be members of Council.
2. The members of the Council shall be the Charity Trustees as defined by the Charities Act 2011 section 177 or as from time to time amended or replaced with legislative provision to similar effect. Subject to the provision of these Statutes, the Council shall exercise all the powers and responsibilities of Charity Trustees and shall manage and administer the affairs, property and funds of the College.
3. No business shall be transacted at any meeting of the Council at which fewer than seven members are present.
4. Student members of Council shall not be present during the transaction of reserved business nor shall they be entitled to receive the papers relating to such business. Reserved business shall consist of matters relating to the the employment or promotion, or any matter relating to the appointment, employment, or promotion of individuals by the College and disciplinary matters relating to such individuals, the admission and academic assessment of individuals, and any other matter at the discretion

of the Master.

5. Elections of Fellows to the Council other than elections to fill casual vacancies shall be made at a meeting of the Governing Body in the Easter Term, and each elected Fellow shall take office on 1 October following the Fellow's election and hold office until 30 September in the third year following the Fellow's election.

6. Any Fellow of the College who holds a Fellowship under Titles A, C or D shall be eligible for election to the Council.

7. Elections of Students to the Council other than elections to fill casual vacancies shall be made by the Darwin College Students' Association in the Easter Term and each elected Student shall hold office until the next such election. Any Student of the College registered under Statute XIV.5 at the time of the election shall be eligible for election to the Council and to vote at such elections of Students.

8. Every casual vacancy among the elected members of the Council shall be filled as soon as convenient by election by the Governing Body in the case of Fellows or by the Darwin College Students' Association in the case of students.

9. Except as hereinafter provided, meetings of the Council shall be held at such times, and shall be subject to such regulations as shall from time to time be determined by the Council. At least seven days' notice shall be given of any such meeting.

10. The Master may at any time, and shall if requested by four other members of the Council, call a special meeting of the Council. Such notice shall be given of the special meeting as the case may admit.

11. If an elected member of the Council has attended less than half of the meetings of the Council in any term except for a cause approved by at least two-thirds of the whole number of members of the Council, exclusive of the member concerned, the membership of Council of the elected member shall thereupon terminate.

12. The Council shall have power to appoint Committees, to state their terms of reference, and to delegate authority.

13. The Secretary of the Council shall be the Bursar unless the Council shall decide otherwise.

XIV. THE ADMISSIONS COMMITTEE

1. The Admissions Committee shall consist of the Master, the Dean and three other Fellows appointed by the Governing Body.

2. Save for those appointed to fill casual vacancies, appointed members shall serve for up to three years from dates and for periods to be determined by the Governing Body.

3. The Secretary of Admissions Committee shall be the Dean unless the Governing Body shall decide otherwise.

4. The Admissions Committee shall, subject to the general direction of the Governing Body, decide upon all applications for admission of Students to the College, always provided that the College shall not admit any Student who is a candidate for the Degree of Bachelor of Arts or for any other Bachelors degree

that is prescribed by Ordinance.

5. The Admissions Committee shall maintain a register of the Students of the College.
6. The Admissions Committee shall submit a report each term to the Governing Body and to the Council.

XV. THE FINANCE COMMITTEE

1. The Finance Committee shall consist of the Master, the Vice-Master, the Bursar and three other Fellows appointed by the Governing Body.
2. Save for those appointed to fill casual vacancies, appointed members shall serve for up to three years from dates and for periods to be determined by the Governing Body.
3. The Secretary of the Finance Committee shall be the Bursar unless the Governing Body shall decide otherwise.
4. The Finance Committee shall have the general responsibility for the management of the financial affairs of the College and shall advise or direct the Bursar in the performance of the Bursar's duties in respect of the finances of the College, subject to any general directions that the Governing Body may from time to time give to the Committee.
5. The Finance Committee shall submit a report each term to the Governing Body and to the Council.

XVI. THE FELLOWSHIPS COMMITTEE

1. The Fellowships Committee shall consist of the Master, the Vice-Master and six other Fellows appointed by the Governing Body.
2. Save for those appointed to fill casual vacancies, appointed members shall serve for up to three years from dates and for periods to be determined by the Governing Body.
3. The Secretary of the Fellowships Committee shall be appointed by the Committee from among their own membership.
4. The Fellowships Committee shall consider proposals for election of persons to Fellowships of the College and shall make recommendations thereon to the Governing Body.

XVII. DARWIN COLLEGE STUDENTS' ASSOCIATION

1. The Darwin College Students' Association shall promote the interests and welfare of the Students of the College. With that intent it shall have power, subject to the general direction of the Council, to administer and dispose of funds collected and received as moneys due to the Association by the Senior Treasurer.
2. The members of the Association shall be the Students of the College on the register maintained by the Admissions Committee under Statute XIV.5, but excluding any Student who has by notice to the Dean, under a procedure specified by Ordinance, opted not to be a Member of the Association.

3. Any election to the presidency of the Darwin College Students' Association and any election of the Student members of the Council shall be conducted by means of a secret vote.
4. At least two weeks' notice of an election shall be given. Not less than two days before the day fixed for the beginning of voting, the name of each eligible candidate who has consented to nomination and the names of the candidate's proposer and seconder shall be promulgated by written notice. Notice of an election and promulgation of the names of candidates shall be by written notice displayed in the College.
5. There shall be a Returning Officer, who shall be a Fellow of the College appointed by the Council in consultation with the Association. The Returning Officer shall verify the eligibility of the candidates nominated, shall ensure that the elections are properly conducted and shall promulgate the results of the elections.
6. Voting in any election of Student members of the Council shall take place on three consecutive weekdays during Term between hours to be determined by the Returning Officer.
7. If the number of eligible candidates for election is not greater than the number of vacancies, the Returning Officer shall without arranging for a vote, declare those candidates to have been elected.
8. There shall be a Senior Treasurer of the Association who shall be a Fellow of the College appointed by the Council during the Lent term in consultation with the Association to serve for a period determined by the Council. The Senior Treasurer shall oversee the collection and receipt of the moneys due to the Association, shall ensure that its accounts are produced annually (and audited, if so required by Council), and shall report to the Council from time to time as Council shall require concerning the budget and expenditure of the Association.

XVIII. STUDENT DISCIPLINE

1. The Students of the College shall observe these Statutes and shall conform to all such Ordinances, orders and regulations as may be made by the Governing Body or the Council from time to time; and they shall make such payments to the College as the Finance Committee shall, subject to the approval of the Governing Body, from time to time determine. The College shall make Ordinances from time to time in respect of matters relating to misconduct and the investigation, hearing, penalties and appeals in connection therewith, and such Ordinances shall ensure that the College acts impartially and fairly in its procedures for considering complaints of misconduct.
2. If a Student shall fail to observe these Statutes or to conform to the Ordinances, orders and regulations made by the Governing Body or the Council, or shall be guilty of any conduct prejudicial to the discipline or good order of the College, the Dean or such other officer of the College designated by Ordinance or by the Master for the purpose, may impose such penalties as seem appropriate, except that the Dean or such other officer shall not impose the penalty of temporary or permanent removal from the College.
3. There shall be a Disciplinary Committee and a Disciplinary Appeals Committee of the College, the composition of which shall be in accordance with Ordinances. The Ordinances may provide for the inclusion of persons who are not members of the College on these Committees.
4. Any student of the College upon whom the Dean or other designated officer of the College as aforesaid has imposed a penalty may appeal to the Disciplinary Committee, who shall have power to confirm, set aside or vary the finding and the penalty. In such case the decision of the Disciplinary

Committee shall be final.

5. If a Student of the College is charged with an offence which in the opinion of the Dean or other designated officer of the College as aforesaid ought to be considered by the Disciplinary Committee or appears to deserve the Student's temporary or permanent removal from the College, the Dean or other designated officer of the College shall proceed to lay the facts before the Disciplinary Committee who shall hear the case. The Disciplinary Committee having heard the case shall have power to take such action or impose such penalty as they may consider appropriate, provided that there shall be a right of appeal to the Disciplinary Appeals Committee, whose decision shall be final.

6. Before taking a decision under this Statute the Disciplinary Committee and the Disciplinary Appeals Committee shall:

- (a) ensure that the Student is fully apprised of the nature and circumstances of the offence with which the Student is charged;
- (b) afford the Student the opportunity to appear in person, to offer such defence or to make such statement as the Student may think proper, and to call and cross-examine witnesses;
- (c) allow the Student to be accompanied by one person who may advise the Student and speak on the Student's behalf.

7. If any Student of the College fails, in the opinion of the Master, satisfactorily to pursue the course of postgraduate study for which the said Student was admitted, or shall fail by such date as may be stipulated by the Finance Committee to make the payments to the College determined by that Committee, the Master shall have power to refuse the Student permission to continue in residence.

8. Ordinances made under this Statute may make provision for the following:

- (a) mediation by or at the instigation of the Dean (or other designated officer as aforesaid) instead of, or in addition to, formal proceedings;
- (b) the relationship between any rules or procedures of the College and those of the University;
- (c) interim precautionary measures that may be imposed on a Student pending investigation and hearing (including an investigation by the University or the police and pending criminal proceedings).
- (d) the circumstances in which an internal investigation or proceedings should not take place where University or criminal processes would be more appropriate;
- (e) the burden and standard of proof;
- (f) any other matter that Council deems necessary for the fair and efficient operation of such Ordinances.

XIX. INTERPRETATION AND INVALID PROCEEDINGS

1. If any question shall arise as to the meaning of any part of these Statutes, the meaning shall be

decided by the Governing Body at a meeting specially summoned for the purpose; provided that any person affected by such decision may within eight weeks of its promulgation appeal to the Visitor. Upon such appeal, the Visitor may confirm, vary or reverse the decision of the Governing Body, and the Visitor's decision shall be final.

2. In any Statute or Ordinance words of any gender shall import all others unless this interpretation is excluded expressly or by necessary implication.

3. If within thirty days of the doing of any act by any person or body having power to act under these Statutes, representation is made in writing to the Master that the act in question was in contravention of these Statutes or the Ordinances, the Master shall enquire into the matter and shall declare either (a) that there has been no contravention, or (b) that the said act has been of no effect, or (c) if the Master is of opinion that any irregularity has not affected the result of the act, that the validity of the act is not affected by such contravention. If the Master has not made such declaration of a decision within twenty days after receipt of the representation, or if any five members of the Governing Body are dissatisfied with the Master's decision, they may within sixty days of the said act appeal in writing to the Visitor, whose decision shall be final. If there is no such appeal, the decision of the Master shall be final. No act shall become invalid by reason of the fact that there has been a contravention of these Statutes or the Ordinances, unless there has been a representation in writing as aforesaid within thirty days of the doing thereof. No act shall be invalid by reason of the fact that any person taking part in the act, and chosen in good faith in the manner prescribed or authorised by these Statutes to be the person or a member of the body eligible to act, was subsequently found not to be eligible to be so chosen.

4. Whenever in any Statute or Ordinance provision is made for the election or appointment of members of any body, unless otherwise expressly provided by Statute or Ordinance, as the case may be (a) a retiring member shall, if in all respects qualified, be eligible to be re-elected or re-appointed; (b) any casual vacancy shall be filled by the election or appointment of a member for the unexpired portion of the period of tenure of the predecessor member.

5. Except where otherwise expressly provided by Statute or Ordinance, (a) decisions shall be determined by the votes of a majority of those present and eligible to vote and (b) in the event of an equal division of votes, the person in the chair shall have power either to give a second or casting vote or to adjourn the question.

6. Subject to the provisions of these Statutes the Governing Body may by Ordinance determine the number of members of any Committee or body of the College, including the Governing Body, which shall constitute a quorum.

7. Nothing in these Statutes shall enable or require the Visitor -

(a) to hear any appeal or determine any dispute relating to a member of the academic staff to whom Statute XXVI applies which concerns the member's appointment or employment or the termination of that appointment or employment; or

(b) to disallow or annul any Ordinances of the Governing Body made under or having effect for the purposes of Statute XXVI.

XX. THE ACCOUNTS

1. In each year the College shall close its accounts on the thirtieth day of June or on any other date as may be prescribed by the University Statutes and the accounts shall be audited annually. For this

purpose, the Governing Body shall appoint as Auditor or Auditors a person or persons (not being a member of the Governing Body) who shall be eligible to act within the terms of section 1212 of the Companies Act 2006 (or any statutory modification or re-enactment thereof). The Auditors shall be paid such remuneration as the Finance Committee shall determine.

2. The Auditor or Auditors shall examine and verify the said accounts and the vouchers thereof and shall ascertain the balance of each account and compare these balances with the balances shown in the books of the College bankers.

3. The Auditor or Auditors shall pass the said accounts by signing the same and shall sign such certificates as are required by the University Statutes in respect of the said accounts or shall state in writing to the Finance Committee the reasons for not passing the said accounts or not signing the said certificates.

4. The Finance Committee shall report as they think fit to the Governing Body on matters of general policy in relation to the audited accounts.

5. Not less than seven days before the Annual Meeting of the Governing Body held in accordance with Statute XII.3, the Bursar shall distribute copies of the audited accounts to all members of the Governing Body in residence. At this meeting the Bursar shall present the accounts with such observations thereon as the Bursar may deem necessary, together with the report of the Auditor or Auditors and any report of the Finance Committee under section 4 of this Statute.

6. The College shall make to the University such payments as may be prescribed by the University Statutes.

XXI. LEAVE OF ABSENCE

1. Subject to the needs and financial resources of the College, the Governing Body may grant leave of absence to a Fellow or to a College Officer for such period and on such financial terms as they may determine.

2. A Fellow who has been granted leave of absence under the provisions of section 1 of this Statute shall not, during the period of the Fellow's leave of absence, be reckoned a member of the Governing Body. Nevertheless such a Fellow shall be eligible to take part in the election of a Master under the provisions of Statute V.2.

3. A Fellow who is an elected member of the Council shall, if granted leave of absence for a term or longer, cease to be a member of the Council from a date not later than the beginning of the period of the leave of absence.

4. The Governing Body may by Ordinance make provisions governing the basis on which the period of tenure granted by the College to Fellows shall be extended in connection with any periods of maternity, shared parental, adoption, or long-term sick leave, or other leave for any analogous purpose, taken by Fellows from their principal employment whether with the College, the University, or otherwise.

XXII. ALTERATION OF STATUTES

1. These Statutes shall be subject to alteration from time to time by a Statute made by the College in accordance with section 7 of the Universities of Oxford and Cambridge Act 1923 and passed at a meeting of the Master and the Fellows under Titles A, C, and D who are graduates by the votes of not less

than two-thirds of the number of persons present and voting.

2. At least fourteen days' notice shall be sent in writing of such a meeting and at least seven days' notice of any resolutions to be proposed thereat.
3. Notice of any proposed Statute shall be given to the University before the Statute is submitted to Her Majesty in Council.
4. A Statute which affects the University shall not be altered except with the consent of the University.

XXIII. APPLICATION OF CAPITAL MONEYS AND POWERS OF INVESTMENT AND MANAGEMENT OF LAND AND SECURITIES

1. The Governing Body shall have power to purchase, retain, sell or transfer property real or personal and securities (which term includes stocks, funds and shares) of any description on behalf of the College and may also apply moneys to any purpose to which capital moneys arising under the Universities and Colleges Estates Acts 1925 and 1964 may be applied.
2. 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 Governing Body may exercise any power and may carry out any transaction which an individual holding or acquiring such land, estate or interest for the individual's own benefit could exercise or carry out, provided that any capital moneys thereby arising shall form part of the permanent endowment of the College.
3. The powers conferred by this Statute shall extend to all endowments, land, securities, property or other funds of the College, and of any specific trust for purposes connected with the College of which the College is trustee.
4. The Council shall have the power to borrow money on behalf of the College and to give such security, guarantees or pledges as are required on behalf of the College.
5. Any surplus income of a trust fund of which the College is sole trustee may at the discretion of the Council be applied as income 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 or for providing support to College members in financial hardship.
6. For the purposes of sections 5 of this Statute "surplus income" means income unexpended in any year after the purposes of the trust have been fully provided for in that year (whether wholly by income from the trust or partly by income from the trust and partly by other moneys).
7. The Council may appropriate for expenditure so much of the fair value of the property to which this Statute applies as in its discretion it considers is prudent in all the circumstances having regard to the total return achieved and reasonably to be expected in the long term of the property of the College or, as the case may be, of the trust funds in connection with the College. Any such appropriation by the Council must in the case of property of the College be made for the purposes of the College and in the case of a Fund must be made for the purposes of that Fund.
8. In exercising the powers conferred in section 7 of this Statute the College Council shall have regard to:

(a) the obligation to balance the need to fulfil its objects and the objects of any trust at the current time against the need to do so in the future; and

(b) such matters as the Governing Body may specify by Ordinance and shall report annually to the Governing Body on the manner in which they have done so.

9. For the purposes of sections 7 and 8 of this Statute:

(a) “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

(b) “total return” means return in terms of both income, whether received or accrued, and capital appreciation, whether realised or unrealised.

11. Any reference in these Statutes or in any Regulations made by the Council to the income or revenues of the College or of any Fund must include the total sums appropriated in accordance with section 7 of this Statute

XXIV. 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, learning and research and to make regulations 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 or emolument to be supported thereby, even though the regulations may be inconsistent with the provisions of these Statutes; provided always that no such regulations shall derogate from any obligation imposed on the College by the University Statutes.

XXV. THE COMMON SEAL AND MUNIMENTS OF THE COLLEGE

1. The Bursar shall be responsible for the safe custody of the Common Seal and the muniments of the College.

2. The Common Seal shall not be affixed to any writing or document which shall not previously have received the sanction of the Governing Body except for any class or classes of document in respect of which the Governing Body have given authority in advance. Every writing or document needing to be sealed shall be brought before the Governing Body for sanction or for report of sealing made on the prior authority of the Governing Body. The Bursar shall ensure that a record is kept of documents sealed.

3. The Common Seal shall not be affixed to any writing or document except in the presence of a member of the Governing Body and of the Master or a Deputy appointed by the Master.

XXVI. ACADEMIC STAFF

1. The College shall make Ordinances under this Statute to give effect to the following guiding principles, (and such Ordinances and these Statutes shall be construed in every case to give such effect):

(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 or 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.

2. This Statute applies:

(a) to any person employed by the College to carry out teaching or research, save for those holding appointments which have been excluded by the Governing Body from the scope of this Statute on the ground that the duties in that regard are only of a limited nature; and

(b) to any person holding a College Office designated by the Governing Body as one to which this Statute applies subject to any further qualifications which the Governing Body may stipulate;

(c) to the Master, to the extent and in the manner set out in this Statute and Ordinances made under it.

3. In this Statute any reference to “academic staff” is a reference to persons to whom this Statute applies.

4. The Governing Body shall have power to specify by Ordinance the circumstances in which a member of the academic staff may be removed or suspended from, or suffer any disciplinary sanction or raise any grievance in relation to, any position in the College held by that member.

5. The Governing Body shall specify by Ordinance:

(a) the manner in which consideration is to be given to the removal or suspension from any position in the College held by a member of the academic staff, or to any disciplinary sanction or any grievance relating to such a position, and

(b) the manner in which such matters are to be determined.

6. Ordinances made under this Statute may make different provision for different positions in the College and for different circumstances, and may in particular distinguish between

(a) the probationary and post-probationary tenure of a position; the fixed or indefinite term of a position; or the full- or part-time nature of a position; and

(b) redundancy and good cause; or between different categories of good cause.

7. Any Ordinance or change to an Ordinance made under section 4 above shall be disregarded in any proceedings conducted under section 5 above that depend materially on circumstances that occurred before the Ordinance or the change was made. Any Ordinance or change to an Ordinance made under section 4 shall be disregarded in any proceedings that commenced before the Ordinance or the change was made.

8. In this Statute expressions shall be given the following meanings:

(a) “position in the College”, in relation to a member of the academic staff, refers to the Mastership or a Fellowship or any College office held by that member, and also to any contract of employment between that member of the academic staff and the College;

(b) “redundancy”, in relation to a position in the College held by a member of the academic staff, refers to the fact that the College has ceased, or intends to cease, to carry on the activity for which the position exists, or for which the need has ceased or diminished, or is expected to cease or diminish;

(c) “good cause”, in relation to a position in the College held by a member of the academic staff, means gross misconduct, grave neglect of duty, failure to observe the Charter, these Statutes or the Ordinances of the College, conduct prejudicial to the interests or well-being of the College, or a reason which is related to the conduct of the member or to the capability or qualifications of the member in relation to the duties of the position;

(e) “capability”, in relation to a member of the academic staff, means capability assessed by reference to the skill, aptitude, health or any other physical or mental quality of the member;

(f) “qualifications”, in relation to a position in the College held a member of the academic staff, means any degree, diploma or other academic, technical or professional qualification held by the member relevant to that position.

9. The Academic Staff Statute that this Statute replaces shall apply in place of it to any person who held a position in the College before the date of commencement of this Statute, unless that person has either:

(a) confirmed in writing that this Statute will apply; or

(b) ceased to hold all positions in the College held at the date of commencement.