IN THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION

BETWEEN:

THE CHANCELLOR, MASTERS, AND SCHOLARS OF THE UNIVERSITY OF CAMBRIDGE

Claimant

CLAIM NO: KB-2025-000497

and

PERSONS UNKNOWN AS DESCRIBED IN THE CLAIM FORM

Defendants

and

EUROPEAN LEGAL SUPPORT CENTER

<u>Intervener</u>

FOURTH WITNESS STATEMENT OF EMMA MACHTELD CLARA RAMPTON

- I, **EMMA MACHTELD CLARA RAMPTON**, of The University of Cambridge, The Old Schools, Trinity Lane, Cambridge, CB2 1TN, will say as follows:
- I am the Registrary for the Claimant in these proceedings, which I refer to in this witness statement as "**the University**". This witness statement is my fourth in these proceedings.
- Where matters referred to in this witness statement are derived from my own knowledge, they are true; where they are derived from documents or from information supplied by other members and employees of the University or other parties, they are true to the best of my knowledge and belief.
- This witness statement has been prepared by the University's solicitors, Mills & Reeve LLP, following a number of email exchanges.
- There is now produced and shown to me a bundle of documents marked "ER4" to which I refer to in this witness statement. References to page numbers are to pages of "ER4".

I make this witness statement in response to the statement dated 12 March 2025 (filed by the Intervener) given by Jason Scott-Warren, who raises concerns about due process in bringing these proceedings.

Background

- The Council comprises the Chancellor (who does not usually attend), the Vice-Chancellor (who generally chairs), nineteen elected members and four external members, one of whom chairs the Audit Committee. As Registrary, I act as Secretary of the Council, as well as being head of the UAS (as defined in my previous statements) and Secretary to a number of other committees.
- The Council has the authority to take legal advice, retain solicitors, and bring, defend, or conduct legal proceedings on behalf of the University as they may think necessary or desirable in the interests of the University (see at page 1 the Regulations for the Council, "Legal Powers", contained at page 118 of the University's Statutes and Ordinances).
- As Professor Scott-Warren says, the University Council is the principal executive and policy-making body of the University. However, certain powers are delegated to the Registrary, as I further explain below.
- 9 Whilst Professor Scott-Warren is one of the elected members of the Council, he is not authorised to speak on behalf of the Council (as confirmed by paragraph 6h of the Code of Practice for members of the Council which can be found at pages 60 62). As far as I am aware, Professor Scott-Warren has also not taken formal steps before now to challenge this action other than voicing his objection in a Council meeting where his was not the majority view (as explained further below). I note he is also a signatory to the open letter to the Vice Chancellor (which I referred to in paragraph 13 of my second witness statement and a final version was hand delivered to The Old Schools on the evening of 11 March 2025, which can now be found at pages 63-90).
- 10 I am disappointed that Professor Scott-Warren has publicly challenged the actions of the University in relation to these proceedings given that, as a Council member,

Professor Scott-Warren is one of the University's charity trustees and he could have raised the concerns which he has mentioned in his statement with his co-trustees which, as mentioned above, he has not to my knowledge done. However, I am not surprised given he has previously been publicly vocal about University matters and actively involved in protest (see for example the articles at pages 2 - 30).

Council meeting on 27 January 2025

- 11 Professor Scott-Warren refers to the Council meeting on 27 January 2025. At that meeting, I summarised the occupations of Greenwich House and Senate House Yard during the Michaelmas term of 2024 and the legal action the University had taken in relation to Greenwich House. I also updated the Council on the legal action the University was considering taking to protect the University from future unlawful protests.
- In particular, I said at that Council meeting that we were looking at preventative actions to ensure that our students could graduate as normal (i.e. in Senate House) and the University staff could continue to work in its administrative buildings. I explained that potential actions included applying to the High Court for a precautionary injunction to prevent future acts of trespass from taking place at the Senate House and Senate House Yard, Greenwich House and The Old Schools, all areas that had been targeted by groups in 2024 and which were likely to remain targets for similar demonstrations.
- Whilst I acknowledge questions were asked at the Council meeting about the precautionary injunction, I was not instructed by the Council to desist from pursuing this action. We have had prevailing support for taking this action from those in the Council as well as backing from those in the wider University community who also wish to see the Congregations protected.
- The minutes of the Council meeting where this matter was discussed can be found at page 31 (these were approved at the Council meeting on 10 February 2025).

- I subsequently confirmed in my public statement of 3 February 2025 that the University was exploring legal options that would protect certain limited areas of the University (the full statement can be found at page 177 of ER1).
- Following the Council meeting, on 7 February 2025, a final decision was made to bring the proceedings, as set out in paragraphs 122 126 of my first statement.
- I was not at the Council meeting on 10 February 2025 because of illness, but I have consulted those who were present and I understand that nothing was said at that meeting about the proceedings.

Authority to undertake these legal proceedings

- Prior to issuing these proceedings, and also in the context of issuing proceedings in relation to the occupation of Greenwich House in November and December 2024, I carefully considered my authority to conduct legal proceedings on behalf of the University, and took legal advice from David Parsons, Director of the University's Legal Services Division. Based on this, I consider it is clear that I do have such authority delegated to me by the Council:
 - 18.1 I attach at pages 32 57 the University's Statutes and Ordinances, Chapter XIII (Finance and Property) ("Financial Regulations"), which records at paragraph 22.1 the power delegated to the Registrary to conduct legal proceedings.
 - 18.2 Regulation 34.1 of the Financial Regulations also provides that "the Council hereby gives all delegations and directions contemplated by the Financial Regulations".
 - 18.3 The following is recorded in the University Reporter's Notice dated 7 December 1998 (a copy of which taken from the University Report website can be found at pages 58 and 59):
 - "1. ... it has been settled practice for many years for the principal officers to undertake legal proceedings, acting as delegates of the Council, and that there is no impropriety in such delegation.

- 2. While it would be open to them to do so, the Council do not propose to withdraw the authority exercised by their principal officers in this way. They agree with the point made by Professor Mellor that the good order and management of the University depend on such arrangements and would be prejudiced if the officers' ability to act in individual cases, particularly those involving matters which are personally sensitive for individuals, required the specific authority of the Council.
- 3. The Council wish to make clear that officers on the staff of the Old Schools have customarily reported to the Council any significant legal matter affecting the University. That they have not advised the Council of every legal matter reflects the enormous range of legal advice and action in which an organization as large and complex as the University inevitably finds itself involved. However, to ensure that the officers have a proper framework within which to act, the Council approved new procedures during 1997-98 under which responsibility for these matters is exercised through the Registrary, reporting to the Executive Committee, which is a statutory committee of the Council (Statute A, V)."
- In conducting these legal proceedings, I had the added support arising from the Vice-Chancellor approving the commencement of proceedings.
- I did not therefore need to seek the consent of the Council to these proceedings, nor did I seek this at the Council meeting on 27 January 2025. However, we did raise the matter with the Council at this meeting to give members the opportunity to discuss it so that, had they so wished, they could have decided that I should not pursue this action.
- I would also like to respond to a couple of other points raised in Professor Scott-Warren's statement:
 - 21.1 In paragraph 5 of his statement, Professor Scott-Warren says his email about the likely cost of any legal action went unanswered. On 11 March 2025 at

6.32am, and prior to Professor Scott-Warren making his statement, I emailed Professor Scott-Warren to say that I would update the Council at its meeting on 24 March 2025 with this information. I have received no response.

21.2 At paragraph 5, Professor Scott-Warren says "I was informed that the University had no intention of jailing its own students". I do not remember a statement in those exact terms being made although I do remember a discussion at the Council meeting about 'criminalising students'. If an injunction is granted and breached by a student (or any individual), then the University would carefully consider the circumstances and whether it was appropriate to bring a contempt application against that individual (and the draft order proposed now also acknowledges that the University would require the permission of the Court to do so). This decision would be brought back to the Council to make, given its importance for the individual concerned; I do recall that this is something which I conveyed at this meeting.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

Name: EMMA MACHTELD CLARA RAMPTON

Dated: 16 March 2025

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EXHIBIT ER4

THE COUNCIL

LEGAL POWERS

The Council shall have authority to take legal advice, retain solicitors, and bring, defend, or conduct legal proceedings on behalf of the University as they may think necessary or desirable in the interests of the University.

APPEALS TO THE COUNCIL

Subject to the provisions of the Schedule to Statute C, the Council shall hear appeals from any person who comes within the jurisdiction of the University Tribunal under Statute D II 2 and upon whom a University authority has, under Statute A II 12 and in accordance with an Ordinance or with a rule made under Ordinance, imposed a sentence, provided that such a person has delivered to the Registrary, within twenty-eight days after notice of the sentence imposed by the University authority concerned, written notice of their appeal to the Council. The Council shall have power to quash the finding or to vary the sentence within the limits of the power of that authority, and the decision of the Council shall be final.

RESERVED BUSINESS

Under the provisions of Special Ordinance A (viii) 5(iii) proposals for the conferment of degrees or titles of degrees, and any matter which would for a Faculty Board be reserved business under the provisions of Regulation 11 of the General Regulations for the Constitution of the Faculty Boards shall be reserved business of the Council in addition to the other matters listed under Special Ordinance A (viii) 5.

NOTICE BY THE COUNCIL

Statement of intention

In carrying out their functions as the principal executive and policy-making body of the University the Council will consult the Regent House on questions of policy which in the Council's judgement are likely to prove controversial. They will do this by submitting a Grace to the Regent House for the approval of a provisional decision or statement of intention; where appropriate, such a Grace will allow for the expression of a preference between alternative options. The Council will give consideration to remarks made at any Discussion of such matters and to the outcome of any vote on them.

ELECTION OF MEMBERS OF THE COUNCIL

Members in classes (a)–(c)

Ballot.

- 1. At each election of a member or members of the Council in any of classes (a), (b), and (c) voting shall be as set out in Regulations 2–7 below.
 - 2. The election shall be conducted in accordance with the Single Transferable Vote regulations.
- **3.** The period during which votes may be cast by all members of the Regent House shall be determined by the Vice-Chancellor, who shall give public notice of that period, provided that, for an election held in the Michaelmas Term, voting shall commence at least ten days after the promulgation of the Roll of the Regent House and the latest time for casting a vote shall not be earlier than the tenth day after the day appointed for the commencement of voting.

Nominations.

- **4.** In order to be eligible in any class a candidate must be nominated on a paper sent to the Vice-Chancellor so as to arrive not later than noon on the tenth day before the date appointed for the commencement of voting. The paper must contain (a) a statement signed by two members of the Regent House, certifying that they nominate the candidate for election as a member in that class, and (b) a statement signed by the candidate certifying that they consent to be so nominated. No person shall be nominated for election in more than one class. On the receipt of each nomination the Vice-Chancellor shall forthwith publish it by causing it to be posted outside the Senate-House. A nomination may not be withdrawn after such publication.
- **5.** Not later than the last day for the receipt of nominations each person nominated for election shall send to the Registrary a *curriculum vitae*, details of which shall be published for the information of members of the Regent House.
 - **6.** There shall be a separate vote for each class of members to be elected.
- 7. An election shall not be deemed invalid owing to the misdirection, late arrival, or non-arrival of any material relating to the election.



Cambridge professor arrested in Just Stop Oil protest

Professor Jason Scott-Warren said that he would not 'stand by' as government inaction on climate change 'opens the gates of hell'

by Amelia Platr

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Friday November 3 2023, 2 35pm

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The Professor has been involved in climate extion in Cembridge and more widely just stop dulimits passession postwarship

A Cambridge professor was arrested during a Just Stop Oil protest in London on Wednesday (01/11).

Professor Jason Scott-Warren, Director of Studies in English at Gonville & Caius, said that civil disobedience from groups like Just Stop Oil is necessary to send a "clear message" that the public "will not stand by as politicians open the gates of hell."





Samu



Scott-Warren, who has been arrested before, during the spate of actions by Extinction Rebellion (XR) in 2019, was stopped on Wednesday by the police during a slow march protest on Cromwell Road.

According to initial Metropolitan Police reports, officers arrived at Cromwell Road within four minutes of the protest beginning, clearing the road within twenty-six minutes. Thirty-five arrests were also said to have been made for breaches of Section Seven of the Public Order Act (2023).



In further updates posted yesterday, the Police said that a further twentythree Just Stop Oil activists had been charged and remanded in custody with thirteen individuals being bailed.

Varsity spoke to Professor Scott-Warren about his activism and his arrest.

"I'm genuinely scared about the current situation, where we are rapidly approaching 1.5 degrees of warming and are beginning to see how terrible this is going to be, but the people in power are still propping up fossil fuels," Scott-Warren said.



"This is a war and the fossil fuel industry is winning. Just Stop Oil's protests are focused on undercutting the business model of that industry, which is a prerequisite for meaningful change," he continued.

"Just Stop Oil is responding to the government's draconian anti-protest legislation by organising waves of arrests that send a clear message: we as citizens are rightly terrified and we will not stand by as politicians open the gates of hell," Scott-Warren added.

When asked about the Metropolitan Police's approach to Just Stop Oil's demonstrators, Professor Scott-Warren said: "The Met has been bullied into submission and is no longer protecting the rights of protesters."

"Its only goal is to get protesters off the road as quickly as possible, by any means; it has become a puppet of the state, which is in turn a puppet of the fossil fuel industry." he added. DEPOSIT £10 GET £40

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"These arrests, if they result in charges, will not stand up in court, where the right of proportionate protest is still acknowledged," the professor continued.



Discussing the disruptive nature of climate-related civil disobedience, Scott-Warren said: "We are fighting for the continued possibility of human society, which is currently threatened as never before in history. Protest, if it's going to work, has to be disruptive."

The English professor promised to "continue to take part in protests whenever he can" and encourage others to do the same, stating "this is our last chance".

Climate protesters have been particularly active at universities in recent days, with a Just Stop Oil activist spraying King's College with orange paint, following

similar actions at Oxford, Bristol, and Exeter universities.





XR Activist Dr Jason Scott-Warren: 'All other more moderate means have basically failed'

Dr Jason Scott-Warren has been fined for his involvement with Extinction Rebellion, but remains dedicated, telling Varsity: "something extreme needs to happen in order for change to take place"





In October 2018, three years ago now, the International Panel on Climate Change released a special report on what could happen if the earth warms by more than 1.5°C. Put simply, the consequences involve flooding, drought and the risk of poverty for hundreds of millions of people. The report warned that we had only 12 years to prevent these effects. For many, including Dr. Jason Scott-Warren, Cambridge University English literature professor, this report was a wake-up call.



Scott-Warren, a lecturer and research fellow at Gonville & Caius college, says the report "punctured a state of illusion I was in that things were basically OK and must be, in some sense, under control." This is not to say that he had never engaged with the problem of climate change before. He had been watching the issue 'with alarm' for some time, and reveals that when preparing for a recent court case, after his arrest at an Extinction Rebellion protest in London, he discovered that he had been donating to





Friends of the Earth since as early as 1994.

So what happened in the 26 years between that initial donation and his visit to the City of London Magistrates Court in 2020? A pivotal moment for Scott-Warren was the formation of the Extinction Rebellion movement (popularly referred to as 'XR'): "The formation of XR in 2018 kind of coincided with [the IPCC report] and was pretty crucial to me, because, although I had been involved in strike action, I had seen student occupations going on and been supportive, and I'd gone on marches and demos, I hadn't ever really done anything that could count as civil disobedience before."

action that moderate people can rise to"

"It creates a demand for And what was the appeal of civil disobedience? "I think the idea that you might cross a line, and that the social contract is broken and therefore to some extent the standard operation of the law is suspended. That kind of logic suddenly made a lot of sense to me, you know, that

something extreme needs to happen in order for change to take place." XR's demand - that the UK government reaches net zero greenhouse gas emissions by 2025 - is, according to Scott-Warren "not extreme if you think there's a planet to save, but extreme in the sense that it's not on anyone's political agenda".





Scott-Warren's view on the negative perceptions of XR's 'extreme' activities is that "by demanding something which feels extreme in the given political climate, XR opens up a space within which other people can do things that seem to them more pragmatic but which are pushing further and further towards the demands that we're making".



"By being willing to put yourself in that position of the extremist, everyone else gets to be not the extremist, but they're kind of pressured to do something, so it creates a demand for action that moderate people can rise

come"

"I'm just going to keep Following his involvement in XR's 'April Rebellion' in pushing for change and London in 2019, Scott-Warren was arrested and found guilty of several public order offences, because the keep hoping that it will protest action was deemed unreasonable. He tells me that "The judge said that you could influence the situation through the ballot box', but argues that 'the

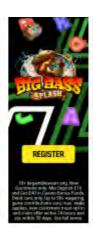
> situation we're in proves that democracy is not working as a solution to this problem." "All other more moderate means have basically failed. That word failure disguises lots of smaller successes, there have been lots of victories along the way, but none of them have been sufficient." Sufficient, he means, to stop us reaching that 1.5°C of global warming which this year's IPCC report warns is dangerously close.

In 2020, Scott-Warren took part in XR's 'Rebellion of One' in which individuals blocked roads wearing emotive sandwich boards. Scott-Warren's read: 'I'm terrified for my children and my students because of the climate crisis'. No stranger to solo protests, Scott-Warren also spent months protesting at his local petrol station in 2019. Asked about the rationale behind this technique, he says "obviously it's dramatically powerful to suggest that one person can stand up against the juggemaut, or throw themselves on the gears or whatever it might be, and that's something about the relationship between drama and agency, how do you start to create responses that might make people shift in their views?" XR's 'Rebellion of One' project harnessed this drama as a group. "It was one person sitting in the road, but there was a kind of support structure there as well."

This is one of the advantages of collective action, he says. "I think XR has turned into this guite amazine organisational structure, with lots of support roles and lots of knowledge, knowledge from past actions feeding into future actions in a very disciplined way". Despite his belief that collective action can be incredibly rewarding, participating in it has not always come naturally. "As an academic, taking part in collective action of any kind is always quite strange because I think academic life is quite individualistic, so the idea of subsuming yourself into any kind of collective will is actually counterintuitive and sometimes feels quite painful."



Continuing to discuss the "uneasy" relationship between academic and activist, Scott-Warren emphasises that he engages in activism "more as a private individual, than as an academic." Comparing himself - an English literature professor - to climate scientists, he says "I haven't got a very strong connection between my academic self, the kind of research I do, and my activist self." Moreover, he doesn't want any controversy surrounding his academic status to overshadow the intentions of the action, and has avoided prominent involvement in some "more outlandish" actions to discourage media coverage focusing on his position at the university rather than on XR's message.





rivilege to be at the an institution so unt': An exclusive aw with Vicellor Stephen Toope

As for the university itself, he expressed his admiration for the Cambridge Zero Carbon campaign and the achievement of pushing Cambridge University to pledge to divest from fossil fuels, but notes that there's still more to be done: "I now think there are new challenges in terms of the timetable, speeding up the timetable for decarbonisation would be a really good thing."

Clearly, however, Scott-Warren and Extinction Rebellion are acutely aware that heeding the warnings from the IPCC will involve changes far beyond one university. With 9 years left to act on that 12 year warning, Scott-Warren says "I'm just going to keep pushing for change and keep hoping that it will come."

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University of Cambridge to refuse funding from fossil fuel companies

The institution accepted £19.7 million from oil giants BP and Shell between 2016 and 2023 in philanthropic and research funding

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It is understood to be the first time that a British university has ended research funding partnerships with the fossil fuel industry Credit: P A THOMPSON

Emma Gatten Environment Editor. Felix Armstrong 18 March 2024 5:30pm GMT

The <u>University of Cambridge</u> will halt funding from fossil fuel companies following a campaign from its students and academics.

A moratorium on new funding from fossil fuel companies and subsidiaries, until a review is carried out of the donations process, was adopted in a council meeting on Friday.

It follows recommendations in a report commissioned by the university last year after a group of academics formally called for it to end fossil fuel funding.

The move was first reported by the Financial Times, which said the university had accepted £19.7 million in philanthropic and research funding from oil giants \underline{BP} and \underline{Shell} between 2016 and 2023.

It is understood to be the first time that a British university has ended research funding partnerships with the fossil fuel industry.

The university has also been under pressure over donations from individuals backed by fossil fuel wealth, such as UAE oil tycoon Majid Jafar, the chief executive of Crescent Petroleum.

The Telegraph understands the moratorium would only apply to collaborations with companies and would not stretch to individuals, regardless of their backgrounds.

Earlier this year the university approved a £20million donation from the Jafar family towards the development of a Cambridge children's hospital and research institute.

It was criticised at the time by Jason Scott-Warren, an English professor and member of the University Council.

Mr Scott-Warren told the Telegraph on Monday that he hoped that the university would "adopt a consistent policy in relation to fossil fuel donations".

"Increasingly, universities are being approached by institutions in petrostates and autocracies, and given the broader situation it's tempting for them to accept philanthropy from those sources," he said.

Reputational risks

A report written by former UN climate change envoy Nigel Topping last year said continuing fossil fuel funding would expose the university to "reputational risks" that it had so far underestimated.

It was commissioned by the university after a group of academics submitted a formal proposal to the university's senate calling for it to "cease collaboration of all forms" with fossil fuel companies.

The university has a target to reach net zero in greenhouse gas emissions by 2038, and previously announced it would divest from all direct and indirect

investments in fossil fuels by 2030.

In the report, Mr Topping said "due diligence finds that no fossil fuel companies are aligned with the University's level of ambition".

But he did not recommend that the university stop non-funded "technical collaboration" with fossil fuel companies.

It noted that fossil fuel companies made up only around 0.4 per cent of the university's research and philanthropic funding.

Mr Scott-Warren, a professor of early modern literature at the university, said the moratorium was "the least the university could do" but added that he had concerns about the outcome of the review.

Cambridge is one of several universities to have faced calls from staff and students to severe ties with the fossil fuel industry.

It ranks as 72 out of 151 in a league table of environmental and ethical credentials compiled by student campaigning network People and Planet.

A Shell spokesman said that since 2021 all of its work with the university "has been entirely focused on the energy transition".

"Our work with academic partners aims to accelerate the energy transition by bringing together the brightest minds, with the right resources behind them, as well as the commercial ability to scale-up and implement new solutions fast enough to make a difference."

Emma Gatten Environment Editor. Felix Armstrong 18 March 2024 5:30pm GMT

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Cambridge 'sidelining ethics' as university accepts £20 million from UAE tycoon

Donation from oil tycoon Majid Jafar criticised because of his comments on climate change

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Cambridge University has not yet imposed a ban on funding from oil companies Credit: IAN DAGNALL/ALAMY

Felix Armstrong. Louisa Clarence-Smith 15 February 2024 9:34pm GMT

<u>Cambridge University</u> has been accused of "sidelining ethical considerations" after accepting a £20 million donation from a UAE oil tycoon.

Students and academics have criticised the university's decision to accept funds from Majid Jafar, chief executive of Crescent Petroleum, the largest privately owned oil and gas company in the <u>Middle East</u>, because of his comments on <u>climate change</u>.

Jason Scott-Warren, an English professor and member of University Council, claimed that Cambridge "persistently sidelines ethical considerations in its efforts to secure donations to fund its mission".

He told Varsity, the Cambridge student newspaper: "When large sums of money are offered for projects that enhance our research and teaching, human rights violations and flagrant planet-trashing become distinctly secondary concerns."

Speaking at COP28 in Dubai last year, Mr Jafar, a Cambridge alumnus, said that "blaming the producers of oil and gas for climate change is like blaming farmers for obesity".

At the same conference, the businessman told António Guterres, the UN Secretary-General, that he should have travelled to the conference in "a wooden boat powered with sails and oars", when asked about the continuation of fossil fuels.



Majid Jafar, chief executive of Crescent Petroleum Credit: SIMON DAWSON

He has been a vocal defender of the development of oil and gas amid the energy transition.

Speaking in 2022, he said: "Somehow, it got misconstrued that we don't need oil and gas any more. Nobody actually said that."

The Jafar family is donating £20 million towards the development of a Cambridge children's hospital and research institute.

The family said they would donate the money to the project after Mr Jafar's daughter was diagnosed with a rare neurogenetic disorder. He is co-chairing a campaign to raise a total of £100 million to build the facility.

The donation was approved by the university's Committee on Benefactions and External and Legal Affairs (CBELA), which scrutinises any proposed large donations.

It comes after a report commissioned by the university recommended that it halt all funding from fossil fuel companies last year.

The report, led by Nigel Topping, former UN climate action champion, found that the university's acceptance of research funding from the fossil fuel industry poses "high reputational risk" and urged Cambridge to "clarify" CBELA's scrutiny of donations from parties associated with oil and gas.



Prof Jason Scott-Warren claimed that Cambridge 'persistently sidelines ethical considerations'

The university has pledged to implement some of the recommendations but has not yet imposed a ban on research funding from oil companies.

Mr Scott-Warren said he fought against the donation when it made its way through University governance.

He said: "I queried the Jafar donation at the University Council meeting in March 2021... It was clear that Crescent Petroleum and Dana Gas were banking on an expansion of fossil fuel demand to 2030 and beyond."

Sam Hutton, chair of the Cambridge Student Union's Ethical Affairs campaign, also criticised the University's decision to accept the donation.

He said: "Taking a donation from a person so clearly linked to the fossil fuel industry seems to indicate their willingness to get the money in while they can. While millions are being displaced and suffering famine due to the effects of climate change, the university continues to procrastinate its commitments to stop our complicity in this destruction."

Donations to Conservative Party

Mr Jafar has made multiple donations to the Conservative party, including £12,500 in March 2019 and £28,000 in December 2016. In 2019, the businessman gave £3,000 to Leo Docherty, MP and former Director of the Conservative Middle East Council (CMEC), to which Mr Jafar donated £15,000 in 2014.

A university spokesman said: "As with all donations and research funding to the university, this gift was accepted following robust due diligence procedures to scrutinise compatibility and alignment with our mission and values. Decisions take into account the university's ethical guidelines, and also, since October 2020, the university's climate change guidelines.

"We are immensely grateful for this personal donation from a Cambridge alumnus and his family, supporting the establishment of Cambridge Children's Hospital and enabling it to carry out groundbreaking research and to improve the lives of children not only locally but also nationally and even internationally."

'Natural gas as transition fuel'

A spokesman for Mr Jafar said: "The COP28 declaration in December last year clearly accepted the need for natural gas as a transition fuel to replace dirtier fuels like coal and diesel in developing countries and thereby enable the addition of intermittent renewables when the sun doesn't shine and the wind doesn't blow (just as happens in the UK). Majid agrees with this as the fastest way to reduce carbon emissions in developing countries."

Regarding Mr Jafar's political donations, they said: "These past donations are all on the public record but he has not donated for the past 5 years."

The spokesman said the company "achieved carbon neutrality across operations in 2021 and that gas is 85 per cent of its production, displacing diesel for power generation in the Middle East and saving millions of tonnes of CO2 emissions annually".

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Cambridge University about-turns on fossil fuel donations – but only if they are big enough

University scraps temporary ban under new process welcoming sums in 'exceptional circumstances'

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Just Stop Oil activists stand outside King's College, Cambridge, in October 2023 Credit: Martin Pope/Getty Images

Poppy Wood Education Editor. Felix Armstrong 17 July 2024 8:04pm BST

The <u>University of Cambridge</u> has scrapped a <u>temporary ban on donations</u> from fossil fuel companies and will now accept sums if they are "for a large gift... usually [of] several million pounds".

The university said it had agreed on a new process for considering funding from fossil fuel companies on Tuesday that would welcome donations under "exceptional circumstances".

Its committee on benefactions and legal and external affairs (CBELA) may now accept donations if they are "for a large gift, or equivalent value for a research collaboration (usually several million pounds) which could not be obtained elsewhere".

Funding from such companies must also be shown to advance "the university's overall academic and institutional aims".

All other sums must be from companies committed to the UK's target for reaching net zero by 2050, the university's website said.

It overrules a temporary ban on fossil fuel donations brought in earlier this year after an independent report warned that due diligence failings had created a "high reputational risk" to the university.



University staff inspect damage to the exterior of a 15th century King's College building from climate protesters Credit: Martin Pope/Getty Images

The temporary suspension on funding, which began in March, came after a report by Nigel Topping, the UN climate champion, suggested <u>Cambridge's association</u> with industry was not worth the reputational risk.

The report found that the fossil fuel sector made up 0.4 per cent of the university's research and philanthropy funding in the six years up to 2022.

Announcing the move, Cambridge admitted it was "aware" of calls for a "blanket ban" on fossil fuel cash.

However, it said this may "cause tension in relation to academic freedom and freedom of speech" and "give rise to questions" regarding its obligations under charity law.

UK-based oil and gas companies BP and Shell have jointly donated more than \pounds 19.7 million to the university since 2019, according to the Financial Times.

University 'sidelines ethical considerations'

Cambridge was also accused of "sidelining ethical considerations" in February when the university took £20 million in funding from Majid Jafar, the owner of the Middle East's largest oil company.

Mr Jafar is the chief executive and founder of Crescent Petroleum and the managing director of Dana Gas, the largest non-government-owned natural gas company in the Middle East.

The money went towards the development of a Cambridge children's hospital and university research institute.

The policy will replace existing advice for CBELA, the university's body for considering donations, which ranked fossil fuel companies red, amber, or green according to their alignment with the Paris Agreement on climate change, The Telegraph understands.

The new process is understood not to have received unanimous support from the university council making the decision. It comprises senior university officials such as Prof Deborah Prentice, the vice-chancellor.



Prof Jason Scott-Warren, of Gonville and Caius college, described the new policy as 'absurd' Credit: University of Cambridge

Prof Jason Scott-Warren, one of 25 members of the council, said: "This absurd decision reflects the fundamentally unethical nature of the university, which doesn't begin to get the climate emergency and which remains densely intertwined with the fossil fuel industry."

Mr Scott-Warren claimed that despite Mr Topping's report, Cambridge has decided to ditch the colour-coded donations scale in favour of "these new proposals, which make the size of a donation the decisive factor".

He said the policy "leaves the door open for multi- million pound donations and collaborations from fossil fuel majors".

A spokesman for the University of Cambridge said: "The university will not accept research or philanthropic funding from a fossil fuel company whose business model is not aligned with the target of reaching net zero emissions by 2050, unless there are exceptional circumstances.

"No fossil fuel company is currently understood to have a business model that aligns with net zero 2050 targets."

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1024. Issues arising from the Greenwich House Occupation

The Registrary provided the Council with a summary of last term's occupations at Greenwich House and Senate House Yard – both of which were claimed to be in support of Cambridge for Palestine. The update covered what happened and outlined the risks, lessons learnt and actions being considered to protect the University from future unlawful protests.

Members noted that, in common with other universities, the approach to student occupations needed to ensure that students could graduate as normal, and staff could continue to work in the University's administrative buildings. This included preventative measures to reduce the risk of subsequent occupations of sites such as Senate House and Senate House Yard. Members stressed the need for good communication with students about any changes and potential ramifications of future action.

The Council also considered the membership of the two student members of the Student Task Force on the Working Group on Investments in and Research funded by Companies belonging to the Defence Industry. Following a detailed discussion, the Council, by majority vote, agreed that the two members of the Student Task Force should be invited to re-join the Working Group, subject to two conditions: 1) should either student be personally found to have been involved in any criminal activity at Greenwich House in Michaelmas Term 2024, their personal membership

on the Working Group would cease; 2) no member of the Task Force could serve on the Working Group while an occupation or encampment connected with issues being explored by the Working Group was taking place at the collegiate University.

The Pro-Vice-Chancellor for University Community and Engagement and the Pro-Vice-Chancellor for Education and Environmental Sustainability updated the Council on the University's application to become a University of Sanctuary and discussions with other universities and UNWRA regarding educational rebuilding in Gaza. There was also regular dialogue with the University Jewish Society and the Acting Jewish Chaplain, including a visit from the Universities Jewish Chaplaincies. They also reported that 15 grants had been made so far from the Humanitarian Support Fund for students who had been affected by violence in in Gaza, the West Bank, Sudan and Ukraine

Financial Regulations

Adopted and approved on 28 May 2012 by the Council after consultation with the Finance Committee Distributed by the Director of Finance to all Heads of Department

Version 1.8 effective from 1 October 2024



Version History

Version	Effective date	Detail	Authority	Distributed
1.0		Financial Regulations 2012	Adopted and approved on the 28 May 2012 by the Council after consultation with the Finance Committee	By the Director of Finance to all Heads of Department
1.1	1 Jan 2016	Schedule 1: revised thresholds for EU Tenders managed through Procurement Services	Public Contracts Regulations 2015	
1.2	1 Jan 2018	Schedule 1: revised thresholds for EU Tenders managed through Procurement Services	Public Contracts Regulations 2015	
1.3	1 Jan 2020	Schedule 1: revised thresholds for EU Tenders managed through Procurement Services	Public Contracts Regulations 2015	
-	-	Reflected changes to UAS division names, cessation of HEFCE etc	Amended following the approval of Graces 1 of 31 March 2021	
1.4	1 Jan 2022	Schedule 1: revised thresholds for EU Tenders managed through Procurement Services	Public Contracts Regulations 2015	
1.5	1 Jul 2022	Reg 31.3: the rules for expense reimbursements are set out in the Financial Procedures Manual	Adopted and approved 25 May 2022 by the Council after consultation with the Finance Committee	Key Issues Bulletin (16 June 22) to Heads and operational leads
1.6	1 Oct 2023	Schedule 1: increases the current procurement threshold above which departments require three competitive quotes from £1,000 to £5,000.	Approved 14 Aug 2023 by the Council on advice of the Finance Committee	By Notice (Reporter, 6711, 27 Sep 2023, p.3). Key Issues Bulletin (5 Oct 2023) to Heads and operational leads. CUFS Bulletin (9 Oct 2023) to Finance Key Contacts.
1.7	1 Feb 2024	F- PURCHASING Reg 18.4(d): reference corrected to Regulation 6.2 J- STAFFING Reg 31.3 The principles and rules for expense reimbursement are set out in the Employees Expense Policy and not the Finance procedures. M - EXPLANATORY NOTES point 9: provision for delegation now at Special Ordinance A (viii) 4. Point 11: in relation to EU Public Procurement Directives the second and third sentences replaced with the following new sentence: The Council, on the advice of its Finance Committee, reviews and confirms annually whether the University remains outside their scope. SCHEDULE 1 – COMPETITION PROCEDURES The references to EU thresholds and the management of EU Tenders through Procurement Services have been removed from the table. SCHEDULE 2 – DEFINITIONS The reference to EU Tenders has been removed.	Approved 1 Feb 2024 by the Council on advice of the Finance Committee	By Notice (Reporter, 6728) Key Issues Bulletin to Heads and operational leads CUFS Bulletin to Finance Key Contacts (12 Feb 2024)

1.8	1 Oct 2024	F - PURCHASING 18.4(b)The limit for advance payments requiring prior written consent from the Head of Department has been increased from £10,000 to £50,000 (inclusive of VAT).	Approved 25 July 2024 by the Council's Business Committee on the advice of the Finance Committee	By Notice (Reporter, 6751) Key Issues Bulletin to Heads and operational leads (03 Oct 2024)
		18.4(c) The threshold for advance payments requiring approval from the Director of Finance has been raised from £10,000 to £50,000 (inclusive of VAT).		CUFS Bulletin to Finance Key Contacts (30 Sep 2024)
		18.4 (d) The clause requiring the Director of Finance's advice for procurement has been extracted from the previous 18.4(c) and is now separately identified as 18.4(d).		
		18.4(e) The previous clause 18.4(d) has been renumbered as 18.4(e).		

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A PRELIMINARY

Terms in capitals are defined in Schedule 2 where necessary to aid interpretation.

The Council is responsible for the supervision and management of University resources and finances. The purpose of these Regulations is to provide sound arrangements for internal financial management, accounting, and control, and promote best value for money and compliance with the University's legal and financial obligations.

1. Scope

- 1.1 These Regulations apply to:
 - all University Income and Business;
 - all Staff: and
 - all Departments and University subsidiary companies but not Cambridge University Press or Cambridge Assessment.

2. Ethical Principles

- 2.1 University Business shall be conducted in accordance with the Nolan Principles: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
- 2.2 Staff must ensure that:
 - (a) neither their conduct of University Business; nor
 - (b) the conduct of any person or organisation entering into any contract or arrangement with the University, contravenes the Bribery Act 2010. (See also Financial Regulation 20).

There are four offences under the Bribery Act:

- Bribing another person;
- being bribed;
- Bribing a foreign public official; and
- failure to prevent Bribery.

Staff must not use their authority or office for personal gain and must always seek to uphold and enhance the standing of the University.

- 2.3 Staff must declare to their Head of Department any personal interest, which may affect any University Business and act in accordance with the instructions given as to management of any conflict.
- 2.4 Staff must seek written permission from their Head of Department before accepting gifts or hospitality directly or indirectly from suppliers, other than low value items such as a gift worth less than £25 or hospitality worth less than £50. Receipt of gifts or hospitality must not influence or appear to influence the choice of supplier or prejudice the University's reputation. If in doubt, gifts and hospitality must be refused. Excessive or lavish gifts or hospitality may constitute Bribery.

2.5 Where Heads of Department have a conflict of interest or wish to accept gifts or hospitality (other than low value items) they must seek the advice of the body or person to whom they are responsible, for example Head of School, management board or General Board, and act as advised.

3. Staff Responsibilities

- 3.1 Staff shall, irrespective of sources of funding:
 - comply with these Regulations and Statutes, Ordinances and University policies;
 - take all necessary advice;
 - assess and manage risks (including to health and safety) entailed in University Business they transact;
 - safeguard University property and Income for which they are responsible;
 - use University resources economically, efficiently, effectively to secure value for money and to promote the Environmental Sustainability Policy;
 - ensure compliance with all obligations in contracts relevant to them entered into by or on behalf of the University; and
 - comply with the University's legal, financial, administrative, and other obligations including to HEFCE, HM Revenue and Customs and other government authorities.
- 3.2 Non-observance of these Regulations may result in disciplinary action.

B HEADS OF DEPARTMENT

4. Definition and Responsibility

- 4.1 'Head of Department' means any of the following: the Head of a Department or a Faculty not organised in departments, Secretaries of Faculty Boards, Head of a Centre, Institute or other body under the supervision of the General Board or Council, and Head of a Division within the Unified Administrative Service. "Department" is interpreted accordingly.
- 4.2 Heads of Department shall ensure:
 - proper allocation of funds;
 - sound financial control, authorisations, and separation of duties;
 - that accounts are correctly maintained;
 - that funds available for spending are not exceeded;
 - that these Regulations and other University policies are publicised and observed within their Department; and
 - that all information and explanations required by the University's internal or external auditors are provided promptly.

5. Departmental Management

5.1 Heads of Department may designate in writing one or more people to execute specified tasks for and subject to the supervision of the Head of Department. The Head of Department remains responsible.

C CONTRACT EXECUTION AND COMMENCEMENT

6. Authority to Sign Contracts

- 6.1 Subject to Regulations 6.2, 6.3 and 18.4 Heads of Departments have authority to sign contracts in the course of the ordinary business of their Department in respect only of available funds for which they are responsible.
- 6.2 Contracts for the purchase, lease or licence of land or property or for the erection, demolition, substantial repair or alteration of buildings must be referred to ED and are subject to the Sites and Buildings Regulations (see further Regulation 32 and Explanatory Note in Section M). The Director of Estates Division or the Registrary, shall approve and sign all such contracts, provided all approvals required under Statutes, Ordinances and the Sites and Buildings Regulations have been given.
- 6.3 The Head of the Research Operations Office shall approve and sign all contracts relating to sponsored research activity (but not purchasing, for which see Regulation 18.2). Small collaborations directly related and subsidiary to a purchase may be executed as part of that contract provided the Research Operations Office is consulted.
- 6.4 Subject to Regulations 6.2 and 6.3 the following persons have authority to sign contracts affecting more than one Department:
 - the Vice-Chancellor:
 - a Pro-Vice-Chancellor;
 - the Chair of the Faculty Board or Head of School where all the Departments affected are in that Faculty or School;
 - the Registrary;
 - the Director of Finance: and
 - Head of Procurement Services.

7 Sealing

- 7.1 The following persons have authority to authorise affixing of the University's seal, where any necessary approvals are in place:
 - the Vice-Chancellor;
 - a Pro- Vice-Chancellor;
 - the Registrary;
 - the Director of Finance; and
 - (for assignment of University intellectual property) the Head of the Research Operations Office.

8. Documentation, Liability and Performance

- 8.1 Procurement Services is responsible for safekeeping of the original contracts they execute.

 Otherwise, the Head of Department is responsible. If required, the Registrary or Procurement Services will keep the documentation for contracts affecting more than one Department.
- 8.2 Departments are responsible for meeting obligations and for all costs or losses arising from contracts entered into by or for them.

- 8.3 Contract performance shall not begin before:
 - all necessary approvals have been obtained; and
 - the contract has been executed or the person executing it is satisfied that key terms have been agreed and the risks created by delay outweigh the risk of proceeding prior to full contractual agreement.

D INCOME AND EXPENDITURE

9. Accounting and Other Records

- 9.1 Heads of Department shall:
 - maintain financial records as specified in Statutes and Ordinances;
 - certify whether annual statements of account (which are distributed by the Finance Division) are true and fair and that responsibilities under these Regulations have been discharged during the year; and
 - properly record all transactions in CUFS and any other financial system the use of which has been authorised by the Director of Finance.
- 9.2 Staff must comply with the Finance Division CUFS user policy.
- 9.3 Record keeping must comply with data protection legislation. The University is subject to the Freedom of Information Act 2000 and members of the public may request copies of University documents. Staff must follow the guidance published by University's Information Compliance Office and take their advice as necessary.

10. Cash and Banking

- 10.1 All University Income must be paid promptly into a bank account in the name of the University (and into no other account) and be accounted for in CUFS. All University expenditure must be paid from a University bank account and be accounted for in CUFS.
- 10.2 Departments and Staff have no authority to open bank accounts (whether in the UK or abroad) for any University activities without the prior written consent of the Director of Finance.
- 10.3 Where possible, Departments shall separate duties for receiving and recording University Income. Where this is not possible regular independent checks shall be made.
- 10.4 The Financial Procedures Manual lays out further financial requirements including in respect of cash, petty cash, banking, credit card and related matters.

11. Management of Expenditure and Use of Resources

- 11.1 Heads of Departments are authorised to incur expenditure not exceeding the limits of funds available to the Department. They are responsible for ensuring that monitoring and control arrangements are adequate to prevent over-commitment of expenditure; that all funds under their control are used only for the purposes for which they are allocated; and resources are used in accordance with the Environmental Sustainability Policy. The Head of Department (or budget holder where authorised by the Head of Department) shall approve expenditure.
- 11.2 The Financial Procedures Manual lays out further financial requirements and guidelines, including in respect of travel, subsistence and entertainment and related matters.

12. Supplying Goods or Services including Research

- 12.1 Heads of Departments must establish procedures to ensure that:
 - all supplies of goods and services are authorised and are supplied as agreed;
 - trading accounts are managed to break even or achieve a surplus;
 - all relevant risks to the University are considered and managed, there are adequate credit control procedures and supplies are made only where the credit risks are acceptable;
 - the University's standard terms and conditions are applied where possible;
 - invoices other than for sponsored research funding (see Regulation 13.3) are raised
 - o in the name of the University of Cambridge showing the University's VAT number:
 - through CUFS unless prior written consent is given by the Director of Finance;
 and
 - wherever possible in sterling for settlement in sterling (any exchange risk lies with the Department for invoices in a currency other than sterling);
 - the liability for all taxation is established and tax is charged and accounted for as appropriate (see Regulations 25 and 29);
 - except for research contracts, which are subject to Regulation 13, the full economic
 cost to the University is recovered, unless the advice of the Taxation Section is
 sought, and it is appropriate to do otherwise having regard to the particular
 circumstances:
 - best value is obtained for sale of any goods to external bodies or to staff (and the Taxation Section consulted about VAT and tax implications);
 - sales to staff or their families below the cost incurred by the Department in providing
 the benefit (including where no charge is made) are recorded and reported as a
 taxable benefit at the end of the tax year (see Regulation 21.2);
 - where payment for goods is received in cash, the sum does not exceed the cash equivalent of €15,000 (for any single transaction (per the Money Laundering Regulations 2007));
- 12.2 With the exception of research grants claims, Departments are responsible for debt collection in respect of invoices issued to third parties. Advice must be sought from the Director of Finance where legal action to recover monies is considered.

- 12.3 Uncollectible debts, including in respect of sponsored research activity, will be an expense against the Department. The following authorities exist to write-off bad debts or for part settlement, where all reasonable steps have been taken to recover them:
 - Debtors up to £10,000 Head of Department
 - Debtors of between £10,000 and £25,000 Director of Finance
 - Debtors over £25,000 Finance Committee.

The Taxation Section must be informed of all write-offs (including partial write-offs) of VAT invoices, as the VAT may be reclaimable.

13. Research Grants

- 13.1 Staff shall send grant applications and proposals for research contracts to the Research Operations Office for approval before their submission in accordance with Research Operations Office policy.
- 13.2 Heads of Department shall ensure there are appropriate arrangements
 - (a) in conjunction with the Research Operations Office to:
 - cost grant applications and proposals on the basis of the full economic costs of the research; and
 - recover charges for facilities and overheads in accordance with and at the rates specified in University policy or record the extent and justification for subsidising the cost where in exceptional cases Head of Department agrees not to apply University policy for recovery rates; and
 - (b) ensure that research which is funded is conducted to meet the funding terms and conditions.
- 13.3 The Research Operations Office shall raise all invoices for sponsored research funding.
- 13.4 All research grant or contract income and expenditure, from whatever source of funds, must be notified to the Research Operations Office and no part of this income may be transferred into donation accounts or other special funds, other than funding remaining unspent at the end of the research which the funder has agreed the Department may retain.
- 13.5 Heads of Department shall ensure that expenditure on research activity complies with these Regulations. Financial control and record-keeping shall also comply with any additional Research Council or other funder's requirements.
- 13.6 The Research Operations Office shall ensure all grants are closed on a timely basis and without residual balances.

14. Donation Accounts and Trust Funds

14.1 Donations belong to the University, not to an individual, and must be paid into a donation account in accordance with Regulation 10.1. Donations must be requested and received exclusively for charitable purposes. Receipt which improperly influences any decisions made by or on behalf of the University may constitute Bribery. Acceptance of donations must be made in accordance with the Ethical Guidelines for the Acceptance of Benefactions.

- 14.2 Heads of Department must ensure that:
 - donation accounts and trust funds are maintained in credit;
 - funds are applied for the public benefit for charitable, educational or research purposes only; and
 - any Ordinances or regulations governing the receipt of donations and the conduct of individual accounts are followed.
- 14.3 University trust funds are governed by regulations set out in *Statutes and Ordinances*. Trust fund managers shall ensure that funds are used for proper purposes in accordance with the rules of the specific fund and the University's general charitable purposes.
- 14.4 Transfers of donated funds to other institutions can only be to other charitable bodies and must always be approved by the Head of Department and be in accordance with the terms of the gift and the University's general charitable purposes. Transfers shall not be made until the receiving institution has confirmed in writing that the terms of the gift will be observed. Where the transfer relates to the Head of Department's research, the Director of Finance's prior written consent must be obtained.
- 14.5 Donations cannot be transferred to individuals, except where the individual is the donor, and the University is unable to meet the terms of the original gift.

E INVESTMENT AND BORROWING

15. The Cambridge University Endowment Fund (CUEF)

- 15.1 The University's Chief Investment Officer is responsible for all CUEF investment management activities. The Chief Investment Officer appoints and monitors external investment managers.
- No Department or trust of the University may invest in any securities or other investments (including land and buildings) without the prior approval of the Finance Committee.
- 15.3 Acquisition of land is also subject to the Sites and Buildings Regulations (see regulation 32.1).

16. Investment in the CUEF and Deposit Account

16.1 Surplus funds (only) may be invested in the CUEF and Deposit Account. The Director of Finance is responsible for approving all new and any changes in CUEF holdings. Deposit Account eligibility rules and interest rates are published by the Director of Finance from time to time.

17. Borrowing, Guarantees and Loans

- 17.1 Departments must not borrow money outside the University.
- 17.2 No guarantees or letters of comfort may be issued except with the prior written consent of the Director of Finance.

17.3 No Department may make a loan including to staff or (outside the normal course of business) extend credit arrangements without the Director of Finance's prior written consent.

F PURCHASING

18. Obtaining Goods, Services or Construction Works

- 18.1 Expenditure of £2,000,000 or above on capital items (inclusive of VAT) requires the consent of the Planning and Resources Committee.
- 18.2 Value for money in purchasing is normally demonstrated through competition. The table in Schedule 1 sets out the minimum competition requirement when obtaining goods, services or construction works for all Departments; the only flexibility for a Department being set out in Financial Regulation 18.3. These requirements apply to all expenditure irrespective of the source of funding (including spending of grant monies and Leasing). If there is any reason to believe that offers which have been received are not competitive, further offers must be obtained. A Department must not enter into separate contracts, nor apply the Total Value calculation separately to contracts, with the intention of avoiding the application of these Regulations.
- 18.3 Prior written consent not to follow the competition procedures may be granted
 - (a) for construction and Construction Related Procurement by:
 - the Director of Estates Division where the Total Value is less than the EU Threshold;
 and
 - the Registrary where it is at or exceeds the EU Threshold;
 - (b) for other procurement by:
 - the Head of Department where the Total Value is £50,000 or less and the Director of Finance where the Total Value exceeds £50,000 by recording the reasons on Procurement Services' on-line dispensation form;
 - for any procurement where the Director of Finance has issued a general consent (irrespective of the Total Value).

Schedule 1 sets out non-exhaustive examples of circumstances where dispensation might be appropriate. Notwithstanding the grant of a dispensation, all the other requirements of Financial Regulations must be met, including Regulations 18.4 to 18.9 inclusive.

- 18.4 (a) Departments must seek all necessary advice.
 - (b) The Head of Department's **prior** written consent is needed for one or more payments in advance in relation to any contract totalling £50,000 or less, including VAT if applicable.
 - (c) The Director of Finance's advice and prior written consent is needed for:
 - all Leasing irrespective of the Total Value (except where a Leasing Framework Contract is used – see the definitions in Schedule 2); a cost benefit analysis shall be submitted where consent is required.
 - payments in advance exceeding £50,000 including VAT if applicable; and
 - payment under early settlement terms exceeding £250,000 including VAT if applicable

- (d) The Director of Finance's advice is needed for:
 - procurement (other than construction) where the Total Value exceeds £100,000 including VAT if applicable.
 - procurement where the Total Value exceeds £50,000 including VAT if applicable and supplier terms are used
- (e) The Director of the Estates Division's advice is needed for procurement falling within Regulation 6.2.
- 18.5 All purchasing shall be based on a specification drafted after consultation with anticipated users and assessment of the associated risks and environmental impact. The Procurement Procedures provide further guidance on purchasing and sustainable procurement.
- 18.6 Goods and services may be purchased externally only if:
 - they are required for the achievement of financial, academic or organisational plans;
 - they are not reasonably available elsewhere within the University; and
 - the source, sufficiency and terms of the funding have been checked and confirmed.
- 18.7 Heads of Department must establish levels of authorisation and segregation of duties for contracts where the Total Value exceeds £500 for:
 - · short listing and acceptance of tenders;
 - · ordering and inspection of goods and services; and
 - payment.

Where payment duties cannot be segregated, transactions must be independently checked on a regular basis.

- 18.8 Orders must state the nature, quantity and price of goods and services to be provided and where possible apply the University's terms and conditions. Copies of orders must be kept securely. Where an order is placed through CUFS, the electronic record suffices.
- 18.9 Official orders must be produced in a form approved by the Director of Finance for all purchases above £100 or any lower threshold set by the Head of Department.
- 18.10 Where equipment is to be loaned to the University free or at a discount, advice must be taken, the principles of Regulation 18 observed and an agreement put in place, including to regulate the University's responsibilities and rights at the end of the loan.

19. Receipt of Goods or Services, Payments for services to individuals

- 19.1 All goods and services must be checked promptly on receipt to ensure that they accord with order requirements and suppliers advised promptly about any discrepancies. Copies of signed delivery notes must be retained. If deliveries have to be acknowledged prior to checking, endorse the delivery note "Goods received unchecked".
- 19.2 Invoices must be checked and not authorised for payment until the goods or services have been checked, unless authority is in place to pay in advance (see Regulation 18.4), and those exceeding £1,000,000 have been countersigned by the Director of Finance.
- 19.3 Payments to individuals must comply with Regulation 31.6.

19.4 Heads of Department shall establish arrangements for monitoring and regular appraisal of purchasing activity to ensure that best value for money is secured for current and future purchases.

G **BRIBERY AND FRAUD**

20. Bribery, Fraud and Irregularity

20.1 Heads of Department shall implement procedures as required under the University's policy against Bribery and Corruption¹, including to prevent Fraud.

Any member of staff shall report immediately in writing any suspicion of Bribery, Fraud or other irregularity to the Registrary and the Director of Finance. The Registrary is the lead officer under the University's policy against Bribery and Corruption.

- 20.2 The Director of Finance will advise the University's internal auditors and if necessary, the University Security Adviser and police, and report to the Audit Committee and the Vice-Chancellor any Bribery, Fraud or irregularity which has any of the following characteristics:
 - exceeds £10.000
 - is unusual or complex
 - public interest is likely.
- 20.3 Any member of Staff who has reasonable grounds for believing there is serious malpractice within the institution (see Human Resources Division website. Policies and Procedures: Public Disclosure by University Employees: Whistleblowing Policy) should raise their concerns using the specified procedure.

Н CORPORATE REQUIREMENTS

21. **Taxation**

- 21.1 Heads of Departments shall ensure that their Department accounts correctly for VAT and where appropriate corporation tax. Where there is any doubt as to the correct VAT or tax treatment of a transaction, the Taxation Section must be consulted.
- 21.2 Heads of Departments shall ensure that any taxable benefits paid to individuals are reported to the Finance Division for inclusion in P11D returns.

¹ See www.governanceandcompliance.admin.cam.ac.uk/governance-and-strategy/policy-against-bribery-andcorruption (Reporter, 6265, 2011–12, p. 593).

22. Legal Advice and Proceedings

22.1 The Council's Committee on Benefactions and External and Legal Affairs and the Registrary have authority to take legal advice and to conduct legal proceedings. Departments shall not take any action to initiate or defend legal proceedings or obtain external legal advice without first involving the Legal Services Division, which will seek consent from the Registrary or the Committee as necessary. The Legal Services Division should be contacted immediately if legal proceedings are threatened or served on any part of the University or any University subsidiary company. See also Regulation 23.3 and 23.4.

23. Insurance

- 23.1 Departments must comply with the insurance requirements set out in Financial Procedures and on the Insurance Section web pages.
- 23.2 Contents whether owned, borrowed or hired must be valued, recorded, and notified to insurers. Departments should regularly review the value of contents held and notify the Insurance Section of:
 - departmental moves;
 - the acquisition and disposal of high value items (exceeding £1,000,000); and
 - temporary removal from University premises (where the single article exceeds £50,000 or the total exceeds £100,000).
- 23.3 Departments must take all necessary steps to prevent losses and accidents and ensure that the Insurance Officer is advised immediately of any new unusual or significant risk. Liabilities should not be accepted on behalf of the University without careful consideration. Any liabilities not covered by insurance will fall on the Department.
- 23.4 Third party claims must be passed immediately to the Insurance Section without comment to the third party to ensure that the University's legal position and insurance policies are not compromised.

24. Overseas Activity

24.1 No Department may enter into any arrangements for activity outside the United Kingdom, unless the Director of Finance gives prior written consent, where this activity involves either or both setting up any establishment and employing individuals overseas. In giving such consent, the Director of Finance shall seek advice from the Legal Services Division and the Taxation Section. The Director may require that external advice is procured at the expense of the Department seeking to enter into such arrangements. Consent shall not be deemed to override the need to take all necessary advice and obtain any other approval from University bodies including the General Board.

I COMMERCIAL ACTIVITY

25. New Income Generation or Trading Activity

Apart from core teaching, research, and the organisation of conferences, when a new income-generating or trading activity is set up (whether in the UK or abroad), the Head of

- Department must consult the Taxation Section beforehand to consider the VAT implications and whether the activity constitutes trading which might be subject to Corporation Tax.
- 25.2 The Director of Finance may direct that transactions be undertaken through a University subsidiary company.

26. University Companies

- 26.1 No University company may be formed, or shares taken in any company (whether in the UK or abroad) for any purpose without advice from the Director of Finance and the prior approval of the Finance Committee, except when done through University of Cambridge Investment Management Limited for investment purposes or by Cambridge Enterprise in relation to the exploitation of intellectual property.
- 26.2 University subsidiary companies shall enter into and keep under review a memorandum of understanding with the University. Each company shall operate in accordance with such memorandum and within the framework provided by these Regulations, including the provisions regarding procurement, and any additional procedural requirements imposed by their boards.

27. Third Parties occupying University space

- 27.1 Heads of Department and ED shall maintain departmental and corporate registers of any third-party organisation occupying University space (Embedded Companies). Heads of Department shall also ensure that procedures are in place to regulate the presence of visitors to the Department, including the signature of visitor agreements as necessary.
- 27.2 Heads of Department shall in respect of Embedded Companies:
 - undertake financial and space cost benefit analysis for all new and (periodically for) existing Embedded Companies;
 - comply with Regulation 29;
 - take advice from ED and the Taxation section and seek permission from RMC as necessary
 - ensure that Embedded Companies comply with health and safety requirements;
 - use the University's standard terms and conditions for third party occupation where possible;
 - obtain evidence of Public Liability and employer's insurance annually; and
 - identify, and deal appropriately with, conflicts of interest.

28. Consultancy and Private Activity

- 28.1 When engaging in consultancy or other commercial activity in a private capacity, Staff must not hold themselves out as acting on behalf of the University, use University headed stationery nor (except in accordance with Regulation 29) use any University premises facilities or resources.
- 28.2 The University accepts no responsibility for any work done, advice given, or activity undertaken by Staff in a private capacity. Staff are reminded of the need to take out professional indemnity insurance for such work, advice, and activity and that they are responsible for all liabilities arising including as to tax. Staff who conduct work through

Cambridge University Technical Services Limited are insured under the University's insurance policies.

29. Non-University Activities – Use of Premises, Facilities etc.

- 29.1 Unless the Head of Department gives prior written consent and an appropriate contractual agreement with the University is put in place, non-University activities may not be carried out on University premises nor University facilities or resources used for such activities. Care is needed to avoid breaching any obligation of the University to a third party (for example in relation to use of computing facilities and software).
- 29.2 Heads of Department shall ensure that appropriate charges are made for the use of University premises, facilities or resources for non-University purposes (see Regulation 12).
- 29.3 The Director of the Estates Division must be consulted before making any arrangement (including leases or licences) for the use of any University space for non-University purposes. See also Regulation 27.

30. Intellectual Property

30.1 Intellectual property generated through University activities is governed by the Intellectual Property Ordinance graced on 12 December 2005.

J STAFFING

31. Salaries and Staff Appointments

- 31.1 All University employees shall have a properly authorised letter of appointment in the form approved by, or under, the authority of the Human Resources Committee. For the avoidance of doubt the term 'employees' includes temporary and casual workers.
- 31.2 The source of available funding to support the posts or post shall be identified before a member of staff is given a contract of employment.
- 31.3 The only payments which may be made to University employees are those in accordance with approved University salary scales and such other payments as have been specifically approved by the Human Resources Committee. Staff must follow the key principles and rules on expenses reimbursement as set out in the Employees Expense Policy.
- 31.4 Heads of Departments must provide the Payroll Section with and keep up to date a list (signed by the Head of Department) of persons authorised to sign salary documents for departmental staff paid through the payroll. Where the proposed signatory is not a University employee the approval of the Director of Finance is also required.
- 31.5 For all new employees the Head of Department or other authorised signatory shall ensure that the person is legally eligible to work in the UK. The Payroll Section will not add a non-EU citizen to the payroll unless it is clear that any necessary work permit has been obtained or that the immigration status of the person concerned does not require the University to seek permission for the specific employment proposed.

31.6 Individuals may not be paid as suppliers through CUFS unless the Taxation Section has given prior written consent including as to the contract terms used. ²

K PROPERTY

32. Property

- 32.1 The University's real property is governed by *Statutes and Ordinances* including the Sites and Buildings Regulations.
- 32.2 Departments may not acquire or dispose of real property without taking the advice of the Directors of Finance and of the Estates Division. See further Regulation 6.2.
- 32.3 The University's Taxation Section must be consulted about VAT and the tax implications of property acquisitions, disposals and usage.

33. Stores and Equipment

- 33.1 Stores and equipment shall be dealt with as set out in the *Financial Procedures Manual*. Assets bought with University income irrespective of the source of funding remain the property of the University until sold, gifted, or destroyed, unless contracts with external sponsors specify otherwise.
- Fixed asset registers must be maintained (with a minimum requirement for all items costing more than £5,000).
- 33.3 Heads of Departments shall keep full, proper, and correct records of stock. A full stock take must be performed annually between 1 June and 31 July in addition to any regular interim stock takes.

L AUTHORITY

34 Council Delegations and Directions

34.1 The Council hereby gives all delegations and directions contemplated by these Regulations.

35. Revision

35.1 Every three years, or more frequently if appropriate, the Director of Finance shall arrange for these Regulations to be reviewed and for proposed changes to be submitted to the Finance Committee for onward recommendation to Council and adoption by Council Notice.

² See the FD3 process at www.finance.admin.cam.ac.uk/finance-staff/tax/fd3-employment-status-referral-form https://www.finance.admin.cam.ac.uk/finance-staff/tax/fd3-employment-status-referral-form

M EXPLANATORY NOTE

- The University endeavours to conduct University Business in accordance with the Nolan Principles³:
- The Council is the principal executive body and policy making body of the University. The Council has general responsibility for administration, planning of work, management of resources and general supervision of finances. It has the authority to take legal advice and conduct proceedings on behalf of the University. The Council and its Finance Committee exercise the University's powers of investment subject to certain restrictions. The Council has responsibilities in relation to the care, management, and maintenance of property.
- The Vice-Chancellor has the customary rights and duties of the office⁸ and is the designated officer responsible to the Public Accounts Committee.
- Pro- Vice-Chancellors perform duties as prescribed by Statutes and Ordinances, the Council
 or the Vice-Chancellor.⁹
- Heads of University Departments and Secretaries of Faculty Boards have financial responsibility under Statutes and Ordinances and are accountable for the proper application of funds.¹⁰ Heads of other institutions are similarly responsible under particular provisions of Statutes and Ordinances.
- Acting Heads of Department may be appointed during a vacancy and count as Head of Department. The General Board appoints Deputy Heads and defines their duties and powers.¹¹
- The Registrary is the principal administrative officer of the University under the direction of the Council and is the head of the Unified Administrative Service.¹²
- The University Offices form the Unified Administrative Service under the supervision of the Council and are organised in Divisions. 13
- Special Ordinance A(viii) 4 provides for delegation by any University body to any committee or University officer (including in relation to finance) subject to *Statutes and Ordinances*.
- The Audit Committee has responsibilities under *Statutes and Ordinances*. The University's internal and external auditors have unrestricted access to all records, assets, personnel and

⁹ Statute C III 17.

³ See the University's Corporate Governance Statement, annexed to the University's Annual Reports and Financial Statements. Footnote 2

⁴ Statutes A IV 1, A VI 1(a), C I 1(c) and F I 1(a).

⁵ Ordinances Chapter I, The Council, Legal Powers.

⁶ Statute A II 6(b) and Ordinance Ch XIII, Financial Matters, Regulation 6.

⁷ Statutes A II 3 and F II 2-3

⁸ Statute C III 3.

¹⁰ Statute A V 17(c).

¹¹ Ordinances, Chapter IX, Departments and Heads of Department, Regulations 4 and 5.

¹² Statute A V1 1

 $^{^{13}}$ Ordinances, Chapter XI, Special Regulations for University Officers, Unified Administrative Service, Regulations 1 & 2. Footnote 12

premises and the right to obtain such information and explanations as they consider necessary. The OfS, Research England, HEFCE, HM Revenue and Customs, and others may also have the right to audit University Business.

- The purpose of the EU Public Procurement Directives and implementing UK Regulations is
 to encourage competitive tendering for public contracts throughout the European Union. The
 Council, on the advice of their Finance Committee, reviews and confirms annually whether
 the University remains outside their scope. The Council intends that the University's
 procurement procedures should continue to follow the good practice set out in the
 Regulations.
- In addition to compliance with Financial Regulations Staff must also comply with the requirements of *Statutes and Ordinances* and the Sites and Building Regulations.
- Ethical guidance on acceptance of donations and the provisions for acceptance of donations by or with the authority of the Vice-Chancellor are set out in Ordinances.¹⁴

¹⁴ Ordinances, Chapter XIII, Council Notice: Ethical Guidelines on the Acceptance of Benefactions.

SCHEDULE 1- COMPETITION PROCEDURES

Consult Schedule 2 for the meaning of all words beginning with a capital letter.

In particular the contract value must be calculated per the definition of Total Value.

Total Value	Procedure for inviting offers		
(before VAT)	Framework Contracts	Marketplace	Other purchases
<£5,000	Follow procedures recommended by Procurement Services for the contract.	Only the price from the Marketplace is required.	Written price confirmation.
£5,000- £25,000			Three Written Quotes.
>£25,000 - £50,000		Three Written Quotes or three Written Proposals, depending on complexity, risk and value of the purchase (see the guidance in Procurement Procedures).	
>£50,000	Three Tender Submission		ilssions.
>£100,000	Procurement Services most appropriate proc	s must be consulted/involved and agree the curement method.	

Notes

- 1. Competition procedures are applicable unless a dispensation has been granted in accordance with Regulation 18.3. Non-exhaustive examples of when a dispensation might be appropriate are.
- Sole source supply necessary in the following circumstances:
 - technical compatibility e.g. upgrade to an existing solution or purchase of additional goods which must be compatible with existing goods;
 - protection of technical rights;
 - single provider (membership of a professional institute/proprietary training);
 - purchase of, or repairs to, goods or materials, including machinery or plant, available only as proprietary or patented articles;
 - the work to be executed or the goods/services to be supplied constitute an extension of an existing contract where a change of supplier would cause:
 - o disproportionate technical difficulties;
 - o diseconomies, or
 - o significant disruption.

- Other reasons might include:
 - a one-off, unique opportunity which offers significant value;
 - extreme urgency, which was unforeseeable and is not attributable to the requester and which precludes the invitation of quotations or tenders.
- 2. The expectation is that, where the required goods are available, purchases up to £25,000 will be made via the Marketplace or under a Framework Contract. Other offers should not be sought, unless better value can be achieved elsewhere, in which case Procurement Services must be notified so that any price discrepancies and inclusion of the supplier on the Marketplace can be explored.

SCHEDULE 2 - DEFINITION, ADVICE AND GUIDANCE

Definitions and Interpretation

Bribery As defined in the University's Policy against Bribery and Corruption.

Certifying Completion of Procurement Services' on-line dispensation form.

Construction Related

Procurement

The procurement of goods or services which could not be procured separately from the construction or alteration of a building (for example lift maintenance, the procurement and installation of equipment including

air conditioning are not Construction Related Procurement).

CUEF The Cambridge University Endowment Fund in which the main

University endowments are pooled.

CUFS Cambridge University Financial System.

Department, Head of

Department

As defined in Regulation 4.1

Deposit Account A University wide facility that allows Departments to invest surpluses.

ED The University's Estate Division

Embedded Company A third-party organisation (often but not always a company) occupying

University premises or whose employees' normal place of work is on University premises, other than as temporary visitors or to provide

services to the University.

Environmental

Sustainability Policy

As published from time to time by the Council 15

Framework Contract Any framework contracts approved by Procurement Services.

Fraud As defined in the University's Policy against Bribery and Corruption.

Investment Board The board which manages for the University the investment of the

CUEF.

Leasing A third party (including a supplier or a finance company) makes

available for the University's use assets owned by the third party (ownership never vests in the University), for which a rental payment is made for a period of use; as distinct from an arrangement which amounts to borrowing to fund the possible acquisition of assets.

Marketplace Any supplier catalogue or process for obtaining offers which is made

available electronically through CUFS.

¹⁵ www.environment.admin.cam.ac.uk/files/environmental sustainability vision policy and strategy for web.pdf.

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Nolan Principles The seven principles identified by the Committee on Standards in Public

Life.

Planning and Resources

Committee

Planning and Resources Committee of the Council and the General

Board.

Procurement Services The University's Procurement Services section of the Finance Division.

Procurement Procedures The guidance and model documents on procurement in the Financial

Procedures Manual or published on the Procurement Services web

pages.

Proposals Bona fide, comparable Written bids submitted by a specified date (the

Procurement Procedures provide sample documentation).

Quotes Bona fide, comparable Written quotations (the Procurement Procedures

provide sample documentation).

Staff All employees, including temporary and casual workers, irrespective of

whether their appointment specifically includes financial responsibilities and however their employment is financed: together with anyone else who has any responsibility for the administration, management or expenditure of any University Income or conducts any University

Business.

Tender Submissions Formal tender documents submitted by suppliers in response to an

Invitation to Tender.

Total Value The contract value or estimated value as follows:

(a) fixed period contract - the total price to be paid or which might be

paid, during the whole of the period;

(b) recurrent transactions for the same type of item - the aggregated

value of those transactions in the coming 12 months;

(c) uncertain duration - monthly payment x 48;

(d) feasibility studies - value of the follow-on scheme;

(e) the aggregated value of separate contracts meeting a single

requirement.

University The Chancellor, Masters and Scholars of the University of Cambridge.

University Business University business which has a financial impact.

University Income All monies, regardless of source or purpose, which are due or paid to

the University or made available to individuals because of their

association with the University, including donations.

Written In writing, including submission by fax or email or using web tendering

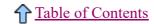
facilities provided by the University.

Terms are to be understood as used in *Statutes and Ordinances* unless the context of the Regulation requires otherwise.

Words preceding 'include', 'includes', 'including' and 'included' shall be construed without limitation by the words which follow those words.

Further Guidance is contained in:

- the Financial Procedures Manual;
- Web pages of:
 - o Finance Division (including Procurement Services and Insurance);
 - Research Operations Office;
 - Human Resources Division;
 - o Governance & Compliance Division (Information Compliance Office);
 - University Information Services;
 - o Legal Services Office; and
 - o Cambridge Enterprise (for Cambridge University Technical Services Limited).



The authority of the officers to conduct legal proceedings: Notice

7 December 1998

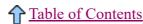
The Council have considered the remarks made at the Discussion, held on 17 November 1998, of the following topic of concern to the University: the ruling, made by the Vice-Chancellor's deputy appointed to consider a recent representation under Statute K, 5, which relates to the authority of the officers to conduct legal proceedings (*Reporter*, p. 190).

The Council wish to clarify their position on a number of matters of general principle. They do not believe that it would be helpful to comment on questions on which individuals are currently in dispute with the University, except insofar as this is necessary to illustrate a general point.

- 1. Dr Edwards argued that the regulation governing the Council's legal powers (*Statutes and Ordinances*, 1998, p. 120) should be construed as meaning that no body other than the Council is empowered to undertake legal proceedings on behalf of the University (except, of course, bodies which are explicitly so empowered by Statute or Ordinance). The Council agree with Dr Edwards that the circumstances of the enactment of this regulation in 1968 clearly indicate that this was the intention behind it. However, this has no bearing on the propriety of delegation by the Council to its officers. The Vice-Chancellor's deputy indicated in his ruling that it has been settled practice for many years for the principal officers to undertake legal proceedings, acting as delegates of the Council, and that there is no impropriety in such delegation.
- 2. While it would be open to them to do so, the Council do not propose to withdraw the authority exercised by their principal officers in this way. They agree with the point made by Professor Mellor that the good order and management of the University depend on such arrangements and would be prejudiced if the officers' ability to act in individual cases, particularly those involving matters which are personally sensitive for individuals, required the specific authority of the Council.
- 3. The Council wish to make clear that officers on the staff of the Old Schools have customarily reported to the Council any significant legal matter affecting the University. That they have not advised the Council of every legal matter reflects the enormous range of legal advice and action in which an organization as large and complex as the University inevitably finds itself involved. However, to ensure that the officers have a proper framework within which to act, the Council approved new procedures during 1997-98 under which responsibility for these matters is exercised through the Registrary, reporting to the Executive Committee, which is a statutory committee of the Council (Statute A, V).
- 4. Statute K, 5 provides for a representation to be made to the Vice-Chancellor by anyone who believes that there has been a contravention of the Statutes or Ordinances. On this occasion the Vice-Chancellor, as he was entitled to do, referred the representation from Dr Griffin to a deputy, who inquired into the matter and declared that there had been no contravention. The deputy was acting for the Vice-Chancellor, and in reaching this conclusion he was therefore taking a decision on a question which had been remitted to him; he was not reporting to the Vice-Chancellor on a matter on which the Vice-Chancellor was to take action. The Council do not accept Professor Dumville's interpretation of the deputy's status in acting for the Vice-Chancellor; they wish to clarify their position on this important issue.
- 5. Statute K, 5 further provides that: 'if they are dissatisfied with [the Vice-Chancellor's] decision, any fifty members of the Regent House may within one week appeal in writing to the Chancellor, whose decision shall be final. If there is no such appeal, the decision of the Vice-Chancellor shall be final.' No appeal was made against the decision of the Vice-Chancellor's deputy either in respect of the matter raised by Dr Griffin or in respect of that raised earlier by Dr Evans. Accordingly, the decision is final. Nevertheless, the Council reiterate that they have introduced, through the Registrary, arrangements to ensure that they are properly informed about such matters.
- 6. The finding of the Vice-Chancellor's deputy that it is 'reasonable and generally recognized usage of the University for contracts of employment in respect of General Board institutions to be made by, and where necessary terminated by, the Secretary General' has been taken out of context in the remarks made by Dr

Evans and Professor Dumville. It is clear that the Vice-Chancellor's deputy was dealing with a specific allegation. In that context he found that it was a necessary incident of the making or termination of contracts for the principal officers to defend legal proceedings, to make final offers of settlement, and to agree terms as well as to incur reasonable expenses. It was not said in the ruling, as alleged by Dr Evans, that 'the Registrary and the Secretary General and other Administrative Officers really can hire and fire at their own discretion'. Although they have the power to make and terminate contracts, their discretion has to be exercised in accordance with the Statutes and Ordinances of the University, including Statute U, and with the terms of individual contracts of employment and the recognized usages and practices of the University.





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Chapter 3: Code of Practice for members of the Council

Introduction

- 1. This Code provides advice and guidance to members of the Council about their legal and other responsibilities, and about the conduct of members in meetings and otherwise in dealing with Council business, and in acting as members of the Council. It is re-adopted annually and published on the Council website as part of the Council Handbook.
- 2. In some respects aspects of the Code are binding on members of the Council, because they derive from obligations binding on all members of the University, or binding on individuals acting in managerial or governing capacities within organisations such as the University, under the ordinary law including Charity law. In other respects the Code is advisory, but members of the Council are expected to follow it.

The Code of Practice

- 3. Members of the Council must abide by the law relating to Charity functions, to persons in fiduciary positions, and by the Statutes, Ordinances and Orders of the University, so far as the Ordinances and Orders are consistent with the statutory responsibilities of the Council.
- 4. Members of the Council must satisfy the <u>fit and proper persons criteria</u> as set out by the Office for Students (OfS) Regulatory Framework to be eligible to act as a charity trustee. Members are required promptly to <u>notify the Registrary</u> (or, in her absence, <u>the Director of Governance and Compliance</u>) concerning any relevant changes in circumstances in this regard during their term of appointment.
- 5. The proceedings of the Council are regulated by standing orders, adopted by the Council and revised from time to time (see <u>Chapter 4 of the Handbook</u>).
- 6. In addition, there are conventions applying to the conduct of members of the Council:
- a. Members of the Council should address themselves to the interests of the University as an institution, having proper regard to their own particular knowledge of particular activities, domains, or institutions in the University (for example, as a student, as a College Tutor, or as a head of a University department).
- b. Members of the Council must declare any personal or prejudicial interest in any matter before the Council, either at a meeting, or by circulation; a member of the Council wishing to remain for the discussion of that matter at a meeting must abide by the decision of the chair of the meeting (or in the case of business being conducted by circulation by the signatory of the circular) as to whether the member remains at a meeting and as to whether

the member may take part in deliberation on the matter. Normally, a member of the Council who has an interest in a matter dealt with by circulation should not sign a Report, or should sign with a note indicating that they have declared an interest. These matters are regulated also by standing order. For registration of interests see also (h) below.

- c. Members of the Council should not, in debate, impugn the integrity of University staff, misrepresent the motives of members of the Council, or personalise onto the Vice-Chancellor decisions which were those of the Council collectively, even if arrived at by a majority decision.
- d. Statute A X 4 provides that Reports shall be signed by members of the reporting body who agree with the Report. A member of the Council who fundamentally disagrees with a decision of the Council, for example with a particular recommendation of a Council Report, would not normally sign the Report (or if disagreeing in part could sign subject to a note of partial dissent). A member of the Council who disagrees sufficiently strongly may wish to make an explicit statement of dissent. A member of the Council who only has reservations in minor respects with a proposal may wish to sign without a note of dissent.
- i. Members of the Council who are appointed by it to serve as such on other bodies, e.g. the General Board or the Finance Committee, serve fully as members of those bodies, but should also explain the Council's view at them, even if they do not entirely or wholly share it. When appropriate they should report the views of the other bodies to the Council, even if they do not agree with them.
- ii. Members of the Council who are appointed by it to serve as such on committees of the Council itself, or joint committees of other bodies, should similarly explain the view of the Council and as necessary report back.
- e. As the charity trustees of the University (in other words of the corporation constituting the University, which does not include the Colleges) members of the Council owe fiduciary duties to the University and must set aside personal interests in dealing with University affairs.
- f. Members of the Council who need to discuss any matter arising from the code of practice or other conventions or requirements affecting membership should consult the Secretary of the Council (the Registrary or in her absence the Director of Governance and Compliance), or in cases of sufficient importance the Chair of the Council (the Vice-Chancellor). They should normally abide by the advice given. If they are unable or unwilling to abide by the advice they should explain to the officer giving their reason, and indicate at the relevant meeting, or in connection with any views expressed in writing or by

circulation, their reasoning. The officer may need to report the matter to the Council for decision.

- g. Members of the Council must record their material and other personal interests which could be considered prejudicial to their role as a member of the Council in the annual declaration of interests form. A summary of these interests is published on the Council's website. Declaration of interests in relation to the agenda other than those already declared in the register of interests, should be noted at the start of each meeting, even if they have been previously declared (see (b) above).
- h. In the absence of specific authority, members of the Council have no power as such to act on behalf of the Council or the University.

Seven principles of public life (the 'Nolan' principles)

- 7. Members of the Council should have particular regard to the <u>seven principles of public life</u> as identified by the Nolan Committee on Standards in Public Life:
- a. **Selflessness:** Holders of public office should act solely in terms of the public interest.
- b. **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- c. **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- d. **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- e. **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- f. Honesty: Holders of public office should be truthful.
- g. **Leadership:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Open letter to the Vice Chancellor of the University of Cambridge

Dear Vice-Chancellor,

We are writing to express our grave concern over the University's application to the High Court for an injunction aiming to prevent "trespassing" at Old Schools, Senate House, Senate House Lawn and Greenwich House through a court order threatening members of the University community and others with imprisonment, fines or the seizure of their assets for taking part in protests or direct action related to "the Palestine-Israel conflict" either on this land, or on the street outside.

We note that the application to the court is made in the name of the "Chancellor, Masters and Scholars of the University of Cambridge" and wish to state publicly and clearly that you are not acting in our name in preparing such an assault on freedom of expression. Rather, this injunction runs contrary to the collective rights and interests of the University community as a whole to debate, assemble and protest in order to hold those in authority to account.

In addition, the creation of special repressive powers targeted at protests related to the "Palestine-Israel conflict" is inherently discriminatory and unfair, and will disproportionately affect Palestinian and pro-Palestinian students and staff. The fact that you are seeking an injunction which will be in force until 2030, two years after current first year undergraduates have completed their degrees, threatens the rights of future cohorts of students to act in accordance with their beliefs.

We wish to remind you that the demands raised by students in solidarity with the Palestinian people have wide support from members of the University community. These include thousands of staff, students and alumni who have signed <u>public statements</u> in support of the demands of the encampment for Palestine and hundreds who have regularly taken part in protests in these exact locations as part of an ongoing campaign calling on the University to divest from companies and institutions complicit in violations of international law and crimes against humanity in Gaza and elsewhere.

Yet under the terms of the injunction as drafted by your administrators, the presence of even a small gathering outside Old Schools or Senate House in order to hand in a petition might be considered in breach of the court order if it "slowed down" access to the land in question. If a graduating student decided to hold up a Palestinian flag or revealed a placard during a Degree Congregation they could be sent to jail or face the seizure of their assets.

This kind of authoritarian reflex has no place in the governance of a University, which by its nature must be a space where dissenting opinions can be expressed without fear of heavy-handed repression. The freedom to question the decisions of the powerful and challenge injustice is an essential component of academic freedom - without it, the Congregations you claim to be protecting from "disruption" and "trespassers" risk becoming a meaningless charade.

We call on you to withdraw this injunction and reaffirm the University's commitment to protect the freedom of speech and assembly of its members.

A published copy of this letter can be found here: https://cambridgeunistaff4palestine.substack.com/p/open-letter-on-the-university-of

This copy includes the names of all signatories, including those who opted to keep their signature private.

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Mr Seng Ong

Ms Kate Ortizwin

Dr Rhiannon Osborne

Mr Eren Ozturk

Mr Sam Pallister

Jun Pang

Dr Kurien Parel

Mr Alexander Parnham-Cope

Mr Joseph Pearce

Miss Joyce Pereira

Dr Javier Pérez-Osorio

Emma Phillipd

Miss Savannah Phillips

Ms Lydia Phillips

Dr Hannah Piercy

Dr. Alejandra Pizarro

Dr Tom Price

Mr Matthew Price

Dr Ben Pritchett

Miss Hannah Purnell

Dr Sarah Pyke

Dr Dena Qaddumi

Mr Yahya Qadri

Ms. Janna Ramadan

Miss Nusrat Razzaque

Abigail reeves

Dr Saif Rehman

Alex Rhys Wakefield

Cleodie Rickard

Mr Alan Robson

Khem Rogaly

Dr. Olivia Rosane

Ms Katrina Rose

Mr Mahmoodur Roshid

Mr Noah Rouse

Ms Alex Rowe

Dr Roan Runge

Professor Kanchana N Ruwanpura

Georgia Ryan

MS CLARE SAMBROOK

Kiara Sarronwala

Mr Daniel Selwyn

Miss Aahna Shah

Dr Arianne Shahvisi

Miss Zahra Shaikh

Ruweyda Sheik-Ali

Dr Elen Shute

Matilda Sidel

Jake Simms

Mx Scarlett Stevens

Dr Katie Stone

Ms Stella Swain

Miss Sasha Swift

Miss Mahnoor Syed

Ms Maariyah Syeda

Mrs Michele Tallack

Ms Rosa Thomas

Hanna Thomas Uose

Mr Simon Timmins

Dr Laura Tisdall

Professor Kate Tunstall

Charis Umerah

Mr. Colin Vaida

Dr Graham Van Goffrier

James Vincent

Aleksandra Violana

Dan Rhys Wakefield

Ms Hannah Walsh

Mr Ben Ward

Ms Natasha Wardle

Miss Alice Warrington

Mr William Wearden

Me Robin Webber

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