

## 1. THE BY-LAWS

1. These by-laws are made pursuant to Statute I, Clause 8, of the Statutes of the College which were made on 12 April 2017.
2. The by-laws are to be interpreted and applied in accordance with the general law and the statutes of the college, and, in accordance with these, so as best to facilitate the responsibility of the college to foster learning and understanding, personal development, and mutual respect for and support of all members of the college community. The Governing Body and its individual Members, Fellows not members of the Governing Body, Officers of the College, and Committees and sub-Committees of the Governing Body, to whom are entrusted powers and duties, shall apply and discharge them even-handedly, and with particular regard to the provisions of the Equalities Act 2010.
3. Members of the Governing Body shall exercise their powers and discharge their duties with particular regard to their status as trustees of a regulated charity.
4. A by-law, or provision in a by-law, may be made, rescinded, varied or departed from only at a Meeting of the Governing Body. Such action may be taken if notice of the proposal to do so was given in the agenda for a Meeting of the Governing Body. However, a by-law, or a provision in a by-law, may be made, rescinded, varied or departed from at a Meeting without such prior notice if the Meeting has present at it at least one-half of the members of the Governing Body and a decision so to do is reached by a majority of those present and voting.
5. On matters on which a by-law was required by the Statutes to have been made by the Governing Body, but where it appears that no such by-law has been made, the matter may be disposed of in accordance with the general principle set out under point 2 of this by-law, and the Secretary of the Governing Body shall draft a suitable by-law for adoption at the next Meeting of the Governing Body.
6. No act or decision of the Governing Body shall be called into question by reason only of any incompatibility with these by-laws, or by reason of the absence of a by-law.
7. In these by-laws, except as appears below and save as the context otherwise requires, any reference to the Principal shall, in the event of their absence or inability to act, or if the office of Principal is vacant, be to the Vice-Principal or to a Pro-Principal, as the case may be. If neither the Principal nor the Vice-Principal is able to discharge their responsibilities under these by-laws, any reference in these by-laws to the Principal or to the Vice-Principal or to a Pro-Principal shall be to the senior Official Fellow present.

8. The Governing Body shall arrange for the by-laws to be reviewed from time to time. The Secretary to the Governing Body shall maintain a copy of the by-laws in their most current form and shall propose from time to time such amendments to the by-laws as may be necessary or desirable to ensure, to the extent possible, that the by-laws perform the purpose for which they are made and conform to the settled intentions of the Governing Body.
9. In these by-laws, except as appears below and save as the context otherwise requires, any reference to a period of 7 days or fewer includes Saturdays but does not include Sundays or public holidays. A reference to a period of 8 days or more includes Saturdays, Sundays, and public holidays.

## **2. MEETINGS OF THE GOVERNING BODY AND FELLOWS' MEETINGS**

1. This by-law makes further provision for the governance of the college by Meetings of the Governing Body. It is to be read, in particular, alongside Statute I, clauses 4 to 17.
2. There shall be at least three meetings of the Governing Body per term, upon such days as the Governing Body shall from time to time determine.
3. The Principal shall convene a Meeting of the Governing Body, except in the case of necessity, by written notice given at least 5 days prior to the Meeting. Such notice shall be sent to the e-mail address of the member in question and, unless they have stated in writing that it is not so required, be delivered in hard copy to the pigeonhole in the college lodge.
4. The Principal shall convene a Special Meeting of the Governing Body by written notice given at least 30 days prior to the meeting and delivered as set out in point 3 of this by-law. This notice shall indicate the reason why the meeting is to be a Special Meeting. Details of any proposed alteration of Statutes shall be circulated with the notice of the Special Meeting.
5. Matters assigned to a Special Meeting of the Governing Body by Statute I, clause 11, shall in all cases be placed on the Agenda of the meeting under the heading of Matters for Discussion. The Principal may assign to a Special Meeting such other matters as they consider appropriate.
6. The business to be taken at a Meeting of the Governing Body shall, so far as reasonably practicable, be sent to each member of the Governing Body at least two clear days before the day on which the meeting is to be held.
7. The Principal may in an emergency convene a Meeting of the Governing Body by an emergency notice. Such notice may take the form most suited to the circumstances

but must be written, must identify the business to be taken at the Meeting, and must be sent, as set out in point 3 of this by-law, at least one clear day before the day on which the Meeting is to be held. The first item on the agenda of such a meeting shall be the confirmation by the Governing Body that the notice was duly given and that the Governing Body is willing to proceed.

8. The Principal shall determine the business to be placed on the agenda for a Meeting of the Governing Body. Any member of the Governing Body may request that a particular item of business be placed on the agenda for the next Meeting and, if the Principal refuses so to do, may, at that Meeting, inform the Governing Body, or ask the Secretary to inform the Governing Body, that the Principal has so refused. On the request in writing of six or more members of the Governing Body the Principal shall place a particular item of business on the agenda for the next Meeting of the Governing Body.
9. The Agenda of a Meeting of the Governing Body shall be divided into categories of business which do require and do not require discussion by the Governing Body. Recommendations contained in items accepted without discussion shall be deemed to have been agreed to and approved by the Governing Body.
10. The minutes of committees, and other papers, which are to be taken as items of business at the Meeting of the Governing Body shall ordinarily be circulated to members of the Governing Body at least forty-eight hours prior to the Meeting. If they are circulated later than this they shall be not be taken unless the Meeting determines otherwise.
11. A committee, in its minutes sent to Governing Body, shall identify matters as being for discussion or decision. Those matters not so identified shall not normally be discussed by the Governing Body unless a Fellow has indicated both to the Principal and, where relevant, the Fellow responsible for an item of business at least twenty-four hours before the Meeting of the Governing Body their intention that the matter be taken as one for discussion.
12. Items of business considered by the Principal to be of proper concern to junior members shall be placed on the agenda of a Meeting of the Governing Body at a stated point early in the meeting. The Principal shall inform the Presidents of the Middle and Junior Common Rooms, who shall be entitled to be present during the discussion of such business.
13. Without prejudice to point 12 of this by-law, business arising from the minutes of committees shall be placed on the agenda before other items.
14. With the consent of the Governing Body, which shall be presumed unless the contrary is shown, the Principal may vary the order in which the business is taken at a Meeting of the Governing Body, but may not do so when the discussion of

controversial business would commence more than two hours after the hour stated for the commencement of a Meeting. Discussion of controversial business may be commenced more than two hours after the hour stated for the commencement of a Meeting unless a member moves to the contrary and the Meeting so determines before or after the said two hours have elapsed.

15. The Principal may refuse to receive motions that have been seconded only if they are of opinion that they are not fairly within the ambit of the business being disposed of. If the Principal does so refuse, a vote shall forthwith be taken to determine the view of the meeting on the relevance of the motion and if the meeting duly determines that the proposal is relevant the Principal shall receive the motion.
16. No member of the Governing Body shall be present for, or participate in, the discussion or disposal of any matter on which their personal or professional interests raise or may appear to raise the possibility of conflict with their duty to the College. It is the duty of each member of the Governing Body to observe this principle, and in the case of doubt to seek the opinion of the Governing Body. If the matter is not settled by agreement, the Governing Body may require a member to leave the room for the duration of the discussion and disposal of such matter.
17. Any two or more members of the Governing Body who are present at a Meeting of the Governing Body may require that any vote to be taken on a matter concerning the Principal or a Fellow or Lecturer of the College, or on the conflicting claims of two or more such persons, be by secret ballot. All elections to Fellowships shall, unless the Principal is of the opinion that there is no need, be made by secret ballot.
18. The Secretary shall send the minutes of a Meeting of the Governing Body to each member of the Governing Body within five days of the meeting. The Secretary shall, before so circulating the minutes, seek the Principal's agreement to content of minutes. If the Principal and Secretary disagree on their content, the minutes shall be circulated by the Secretary in the form approved by the Principal. Such minutes shall be approved with any amendments voted by the Governing Body and signed as correct by the Principal at the next Meeting.
19. The minutes of the Meeting of the Governing Body shall bear the date of their circulation. Unless the Governing Body has expressly determined otherwise, or unless two or more members of the Governing Body inform the Principal of their intention to challenge the substantial correctness of the relevant minute or part thereof, action to implement a resolution of the Governing Body is liable to be taken after three clear days have elapsed following the date upon which the minutes were circulated.
20. A proposal for a Decision of the Governing Body in either of the circumstances specified in Statute I, clause 17 shall be made by the Principal and the Vice-Principal acting together. The proposal shall be reasoned and made in writing



and sent to the members of the Governing Body. The manner in which the members of the Governing Body shall indicate their consent or disagreement, and the date on or before which they may do so, which shall not be less than 7 days from the date of sending the proposal, shall be set out plainly in the proposal for Decision when it is sent out. Any Decision taken in accordance with this procedure shall be effective, but the matter shall be placed on the agenda of the next Meeting of the Governing Body for report or for discussion as the case may be. For the avoidance of doubt, the power of the Governing Body to take a Decision otherwise than by being assembled in Meeting of the Governing Body is confined to the circumstances set out in Statute I, clause 17.

21. Agendas, minutes of committees and other papers shall normally be circulated electronically, and on paper to those Members of the Governing Body who have requested it.
22. The Vice-Principal or the Senior Fellow may, as occasion arises, and in any case at least once a year shall, convene a 'Fellows' Meeting' which may be attended by any member of the Governing Body except the Principal. Such meetings shall be for the purpose of discussion only, and shall have no powers to take decisions on behalf of the Governing Body. Minutes of such meeting shall not be taken.
23. When a Meeting or Special Meeting must be held by electronic means in circumstances which override Statute I.13, such as for the health or safety of the members of the Governing Body, the following procedures will apply. Notice for such a Meeting or Special Meeting will be sent by e-mail, without hard copies (cf By-law 2.3), and will include details of how to connect to the electronic meeting venue. Attendance for the purpose of quorum shall be taken by roll call. The first item of business will be to agree that the electronic venue is satisfactory for conducting the business of the Meeting. The procedure for voting will be set out by the Chair, keeping in mind that a secret ballot must preserve anonymity. Meetings interrupted by technical failure may be resumed within a half hour of the interruption, but, if not, may be considered adjourned. Notice to resume an adjourned Meeting will be sent by e-mail; and where a Meeting is adjourned for more than forty-eight hours, at least twenty-four hours' notice of the resumption will be given.

### **3. ELECTION, &c, OF THE PRINCIPAL**

1. This by-law makes further provision for the Governing Body to elect, pre-elect, re-appoint, and postpone the retirement of, the Principal. The Principal shall not be present at any Meetings concerning the election of their successor. It is to be read, in particular, alongside Statute I, clauses 33, 38, 42, and 43.
2. The procedure for the election of a Principal caused by the occurrence of a vacancy in the office of Principal shall be as follows.

3. The Vice-Principal shall notify all members of the Governing Body of the occurrence of the vacancy and shall as soon as practicable summon a Meeting of the Governing Body. At this Meeting, or if the meeting is adjourned, at the resumed meeting, the Governing Body shall appoint a day for the Meeting of the Governing Body at which the Principal will be elected. It shall also establish, in as much detail as it judges to be convenient, the timetable and procedure which it proposes to follow in the period leading up to Meeting of the Governing Body to elect a Principal; it shall set out this timetable and procedure in writing and send the procedural document which it has agreed to all members of the Governing Body.
4. The Governing Body may appoint external agents to assist it with the identification and investigation of candidates, and may invite a representative of such agents to advise it at a Meeting of the Governing Body. The Governing Body may appoint a committee or committees to discharge any part of the work of the identification and assessment of candidates, but all shortlisted candidates shall be interviewed by the Governing Body, and no candidate shall be elected as Principal who has not been interviewed by Governing Body.
5. On the day appointed for election of the Principal the Governing Body shall meet in the College. The procedure to be followed at the Meeting will be proposed by the Vice-Principal and approved by the Governing Body at the outset of the meeting. Voting shall be by secret ballot. The votes shall be given in writing to the Senior Fellow (excluding the Vice-Principal, who will chair the meeting) present, who shall act as teller. That person in whose favour an absolute majority of the Governing Body shall have voted shall be declared elected. If no person voted for has such an absolute majority, the voting shall be repeated until one person obtains an absolute majority. Where two candidates remain, and the votes of the electors are divided equally between them, the meeting shall thereupon be adjourned; and if at the resumed meeting the votes are again so divided, the Vice-Principal shall have a casting vote.
6. The Meeting to elect a Principal may be adjourned from time to time, other than as provided by point 5 of this by-law, by a vote of the majority of those present and voting. Where such a meeting is adjourned for more than forty-eight hours, at least twenty-four hours' notice of the resumption of such adjourned meeting shall be sent to every member of the Governing Body entitled to be present at such meeting.
7. The procedure for the pre-election of a Principal when a vacancy does not exist but is foreseen to arise shall be as follows.
8. The Vice-Principal shall inform the Governing Body of a foreseen vacancy in the office of Principal 18 months prior to the date on which it is foreseen that the

vacancy will arise, and shall as soon as practicable thereafter summon a Meeting of the Governing Body to consider whether to exercise the power to pre-elect a Principal.

9. If the Governing Body shall determine that the power to pre-elect a Principal is to be exercised, the meeting shall appoint a day and time for a further meeting to be held for such election. At such further meeting the procedure specified in points 3, 4, 5 and 6 of this by-law shall be followed as nearly as possible.
10. Should the office of Principal fall vacant before any such pre-election has been made, the procedure specified in points 4, 5 and 6 of this by-law shall be followed and the pre-election procedure abandoned.
11. The procedure for the re-election of a Principal who was appointed for a period shorter than that specified by Statute I, clause 38(1), shall be as follows.
12. The Vice-Principal may at any time before the expiry of two years before the end of the period for which the Principal has been elected summon a Meeting of the Governing Body to appoint a day and hour for a meeting to be held for the re-election of the Principal.
13. The procedure at the meeting to re-elect the Principal shall be as the Governing Body may determine, save that, if after six months the Governing Body has not voted to re-elect the Principal, the Principal shall be deemed to be not re-elected and shall hold office only until the date specified at his election.
14. The procedure for postponing the retirement of the Principal beyond the date fixed by the Statutes or the letter of appointment, as the case may be, and for which Statute I clause 38(3) makes provision, shall be as set out in Schedule 1 to these by-laws.
15. For the avoidance of doubt it is declared that no member of the Governing Body shall in any circumstances exercise their vote for any purpose connected with this by-law unless they are personally present at the meeting at the time that the vote is taken.
16. At every Meeting of the Governing Body at which a Principal is elected, pre-elected, or re-elected, the Governing Body shall make provision for the preservation of some adequate record of the election procedure. At this Meeting, if it has not already done so, the Governing Body shall determine what shall be done with the minutes of the meetings held to elect or to pre-elect the Principal.

#### **4. ELECTION TO FELLOWSHIPS**

1. This by-law makes further provision for the election of persons to the classes of Fellowship for which the Statutes make provision.
2. Any three members of the Governing Body, including the Principal, may propose that a person be considered for election to an Emeritus, Honorary, or St Edmund Fellowship.
3. The name of a person so proposed shall be sent in writing to the Principal together with a sufficient statement in support of the proposal. Each nomination and supporting statement shall be presented on a separate piece of paper. The Principal shall, on receiving such a proposal, refer it forthwith to the Academic Committee. The Principal shall also inform the Governing Body of the name of the person proposed and the names of the proposers, and invite any member of the Governing Body who wishes to comment on the proposal to do so in writing sent to the Committee, or to attend the meeting of the Committee, or both.
4. The Academic Committee shall meet, consider, and report on the proposal so referred to it. In the case of a proposal to elect to an Emeritus Fellowship, the Academic Committee shall report its view upon the question whether the service given by the individual to the College is such that election could fairly be considered appropriate, and it shall set out the grounds which it considers to justify that view. In the case of a proposal to elect to an Honorary Fellowship, the Academic Committee shall report its view upon whether, in all the circumstances of the case, such election would be in the interests of the College, and it shall report the grounds which it considers to justify that view. In the case of a proposal to elect (or to re-elect) to a St Edmund Fellowship the Academic Committee shall report its view upon whether, in all the circumstances of the case, the nominee has made a significant or sustained contribution to the college, be it through philanthropy or through activities that have benefited the life of the college, such that election could fairly be considered appropriate, and it shall set out the grounds which it considers to justify that view.
5. In each case the Academic Committee shall not simply adopt, without further statement of its own, the terms of the proposal.
6. No person shall be nominated for election to an Emeritus or an Honorary Fellowship or a St Edmund Fellowship otherwise than in accordance with this procedure. Save in exceptional cases no person shall be nominated for election to an Emeritus or Honorary Fellowship earlier than one month before they are to resign or retire from their Official Fellowship.
7. The Academic Committee shall in each Hilary Term review the lists of Emeritus, Honorary and St Edmund Fellowships, reporting to the Governing Body on the current numbers of such Fellowships and on any other matters that it may deem appropriate.

8. The number of Honorary Fellows (excepting from the count those who prior to election held the post of Principal of the college), should not normally exceed 40.
9. Proposals for Honorary Fellows may be made at any time, but will normally be considered only as part of a gathered field in the first Academic Committee meeting of Trinity term. When considering more than one nomination, Academic Committee should rank the candidates who are recommended for consideration by Governing Body. Candidates for nomination who are not selected in any one year may be retained on the 'longlist' of possible candidates for three years from original nomination. Thereafter, their reconsideration would require a new proposal.
10. No person shall ordinarily be elected to an Emeritus Fellowship before they have completed 15 years of service as both a Fellow of the College and a member of the Governing Body, save where that person is appointed to their Fellowship and membership of the Governing Body within 15 years of the age fixed for retirement, the ordinary period of service for the purpose of this by-law shall be 10 years.
11. Any three members of the Governing Body, including the Principal, may propose that a person be considered for election to a Professorial Fellowship under Statute I, clause 53(2), a Fellowship by Special Election, or a Visiting Fellowship.
12. The name of a person so proposed shall be sent in writing to the Principal. The Principal shall, on receiving such a proposal, refer it forthwith to the Academic Committee and inform the Governing Body of the proposal, the name of the person proposed and the names of the proposers and invite any member of the Governing Body who wishes to comment on the proposal to do so in writing sent to the Committee, or to attend the meeting of the Committee, or both.
13. The Academic Committee shall meet and shall report to the Governing Body on the proposal. Its report shall furnish the Governing Body with a reasoned case in support of its recommendation, and the Governing Body shall thereupon determine whether the person proposed be elected. No person shall be elected to a Professorial Fellowship under Statute I, clause 53(2), a Fellowship by Special Election, or a Visiting Fellowship otherwise than in accordance with this procedure.
14. Where the College is involved in the process for appointment of a person who will be appointed to a post in the University and elected as an Official Fellow, Professorial Fellow, Fellow by Special Election, or Research Fellow (which expression in these by-laws shall, unless the context otherwise requires, include Senior Research Fellows and Junior Research Fellows), the Governing Body shall appoint a committee, which shall include the Principal, or shall appoint members to the joint university/college committee, as the case may be, to supervise the arrangements for the Fellow's election. The members so appointed by the

Governing Body shall, where they are unanimous, have authority to give the in-principle approval of the Governing Body to the appointment proposed, but they must make it clear that the decision of the Governing Body to elect the Fellow shall be in accordance with Statute I, clause 46(1).

15. At least one full term before the Fellowship of an Official Tutorial Fellow falls due for renewal under the provision of Statute I, clause 52, the Principal shall bring their name before a meeting of the Academic Committee, and shall also inform members of the Governing Body in writing of the name of the Fellow and the date of the meeting. Members of the Governing Body shall address any observations in writing to the Principal, who shall bring them to the notice of the Academic Committee. The Principal shall inform the Committee of details of College offices held by the Fellow and of their service on College Committees, and, if it is available, shall supply a copy of the Fellow's report on the initial period of service to the relevant Faculty Board. The Senior Tutor shall report to the relevant Faculty Board upon the initial period of service; and shall report to the Academic Committee upon the Fellow's record of teaching for the College. The Academic Committee shall make a recommendation to the Governing Body about the renewal or non-renewal of the Fellowship.
16. The seniority of the Fellows of the College is determined by the date of their election. If more than one Fellow is elected at the same Meeting of the Governing Body, the seniority of such Fellows shall be determined at that Meeting. A person elected to a Fellowship (other than a Visiting Fellowship) who has previously held a Fellowship in the College which carried with it entitlement to or eligibility for membership of the Governing Body takes seniority for all purposes as if they had never ceased to hold a Fellowship in the College.
17. Emeritus Fellows and Honorary Fellows shall take their relative seniority from the date of their election as Emeritus or Honorary Fellows. In the case of two or more Emeritus or Honorary Fellows being elected on the same day the Special Meeting of the Governing Body shall determine seniority, except that no newly elected Emeritus or Honorary Fellow shall take precedence over one already elected.
18. Fellows who from the date of admission to their Fellowships are members of the Governing Body shall ordinarily make the Declaration required by Statute I, clause 47, to the Principal at the Meeting of the Governing Body next following the date of their election. Fellows by Special Election, Research Fellows or St Edmund Fellows who are not elected to immediate membership of the Governing Body shall ordinarily make the Declaration to the Principal before the first day of the Full Term next following the date of their election.
19. A Professorial Fellow shall on election to the Fellowship be invited to accept membership of the Governing Body by the Principal. The Fellow shall in writing



either accept the offer of membership of the Governing Body forthwith or defer their decision to accept. A decision purporting to not accept membership of the Governing Body may be rescinded by the Professorial Fellow on 30 days' notice, given at any time, provided that they remain otherwise entitled to membership of the Governing Body.

20. Research Fellows who wish their Fellowships to be renewed under the provisions of Clauses 58(1) or 60(2) of Statute I shall request the Principal in writing, at least six months before the expiry of their Fellowships, that the matter be considered by the Academic Committee. The Principal shall inform Research Fellows of this by-law on their election.
21. A Research Fellow, Fellow by Special Election, or St Edmund Fellow may be offered membership of the Governing Body at such time during their tenure as the Governing Body may decide.
22. The procedure for postponing the retirement of a Fellow beyond the date fixed by the Statutes or the letter of appointment, as the case may be, and for which Statute I clause 49(2) makes provision, shall be as set out in Schedule 2 to these by-laws.
23. A Meeting of the Governing Body under the provisions of Statute I, clause 70, shall be summoned by the Principal on being requested in writing so to do by any eight members of the Governing Body, who shall specify the reason or reasons why the Fellow concerned should be deprived of their Fellowship.

## **5. THE PRINCIPAL AND THE FELLOWS**

1. This by-law makes further provision for the terms on which the Principal holds the Principalship and Fellows hold their Fellowships. It is to be read alongside, in particular, Statute I clauses 32 to 41, and 44 to 70.
2. Official Tutorial Fellows shall receive such stipends from the College as the Governing Body shall from time to time determine. They shall be required to undertake teaching for the College during Full Term at such average number of hours per week as was specified in their initial contract of employment, and as may be subsequently specified by the Governing Body from time to time. Computation of the relevant number of hours may take into account not only actual hours but also the number of students participating in each tutorial. An Official Tutorial Fellow who falls below this number of tutorial hours shall take all reasonable steps to find teaching outside the College in order to make appropriate repayment to the College. The administration of these arrangements shall be in the hands of the Senior Tutor.



3. An Official Tutorial Fellow who receives no stipend from the College may receive payment at *per capita* rates for all teaching done for the College, and may, on the recommendation of the Academic Committee, receive an appropriate annual special responsibility allowance which shall take such form as the Academic Committee shall determine.
4. Official Fellows shall be entitled to a Housing Allowance in such sum as the Governing Body may determine. The Governing Body may allow an Official Fellow to rent College-owned accommodation, if such is available, for a period not exceeding three years, at the market rate. Tutorial Fellows shall be entitled to the reimbursement of expenses incurred on the purchase of books for teaching and research, other research expenditure, and for entertainment on behalf of the college, in such sum and on such conditions as the Governing Body shall from time to time determine.
5. The Governing Body shall, on a recommendation from the Academic Committee, have power to dispense the Principal or any Fellow or Lecturer of the College from discharging some or all the duties of or associated with their office.
6. In the event of the illness of a Fellow of the College who is also employed by the University, the College shall continue to pay stipend as long as entitlement to University stipend continues. In the event of the illness of the Principal or of a Fellow who is not also employed by the University, the College shall follow an analogous practice. Remuneration for college office shall not be treated as stipend for this purpose.
7. Subject to approval by the Academic Committee, the Official Tutorial Fellows shall have a right to sabbatical leave which shall be one term for every six terms of service. Qualifying service shall normally accumulate up to a maximum of eighteen terms, from which six terms shall be deducted whenever a term of leave is granted, although the Academic Committee may make an exception to this on sufficient cause shown.
8. Not more than three terms of sabbatical leave shall be granted in any one period of three years. The Academic Committee will normally require that an applicant shall intend to serve for at least one further term in respect of each term of sabbatical leave granted, before the effective date of their resignation or retirement.
9. Other Fellows who are entitled to leave from their University posts shall give the Governing Body reasonable advance notice of their intentions.
10. Unless the Governing Body shall expressly provide otherwise, a period of sabbatical or special leave shall begin from the first day of October, January, or April next before the first full term for which such leave is granted. It shall end on

the last day of September, December, or March next following the last full term for which such leave is granted.

11. The Principal and Fellows may apply for, and the College may grant, special leave. The College shall treat every application upon its merits, though it shall in all cases consider whether the application could or should more properly be dealt with as an application for sabbatical leave; in considering whether to grant special leave the Governing Body shall pay particular attention to matters of collegiate stability and tutorial continuity, and shall not act so as to permit applicants to acquire or indulge habits of absence. Subject to that, special leave shall ordinarily only be granted (i) to allow the applicant to fulfil a prestigious academic appointment, or (ii) for secondment to public service, or (iii) for some other secondment which is in the College's interest by virtue either of the distinction which it carries or of the academic content of the work involved, or (iv) for research activities which are in the College's interest by virtue of the distinction which they carry or by reason of the academic content of the work involved and where (in either case) the University has endorsed arrangements for the financing of or has provided buy-out funding to promote the research, or (v) to allow the applicant to take up a fully-funded research Fellowship equivalent to (i). Special leave shall ordinarily not be granted to take effect immediately upon the conclusion of a term, or terms, of sabbatical leave; special leave shall not be granted where its purpose is to allow the applicant to undertake teaching elsewhere. Special leave shall not ordinarily be granted unless no stipend is to be paid during the period of leave and the applicant is expected to return to College at the end of the leave, though if this would result in the college making a net financial gain while the person granted leave is financially worse off than they would have been if the leave had not been taken, the College may pay to the person to whom leave was granted a sum, not exceeding the said gain, which it considers to be just.
12. The Governing Body may agree to a request from the University that an Official Tutorial Fellow be bought out of their tutorial commitment on such terms and for such period as the Governing Body may determine from time to time, as recorded in the Governing Body minutes.
13. Terms taken as special leave shall count neither as terms of service towards, nor as terms against, entitlement to sabbatical leave. However, if special leave is granted for three terms or more, sabbatical leave shall ordinarily not be granted during the three terms following that special leave.
14. In exceptional circumstances the Principal may grant temporary leave of absence or dispensation from duties to a Fellow, Officer or Lecturer for a period up to the end of the term during which the grant or dispensation is made. They shall report the matter to the Academic Committee.

15. A term of service shall be any term during which the applicant has performed for more than four weeks the duties as Fellow, or if the Governing Body shall so determine as Lecturer, required by the College except that the Governing Body may disallow any term during which the applicant has been dispensed from the whole or part of their duties.
16. An applicant for sabbatical or special leave shall give to the Academic Committee a general description of how they propose to spend the leave and of what remuneration they expect to receive for any new appointment accepted or activity undertaken during their leave, and shall inform the Committee of the arrangements which have been or will be put in place to discharge the tutorial, admissions, and other usual duties of the applicant. The Academic Committee shall report on these matters to the Governing Body when making its recommendation.
17. If an applicant, after taking account of any loss of normal sources of income (but assuming for the calculation that they are in receipt of their full university salary and the regular college tutorial salary that they would normally receive) and of any gain of income from any new sources (less any additional expenses associated with new activities and taking into account of the University's guidelines on outside consultancy), is in a better financial position than if leave had not been taken, then they shall declare what sum would have to be deducted from their income so as to leave them approximately in the same financial state as if they had not taken leave. They will forgo, for the period of their leave, from their normal pensionable stipend and allowances such proportion of that sum as their college salary is (at the date of commencement of leave) of their combined university and college salary.
18. Any person granted leave or dispensation under this by-law shall at the conclusion of the leave or period of dispensation inform the Senior Tutor whether or not they are to forgo any part of their normal stipend as aforesaid and, if so, how much; and the Senior Tutor shall report to the Academic Committee the terms in which this has been done.
19. When the Principal or a Fellow is on leave, without loss of stipend, the College shall ordinarily continue to pay its contribution to any approved occupational pension scheme or health care scheme in respect of the leave-taker, and continue to pay such housing, entertainment and academic allowances as the leave-taker was entitled to receive immediately prior to the date of taking leave, unless the Academic Committee determines that some of those allowances should be transferred to a substitute employee
20. When the Principal or a Fellow is on leave and not receiving stipend, the College shall ordinarily suspend payments of its contribution to any approved occupational pension scheme or health care scheme in respect of the leave-taker. At the end of the leave, when stipend resumes, the College shall calculate

the amounts due for the period of leave for employer's and employee's contributions, for the Fellow to make payment if they so wish.

21. If two or more Fellows should seek leave for the same period, and it seems that their simultaneous absence would inconvenience the College, the Academic Committee shall make its recommendation to the Governing Body. In doing so it shall take into account former periods of absence granted under this by-law, or under any other power of the College.
22. An Official Tutorial Fellow of the College shall inform the Senior Tutor of any appointment to a Lectureship or similar appointment at another College.
23. Members of the Governing Body shall take all reasonable steps to avoid any conflict between their responsibilities to the college and any other responsibilities which they undertake.
24. The Principal, an Official Fellow, or Officer of the College, who wishes to accept any salaried appointment not connected with the College or any appointment not connected with the College which will occupy an average of more than half a day per week throughout the year, shall request permission from the Governing Body. Such permission may not be sought unless the person concerned is satisfied that no conflict is likely to arise between their duty to the College and the duties associated with the salaried appointment in question, and the person concerned shall when requesting such permission so declare in writing. Before granting such permission the Governing Body shall be satisfied that the appointment in question is compatible with the obligation to the College of the individual concerned, and shall cause such enquiries to be made of the person concerned as are reasonable to enable it to form a conclusion on the matter. Such permission need not be sought in respect of examining for other universities or for academic or professional bodies.
25. A Research Fellow may engage in teaching, but not ordinarily beyond six hours per week unless the consent of the Governing Body has been sought and given. Research Fellows are under no obligation to become members of the Governing Body or to serve on committees or undertake other administrative roles except as they relate to their general college contributions and specific research or teaching activity
26. The Principal's Lodgings shall be deemed to contain public and private rooms. The public rooms are: the Drawing Room, the Dining Room and the Study, together with the Hall and Stairway, the Pantry, and the Victorian Lavatory, though these are under the primary control of the Principal.
27. Official Fellows shall, to enable them to discharge their duties to the College, be provided with a room or rooms (which may be shared) in College. Fellows (other

than Official Fellows), Officers of the College who are not Official Fellows, and Lecturers may, at the discretion of the Governing Body, be provided with a room or rooms in College. The allocation of particular rooms in College shall, subject to the general direction of the Governing Body from time to time, be by the General Purposes and Bursarial Committee. Conflicting claims shall, unless the Governing Body shall otherwise decide, be settled by seniority.

28. The College shall be responsible for the decoration of all rooms in the College save only the private rooms of the Principal's Lodgings. The College may alter and decorate the private rooms of the Principal's Lodgings.
29. The College shall not, save in an emergency, commence a structural or decorative alteration affecting a room in College, including the rooms of the Principal's Lodgings, unless and until the Domestic Bursar has first ascertained the wishes in the matter of the Principal or Fellow or Fellows concerned, and has endeavoured (so far as is practicable) to meet those wishes.
30. No alteration or change of decoration affecting a room in College, including the public rooms of the Principal's Lodgings, shall be commenced without the Domestic Bursar having first been informed.
31. No alteration affecting the structure of any part of the College, including the Principal's Lodgings, shall be commenced without the permission of the Domestic Bursar having first been obtained.
32. Every Fellow provided with a room shall ensure that their room is kept reasonably tidy and suitable for the purposes for which it is provided. The Domestic Bursar shall, on giving reasonable notice, have the right to inspect the room of any Fellow, and the public rooms of the Principal's Lodgings; the Domestic Bursar shall inspect, or cause to be inspected, all premises, whether residential or business, owned by the College.
33. Common Table means the provision of lunch and dinner in Hall or, at the Domestic Bursar's discretion, in some other suitable place on each day in Full Term, and on each day out of Full Term save when the Governing Body has determined that the Kitchen be closed or that a particular meal or meals be not served.
34. Any person pre-elected as Principal, or to a Tutorial or Professorial Fellowship shall be entitled to Common Table from the date of their pre-election. A Fellow is entitled to Common Table upon such terms as the Governing Body may from time to time determine.
35. Each Fellow may take, at a cost determined by the Governing Body, breakfast served in the Senior Common Room or, at the Domestic Bursar's discretion, some

other suitable place save when the Governing Body has determined that the Kitchen be closed or that breakfast be not served.

36. The Finance Bursar shall, subject to the general direction of the General Purposes and Bursarial Committee, determine what constitutes a Domus expenditure. In the event of such a claim by the Finance Bursar, such determination shall be by the General Purposes and Bursarial Committee.
37. In addition to housing allowances, the College may reimburse the Principal, Fellows, Officers and Lecturers for sums expended by them in the discharge of their duties to the College. The Domestic Bursar shall, subject to the general direction of the Governing Body, determine which sums expended qualify for such reimbursement. In the case of an allowance provided for the Domestic Bursar, such determination shall be by the General Purposes and Bursarial Committee.
38. The Principal and Fellows are entitled to maternity and paternity leave in accordance with the practice of the University.
39. The procedures which regulate the operation of the provisions of Statute II, on redundancy, disciplinary procedure, dismissal, removal on medical grounds, appeals procedure, grievance procedure, and for the removal of the Principal from office, are set out in Schedule 3 to these by-laws.
40. The Governing Body shall establish procedures to monitor, and deal with problems revealed by monitoring, tutorial working conditions. The Procedures are set out in Schedule 4 to these by-laws.
41. In addition to the obligations referred to in point 2 of by-law 1, the Principal and each Fellow shall, to the extent that such provisions may be applicable to them, comply with the provisions of the College's policies as issued from time to time by the Governing Body, including the Policy on Harassment, Policy on Working With Children and Vulnerable Adults, and Code of Practice on Freedom of Speech.

## **6. COMMITTEES AND SUB-COMMITTEES**

1. This by-law makes further provision for the committee and sub-committee which the Governing Body may establish for the better discharge of its duties. It is to be read alongside, in particular, Statute I, clauses 18 to 20.
2. The Governing Body may appoint committees with such powers and members as it may determine, and may discharge such committees.



3. In the case of a proposal to commit the College to an expenditure which has not been approved in the budget or authorised by a resolution of the Governing Body, the committee of the Governing Body which is responsible shall, whenever it is practicable to do so, obtain the prior consent of the Governing Body. If it shall not be practicable to secure such prior consent the committee shall proceed according to the provisions governing exceptional cases and special need.
4. In the event of an actual or anticipated overspend of £25,000 or more (where such overspend is incurred or foreseen after any reallocation of budgeted sums) on a budgeted capital project, the appropriate Officer shall report this to the Finance Committee.
5. The standing committees of the College are the Nominating Committee, the Remuneration Committee, the General Purposes and Bursarial Committee, the Academic Committee, the Tutorial Committee, the Finance Committee, and the Development Committee. The Domestic sub-committee, the Wine sub-committee, the Garden sub-committee, the Health and Safety sub-committee, the Sustainability sub-committee, the Buildings sub-committee and the College and Welfare sub-committee report to the GPBC. The Investment sub-committee and the Wages sub-committee report to the Finance Committee. The Library sub-committee reports to the Academic Committee. The Financial Assistance Committee reports annually to the Governing Body.
6. The Nominating Committee shall have, in addition to the Principal and Vice-Principal (who is the Chair and the Secretary), three members who shall be members of the Governing Body whose ordinary tenure of membership shall be three years. The Governing Body shall ordinarily elect to membership and to reserve membership of the Nominating Committee at the last Meeting of the Governing Body held in a Trinity Full Term.
7. Unless the contrary be provided, the Nominating Committee shall nominate (a) members and reserve members of committees and sub-committees of the College, other than Junior Members of Committees (election to reserve membership shall be regarded as pre-election to membership for the following year); and (b) the Officers of the College other than the Vice-Principal, the Domestic Bursar and the Chaplain, provided it is the intention of the Governing Body that an office in the College that is vacant or due to become vacant shall be held by some person who is already a Fellow of the College; and (c) the representatives of the College on the Board of Electors to a Professorship allocated to the College; and (d) the representatives of the College on the joint university/college committee to appoint an Official Fellow, Fellow by Special Election, or Research Fellow; and (e) a Pro-Principal of the College. In nominating a Pro-Principal, the Nominating Committee shall meet jointly with the Academic Committee. All nominations made by the Nominating Committee shall be put to the Governing Body. In the event of



any other candidates being nominated in writing by at least two members of the Governing Body, an election by secret ballot should be held.

8. The Remuneration Committee shall be constituted and shall conduct itself in accordance with Statute I clause 19 and with the further provisions set out in Schedule 5 to these by-laws. Where they are in conflict, the specific provisions of Schedule 5 prevail over the general provisions of these by-laws applicable to committees and their procedure; but if the Remuneration Committee considers that Schedule 5 is in conflict with the Statutes it shall immediately draw this to the attention of the Governing Body and shall stay its proceedings until the matter is resolved.
9. The General Purposes and Bursarial Committee shall comprise the Principal, the Vice-Principal, the Finance Bursar, the Domestic Bursar (who is the Secretary), the Safety Officer, a representative from the JCR, a representative from the MCR, and such other persons as the Governing Body shall from time to time elect. It shall (a) make decisions or recommendations on any matter referred to it by the Governing Body; (b) allocate Fellows' Rooms; (c) make or cause to be made an annual inspection of a proportion of rooms in College and College accommodation, other than private rooms in the Principal's Lodgings; (d) take decisions or make recommendations on building works; (e) consider cases of Junior Members who have not paid their accounts: in serious cases the Committee may refuse to allow a Junior Member to return into residence, provided that it shall always report such action to the Governing Body; (f) review items that it is intended to submit to the Governing Body; (g) advise the Governing Body on all matters concerning safety, including compliance with legislation on health and safety; (h) despatch minor and uncontroversial business, either when there is a degree of urgency or when the Governing Body agenda seems likely to become overloaded: in so acting, it shall enjoy delegated powers from the Governing Body, provided that its minutes record its actions and the reasons for those action. Papers submitted to the Committee shall ordinarily be preserved in a file or folder that may be consulted by all members of the Governing Body.
10. The Academic Committee shall comprise the Principal, the Senior Tutor (who is the Secretary), the Tutor for Admissions, the Tutor for Graduates, the Tutor for Undergraduates, the Tutor for Visiting Students, the Library Fellow, the Finance Bursar, and at least two other Fellows whose ordinary tenure of membership shall be for three years. The Registrar shall attend. At least one representative each from the Junior and Middle Common Rooms may attend for unreserved business.
11. The Academic Committee shall have referred to it and shall consider (a) the admissions policy of the College, and (b) all matters relating to the provision of tuition and supervision for members of the College *in statu pupillari*, and (c) the creation of Official, Professorial, Research and Visiting Fellowships and Fellowships by Special Election. It shall not consider the recommendation of a

person for election save to a Professorial Fellowship under Statute I, clause 53(2), a Fellowship by Special Election, an Honorary Fellowship, or an Emeritus Fellowship.

12. The Academic Committee shall also have referred to it and shall consider (a) an application for leave of absence or dispensation from duties by the Principal or a Fellow, Officer or Lecturer, and (b) an application by a Research Fellow for suspension in their Fellowship, and (c) a reference made to it in matter provided for elsewhere in these by-laws, and (d) any such matter referred to it in its capacity as 'an Academic Disciplinary Committee' within the meaning of Statute II, and (e) the need to appoint, and the nomination jointly with the Nominating Committee of, a Pro-Principal together with the terms of any such appointment. On reporting to the Governing Body, the Committee shall not be required to explain in detail the reasons for its recommendations under this paragraph.
13. The membership of the Tutorial Committee shall consist of the Principal, the Tutor for Undergraduates (who is the Secretary), all Tutorial Fellows, and stipendiary and non-stipendiary Lecturers with sole organising responsibilities. The Registrar and the Bursars shall attend. The agenda for any meeting of the Tutorial Committee shall be sent in writing to each member of the Committee at least two clear days prior to the meeting. Items relating to the setting of penal collections or conditions, e.g. satisfactory performance in other collections that will, should they be breached, lead to the setting of penal collections, shall not be considered as items of Any Other Business.
14. The Tutorial Committee shall have referred to it matters solely or mainly of tutorial interest, and save as otherwise provided in these by-laws, it shall have the power of decision. It shall receive reports from Academic Panels and/or Fitness to Study Panels appointed under the procedure set out in the by-laws. It may decide to rusticate, suspend, send down or expel in cases in which that power is not delegated by the Tutorial Procedure Rules to an Academic Panel.
15. The Finance Committee shall comprise the Principal, the Vice-Principal, the Finance Bursar (who is the Secretary), the Senior Tutor, the Domestic Bursar and such other Officers of the College and Fellows as the Governing Body shall from time to time appoint. The ordinary tenure of membership shall, save for the Officers of the College, be for three years. The Finance Committee may of its own authority co-opt members or non-members of the Governing Body provided only that any such co-optation is reported forthwith to the Governing Body. The Finance Committee shall be assisted by the Investment sub-committee. The powers of co-optation referred to in these paragraphs may be exercised in respect of membership of the Investment sub-committee. The Finance Committee shall also be assisted by the Wages sub-committee, which shall make recommendations to the Finance Committee on staff wages, salaries and terms of employment, and shall ensure that an annual review is made of wages and salaries.

16. The Finance Committee shall (a) recommend changes in charges made by the College to members *in statu pupillari*, and (b) authorise expenditure of any sum or sums in excess of £5,000 but less than £50,000 not approved in budget, and (c) supervise the preparation of the management and statutory accounts and budget. The Finance Committee shall have responsibility (a) for the management of investments of the College, (b) for the purchases, sales, and leases of College property, (c) for matters relating to loans by or to the College, (d) for the review and presentation of the budget and accounts of the College, (e) for supervising the general income and expenditure of the College, and (f) for such matters as shall be referred to it by the Governing Body.
17. The Investment Sub-Committee shall have executive authority over day-to-day changes in the investments of the College, and shall make recommendations to the Finance Committee on all matters of policy. In cases of urgency the Finance Bursar shall, subject to the agreement of the appropriate advisor(s), also have executive authority over such day-to-day changes in college investments, provided always that they report such actions promptly to the members of the Sub-Committee and consults as widely as may be feasible before taking them. The Investment Sub-Committee shall report to the Finance Committee.
18. The Wages Sub-Committee shall comprise the Finance Bursar, the Domestic Bursar, the HR Manager/Officer, and three Fellows. It shall make recommendations on individual cases on the pay and conditions of non-academic members of staff by receiving merit-based proposals from the Domestic Bursar or HR Manager/Officer. The HR Manager/Officer shall maintain a confidential record of decisions.
19. The annual accounts shall be considered by the Finance Committee. They shall be circulated to all members of the Governing Body at least five days before the Meeting of the Governing Body at which they are to be considered, together with the Finance Bursar's analysis. The Finance Committee will circulate to all members of the Governing Body any comments on the accounts, in minutes of their meeting, at least five days before the said Meeting of the Governing Body. Members of the Governing Body shall where possible give reasonable notice to the Finance Bursar of any question on the accounts or the analysis of them to be raised at the Meeting. Where such notice is not given the Finance Bursar shall be at liberty to defer an answer until the following Meeting or, if the Governing Body be agreeable, to reply in writing to the questioners. Subject to these provisos, the accounts shall be treated as a matter of formal business.
20. The Development Committee shall comprise the Principal, the Vice-Principal, the Finance Bursar, one other member of the Governing Body, the Director of Development (who shall be Secretary), and two external persons both of whom shall be Aularians. The Committee shall serve as a forum for consideration of

development and the raising of funds, according to the agreed priorities of the Governing Body. It may make recommendations to the Governing Body on all matters relating wholly or mainly to development and the raising of funds, which it may raise propose for discussion on its own initiative. The Committee shall also consider such issues and perform such functions, whether general or particular, as the Governing Body may refer or assign to it, but it shall not have executive power or authority to act.

21. The Domestic sub-committee shall comprise the Domestic Bursar, representatives of the Junior and Middle Common Rooms, and such members of the Bursary team as shall be appropriate. The sub-committee shall consider all issues reasonably relating to domestic matters and issues connected thereto.
22. The Sustainability Sub-Committee shall meet once a term and shall consider matters relating to environmental impact and sustainability of the College's estate and its activities in the broadest sense, including but not limited to energy consumption, greenhouse gases, carbon use, and biodiversity. It shall report to the GPBC. Its members shall include the Principal, the Bursars, such other Fellows as the Governing Body shall nominate, the Estates Manager, JCR and MCR environment officers. Other members may be coopted providing this is agreed by the GPBC.
23. The Buildings sub-committee shall have oversight of all matters relating to buildings projects. All financial considerations of projects outside current agreed budgets shall be referred to the Finance Committee. The Buildings sub-committee shall comprise the Vice-Principal, who shall chair it, the Principal, the Bursars, such other members of the Governing Body as the Governing Body shall from time to time appoint, and whose ordinary period of service shall be three years. The Estates Manager, Deputy Estates Manager, IT Manager, and one representative from each of the JCR and the MCR shall attend. The Buildings sub-committee shall meet as required and no less than twice a term.
24. The Wine sub-committee shall supervise and control the purchase and sale of wine within the College, and shall make an annual statement of account which shall appear as an appendix to the annual Accounts of the College. The sub-committee shall have full executive authority over its day-to-day business, but shall make recommendations on all matters of policy to the General Purposes and Bursarial Committee. The Wine sub-committee shall comprise the Cellarer, the Steward of Common Room if they wish to serve, and such members of the Governing Body, as the Governing Body shall from time to time appoint, and the latter shall ordinarily serve for three years. The sub-committee may of its own authority co-opt one other member who need not be a member of the Governing Body, provided that it report this co-optation to the General Purposes and Bursarial Committee.

25. The Garden sub-committee shall have referred to it and shall consider all matters relating to the gardens of the College, and shall make an annual statement of expenditure to the General Purposes and Bursarial Committee. The sub-committee shall have executive authority over its day-to-day business, but shall make recommendations on all matters of policy to the General Purposes and Bursarial Committee. The Garden sub-committee shall comprise the Garden Fellow, who shall chair it, the Domestic Bursar, such other members of the Governing Body as the Governing Body shall from time to time appoint, and whose ordinary period of service shall be three years, the Estates Manager and the Deputy Estates Manager, and one representative from each of the JCR and the MCR. The General Purposes and Bursarial Committee may appoint up to two other Fellows to the Committee and shall report such appointment to the Governing Body.
26. The College and Welfare sub-committee shall consider matters referred to it by the Governing Body or by Junior Members of the College, and shall obtain the opinion of Junior Members on matters referred to it by the Governing Body or by any committee of the Governing Body. It shall consider matters relating to student welfare, and shall ensure that equality issues which are the responsibility of the College are appropriately addressed. It shall ensure that there are nominated advisers for cases of Harassment (including Sexual Harassment), and for students with disabilities, and that these advisers have the necessary training, and their contact details are well advertised. The College and Welfare sub-committee shall comprise the Principal, the Dean, the Domestic Bursar, the Finance Bursar, the Tutor for Graduates, the Tutor for Undergraduates, the Senior Treasurer of the Amalgamated Clubs, the Senior Welfare Officers, the Chaplain (who shall normally be the Secretary), the College Doctor, the College Nurse, the Head Porter, the Registrar, one member of the Governing Body whose ordinary tenure of membership shall be for three years, the Junior Dean, a representative from the University Counselling Service, the JCR President, Vice-President, and Welfare Officer, and the MCR President, Vice-President, and Welfare Officer. The sub-committee shall have no power to co-opt but may request the attendance of any Officer of the College and also representatives from a college annexe. No item of business involving responsibility of an Officer of the College shall be discussed unless the presence of the Officer in question has been requested; and no reference of any matter to, and no decision or recommendation of, the sub-committee shall limit the powers vested in, and the duties laid upon any Officer of the College.
27. The Library sub-committee shall consider matters relating to Library Provision. It shall comprise the Library Fellow, the Librarian (who is the Secretary), one Fellow from each of the three academic Divisions of which the Library Fellow is not a member, and one representative from each of the JCR and the MCR. It shall meet at least once per term and shall report to the Academic Committee.



28. The Advisory Panel on Harassment shall comprise the Harassment Advisors and Senior Member Harassment Advisors and shall upon request provide advice and support to its individual members, with due regard for confidentiality and in accordance with the wishes of any individual who has consulted it. The Panel may also at any time offer such advice or make such suggestions to College Officers, or to the Governing Body or its Committees, in light of any relevant by-laws. The Panel shall report annually to the Governing Body on, *inter alia*, the following of appropriate procedures concerning possible cases of harassment; the training of relevant personnel; the need for any changes in the College Harassment Policy and Procedures; and the number of persons who have sought advice from the harassment advisors in the year in question. The Panel shall elect one of its members as Chair, who shall ensure that College policy, and its relationship with and references to University policy be kept under review.
29. The Health and Safety sub-committee shall consider matters related to health and safety. It shall comprise the Domestic Bursar (chair), one other Fellow, the Estates Manager, Head Chef, Conferences Manager, Nurse, Head Porter, HR Manager, and one representative from each of the JCR and the MCR. It shall meet at least once per term and shall report to the General Purposes and Bursarial Committee, which has power to approve additions to the membership.

## 7. COMMITTEE PROCEDURE

1. This by-law makes further provision for the procedure which is to be followed by the committees and sub-committees established by the Governing Body.
2. Save as otherwise expressly provided, every committee and sub-committee of the Governing Body has authority to determine its own procedure in and on every matter on which these by-laws do not make express provision. In this Chapter of the by-laws, every reference to a committee shall apply, *mutatis mutandis*, to a sub-committee unless the context otherwise requires.
3. Each standing committee of the Governing Body may appoint time-limited sub-committees or working parties and may determine their membership and powers. A sub-committee appointed by a standing committee shall report to the committee which appointed it. The Governing Body shall be informed of the appointment of, the powers of, and the membership of a sub-committee.
4. Unless the contrary be expressly provided by these by-laws or by the Governing Body, membership of committee and sub-committees is restricted to those who are members of the Governing Body, save that a co-opted member of any committee or sub-committee reporting thereto may be a Research Fellow not on the Governing Body or an Officer who is not a Fellow of the College. Only those

persons who are members of the committee or sub-committee may vote on any decision or recommendation proposed to be made by the committee.

5. Save as provided elsewhere in these by-laws, each committee other than the Nominating Committee may co-opt up to two additional members of the committee provided that there is good cause for such co-optation, the co-optation is for a period not in excess of twelve months, and the co-optation is reported to the Governing Body and not annulled by it. A sub-committee of any committee other than the College and Welfare sub-committee may co-opt up to two additional members who are not members of the sub-committee provided that the provisions relating to co-optation onto committees are observed.
6. Each standing committee other than the Nominating Committee may invite, where appropriate, Junior Members to attend in a consultative capacity.
7. Unless the contrary is provided, the Principal (and, in the event of the Principal's foreseeable absence for a period of more than 14 days, the Vice-Principal) shall be a member of all committees.
8. Each committee shall appoint a Chair, and, if it wishes, a Vice-Chair. The Chair may be, but need not be, the Principal. In the absence of such a Chair, or Vice-Chair, the senior Fellow present shall take the chair. Save where it is already provided in this by-law, each committee shall also appoint a person to serve as Secretary.
9. Members of standing committees other than the Nominating Committee shall be appointed by the Governing Body on the nomination of the Nominating Committee. Members of *ad hoc* committees shall be appointed by the Governing Body at its discretion, with or without reference to the Nominating Committee.
10. The Governing Body may at any time terminate membership of a committee or sub-committee.
11. The tenure of membership of standing committees other than the Tutorial Committee shall ordinarily be from 1 October to 30 September in the appropriate years.
12. The Nominating Committee shall each year provide a reserve member for each standing committee, other than the Nominating Committee. The duties of a reserve member shall be to serve on the committee in the event of sabbatical leave or any unavoidable absence from a meeting or meetings of an elected member. Such a reserve member shall ordinarily be nominated to membership of the committee in question at the next vacancy.
13. In the event of a vacancy or impending vacancy in the membership of a committee other than the Nominating Committee, the Nominating Committee shall nominate



an eligible member of the Governing Body to fill, as soon as possible, that vacancy. The Nominating Committee may defer nominating to a vacancy in the membership of a committee but shall report to the Governing Body on so doing. Nominations to membership of the Nominating Committee shall be made to the Governing Body by the current, and immediately-past, Vice-Principal.

14. The Nominating Committee shall ordinarily present its nominations for the forthcoming academic year to the Governing Body by the eighth week meeting of each Trinity Term. It shall also report to the Governing Body at such other times as are necessary. Other candidates may, with the written support of two members of the Governing Body, be proposed, in which case election shall be made by secret ballot of the Governing Body.
15. Nominations by the Nominating Committee should be sent to each member of the Governing Body at least three days before the day of the Meeting of the Governing Body at which the nominations will be considered. Where there are no other candidates, the Nominating Committee's nominations shall be accepted without debate at that meeting unless a member of the Governing Body has given notice in writing to the Principal at least two days before the day on which the nominations are to be considered that they intend to oppose acceptance of the nominations or any part of them. A member of the Governing Body who so intends shall, in their notice to the Principal, specify the reason or reasons why the nominations or a part of them should not be accepted.
16. A Fellow shall be appointed or elected to membership of a standing committee for the ordinary tenure of membership for that committee save where the vacancy being filled is due to a cause other than retirement under the principle of rotating membership in which event they shall be appointed or elected for the period remaining of the tenure of the member whose place they are filling.
17. A member of a committee who wishes to resign from a committee before the expiry of their membership may do so, but shall inform the Principal in writing of that intention and the date from which they wish the resignation to be effective.
18. A member of a committee who is suspended in their Fellowship or who is granted leave of absence or dispensation from duties may, at the discretion of the Academic Committee, be required to resign from the committee.
19. The Secretary of each committee, acting in consultation with and with the approval of the Chair, shall, unless the committee otherwise determines, prepare the agenda for and summon the meetings of each committee. They shall also ensure that its minutes and (save in exceptional cases) working papers are preserved and held available for consultation by any member of the Governing Body.

20. The Principal may refer directly to a committee business which is within the general terms of reference of that committee, but any decision or recommendation of a committee on a matter so referred shall be reported to the Governing Body.
21. The Governing Body may request a committee to consider a matter outside its general terms of reference, but a committee which sees good reason not to consider a matter so referred may request the Governing Body to refer the matter to another committee or to an ad hoc committee.
22. A committee which wishes to make a recommendation affecting a matter within the general terms of reference of another committee may refer the matter to that committee.
23. In exceptional circumstances or other cases of pressing need, committees have the power to act on recommendations and decisions reported in their minutes provided that intention so to act is declared at the end of the committee minute, and that no objection shall have been received within three full days (excluding Sundays and public holidays) of the circulation itself. Such objection shall be made in writing both to the relevant committee chairman or College Officer and to the Principal. The relevant chair or College Officer may at their discretion delay implementation of a committee decision if objection is received after the three-day period has elapsed. The General Purposes and Bursarial Committee also has delegated powers to deal with minor business without invoking the 'three-day rule'.
24. Decisions shall be by a majority of committee members present and voting. Subject to the committee's being quorate, in the event of an equality of votes the Chair shall have a casting vote in addition to their ordinary vote.
25. Each committee may make a report whenever it deems it proper so to do. A committee shall report to the Governing Body when requested by the Governing Body so to do, provided that the committee is given reasonable notice.
26. Joint meetings of committees, or meetings of representatives of committees, may be held when determining matters of joint interest. Such meetings shall be a matter of standard practice only if the Governing Body is informed that such is the intention, and the Governing Body expresses its concurrence.
27. A committee shall have a quorum if twice the number of members present is not less than the number of the members of the committee.
28. Any member of the Governing Body may attend any meeting of any Committee of which they are not a member. They may participate in the discussion of matters before the Committee, but may not vote on any decision or recommendation proposed to be made by the Committee. Whether a non-member of the Committee is permitted to be present on the taking of a vote is a matter for the Committee.

## 8. OFFICERS OF THE COLLEGE

1. This by-law makes further provision for the officers of the college. It is to be read alongside, in particular, Statute I, clauses 20, 29, 44, 51, and 71 to 74.
2. Each Officer other than the Principal, the Vice-Principal, the Finance Bursar, the Domestic Bursar and the Chaplain shall, unless these by-laws otherwise provide, take office for a period of three years, at the conclusion of which period they shall be eligible for immediate re-appointment to it. The three-year period of office of an Officer who is suspended in their office or who is granted leave of absence or dispensation from duties may, at the discretion of the Academic Committee, be extended by a period equal to that for which they were suspended, granted leave of absence or dispensed from duties. An Officer appointed to fill a casual vacancy in an office shall be appointed for such a period as the Governing Body determines.
3. Unless the Governing Body shall determine otherwise, no Officer shall be appointed Pro-Principal without being suspended in their office for the period during which they are Pro-Principal.
4. The Vice-Principal shall be appointed from among the Official and Professorial Fellows who are members of the Governing Body in the order of their seniority as Fellows. The office of Vice-Principal shall be tenable for three consecutive years, at the conclusion of which period the office-holder shall not normally be eligible for re-appointment or for any extension the period of office. The Principal shall, during the Trinity Term before a Meeting of the Governing Body at which a Vice-Principal is due to be appointed, ascertain the wishes in this matter of the senior eligible Fellow. A Fellow who, being the senior eligible Fellow, wishes to defer acceptance of the office of Vice-Principal, may do so without losing their seniority for appointment to it if the reasons for wishing to defer tenure of the office commend themselves to the Academic Committee.
5. The Governing Body shall appoint one of its members to be Senior Tutor. It shall appoint from Fellows a Tutor for Admissions, a Tutor for Undergraduates, a Tutor for Graduates, a Tutor for Visiting Students, and a Library Fellow, each of whom shall perform such duties as it shall from time to time determine. The Senior Tutor shall be *ex officio* Secretary of the Academic Committee and shall be responsible for its business. The Tutor for Undergraduates shall be *ex officio* Secretary of the Tutorial Committee and shall be responsible for its business.
6. The Governing Body shall appoint from among the Fellows a Dean of Degrees who shall be responsible for the signing of Graces and the presentation of

candidates for matriculation and for degrees.

7. The Governing Body shall appoint one of its members to be Secretary to the Governing Body. The person appointed is responsible for the taking of minutes at meetings of the Governing Body. They shall take such steps as are practicable to ensure that minutes are kept of all college committees and sub-committees, and shall also hold and keep up to date a master copy of the Statutes and by-laws of the College.
8. The Governing Body shall appoint one of its members to be Senior Treasurer of the Amalgamated Clubs, who shall perform such duties as it shall determine. The person appointed shall be responsible for the day-to-day administration of the funds of the Amalgamated Clubs.
9. The Governing Body shall appoint a Safety Officer. The duties of the Safety Officer shall be to act as adviser to the College through the Safety Committee on matters of safety, and on behalf of the Governing Body to ensure the implementation of the current safety policy; and to produce a written statement of College safety policy and to ensure that it is adhered to.
10. The Governing Body shall appoint a Fire Officer, who shall be directly responsible to the Safety Officer, and through that person to the Governing Body. The duties of the Fire Officer shall be to supervise or arrange for the routine inspection and maintenance of fire- fighting equipment, fire escapes, fire detection/alarm systems, hydrants, and so forth, and to ensure the appropriate maintenance of fixed systems, such as sprinklers; and to ensure the posting of appropriate warning signs and notices; and to ensure that staff know where to find, and how to operate fire-fighting equipment; and to ensure that appropriate fire drills are carried out; and to liaise with College Officers and the local authority concerning fire regulations for new buildings and building modifications; and to maintain a record of all fires reported and to ascertain their cause; and to ensure that appropriate licences and fire certificates are obtained and their conditions are observed, particularly with reference to insurance.
11. The Governing Body shall appoint from among its members a Garden Fellow, who shall be Chair of the Garden sub-committee.
12. The Governing Body shall appoint two Senior Welfare Officers, at least one of whom shall be a woman, who shall have general responsibility for members of the college *in statu pupillari*, and who shall also act as Harassment Advisors for the College; two Senior Member Harassment Advisors, who shall be Fellows of the College; and one Reserve Harassment Fellow, who shall be a senior Fellow (including Honorary and Emeritus). The duties of these officers shall be as determined by the Governing Body in the College Harassment Policy.

13. The Governing Body shall appoint an Archivist to look after the College papers and formulate policy relating to the archives.
14. The Governing Body shall appoint a Chaplain, who may but need not be an ordained minister of the Church of England, upon such terms as it shall from time to time determine.
15. The Governing Body may appoint a Chapel Fellow, who shall liaise between the Chaplain and the Governing Body.
16. The Governing Body may appoint a Deputy Dean, who shall help and work in consultation with the Dean, and act for the Dean in the Dean's absence from Oxford or incapacity.
17. The Governing Body shall appoint a Junior Dean, who shall be required to be resident in College, and who may, but need not, be a Fellow of the College. The duties of the Junior Dean shall be to shoulder, under the Dean, the main burden of 'policing' the College, and to coordinate the activities of the other members of the decanal team. The tenure of office for the Junior Dean shall be one year, which may by agreement be extended for a further year. The Junior Dean shall be *ex officio* a member of the College and Welfare sub-committee. If the Junior Dean is not a Fellow of the College, they shall be a postgraduate or other person of senior status, shall be given a free room in College, shall be entitled to meals at Common Table within such limits as may be prescribed in the terms of appointment and shall receive an honorarium. They shall, at the invitation of the Principal, attend and speak at meetings of the Governing Body when decanal matters are discussed.
18. Officers of the College may receive emoluments or teaching remission, or both, as the Governing Body shall determine.

## 9. PENSIONS

1. This by-law makes further provision for pensions. It is to be read alongside Statute I, clause 74.
2. The Governing Body shall determine from time-to-time which Offices and other positions of employment in the College are pensionable, having taken advice from the Remuneration Committee (for Fellowship positions) and the Wages Sub-Committee (for non-Fellowship positions).
3. The Finance Committee shall make appropriate financial provision in the College's annual budgets to pay the employer's contribution under the Universities Superannuation Scheme (USS) or the Oxford Staff Pension Scheme (OSPS) or any other occupational pension scheme designed for employees of universities or

colleges as shall be deemed suitable, and shall arrange to deduct the corresponding employee's contribution thereunder from the stipends, salaries or any pensionable allowances of the College's Officers and others employed in positions in the College.

4. Where an Officer or other person employed in a position in the College opts not to join USS, OSPS or any other pension scheme designed for employees of universities or colleges, but to make alternative pension provision, the Finance Committee shall make appropriate financial provision to pay the employer's contribution to a level the Governing Body considers to be appropriate; *always provided that* the Remuneration Committee or Wages Sub-Committee, as the case may be, has considered a specific request from such employee and approved the alternative pension provision.
5. For the purpose of calculating the employer's or employee's contribution, the Governing Body may, as it deems fit, take into account any allowance or other payment it makes additional to the Officer's or other employee's substantive stipend or salary.

#### **10. JUNIOR MEMBERS AND OTHER MEMBERS OF THE COLLEGE**

1. This by-law makes further provision for Junior Members of the College, and for other persons to whom membership of the college may be extended. It is to be read alongside, in particular, Statute I, clauses 75 to 77.
2. Election to Awards shall be made annually, and Awards shall be for one year only.
3. The Senior Tutor shall propose in writing to the Tutorial Committee the names of those students who are to be awarded prizes for performance in University Examinations, College Collections, and sustained meritorious work. The Academic Committee shall, from time to time, review the conditions for and monetary value of these prizes. Their award shall be posted on the College notice-board.
4. Undergraduate members of the College shall reside in the College for their first year. Dispensation shall be granted only on good cause being shown.
5. The Finance Bursar shall report to the Finance Committee on any case in which the account with the College of any Junior Member shows excessive indebtedness.
6. A member of the College who is in financial debt to the College shall not be presented for a degree without the express prior permission of the Governing Body.



7. Junior Members shall normally be required to pass the First Public Examination at not later than the second attempt, which, if required, is to be made on the first occasion possible. In the event of a failure, they shall be sent down.
8. Any Junior Member who is expelled, sent down, rusticated, or suspended from their studies, whether by the University or by the College, or who goes out of residence voluntarily, shall vacate their room within seven days, if they live in College or College accommodation. The Domestic Bursar shall forthwith suspend all credit facilities within the College. The Junior Member shall immediately cease representing the College in all sporting and other activities whatsoever. They are liable to payment for room rent until the end of the year, though save in the case of voluntary going out of residence, or suspension grounds of fitness to study, this may be waived at the Domestic Bursar's discretion.
9. The Tutor for Graduates shall allot to a College Adviser each graduate Member of the College.
10. The Presidents of the Junior Common Room and Middle Common Room shall have the right to be present as observers during discussions by the Governing Body of business directly arising from the minutes of all current and any future committees and so specified on the agenda of the Governing Body.
11. The Principal shall, at a time before each Meeting of the Governing Body, meet the Presidents, discuss with them the agenda for the meeting (except in so far as they judge the description of the items to be confidential), in order that they may ask to be present at the discussion of particular items. If the Principal proposes, and the Governing Body does not disagree with the proposal, the Presidents may attend for the discussion of these items also. However, certain matters are to be considered as 'reserved business', at meetings of the Governing Body and meetings of Committees, and no Junior Member will be present, for (a) decisions on the appointment, promotion, terms and conditions of appointment, and matters relating to the personal position of Fellows or academic employees of the college, present, prospective or past; (b) decisions on the admission and academic assessment of, and on any other matter relating to individual Junior Members, present, prospective or past; (c) decisions on the terms and conditions of employment, and matters relating to the personal position, of other members of the staff of the College; (d) discussion of documents sent to the College which are marked by the sender as confidential; and (e) any other matter at the discretion of the Governing Body.
12. Any Junior Member who fails to gain satisfaction on a matter of principle from an Officer of the College shall have the right to present their case to the Principal, in the first instance in writing and then in person. The Principal shall deal with the matter in such manner as appears to them to be appropriate.



13. Cases involving possible serious disciplinary action by the College against a Junior Member shall be referred to a Disciplinary Panel, and shall be considered in accordance with the provisions set out in Schedule 6 to these by-laws.
14. The academic obligations of Junior Members, and the procedure for their enforcement, are set out in Schedule 7 to these by-laws. The provisions relating to the administration of penal collections are set out in Schedule 8 to these by-laws. The provisions relating to fitness-to-study and suspension of studies are set out in Schedule 9 to these by-laws.
15. All junior members shall, to the extent that such provisions may be applicable to that member, comply with the provisions of the College's policies as issued from time to time by the Governing Body, including the Policy on Harassment, Policy on Working With Children and Vulnerable Adults, and Code of Practice on Freedom of Speech, Policy on Equality and Diversity.
16. A proposal that a person be admitted to membership of the College under the provisions of Clauses 75(2) and 77 of Statute I shall be made in writing to the Senior Tutor, who shall refer it to the Academic Committee for it to consider and to specify the terms of any membership of the College which the Committee may recommend to the Governing Body.

## 11. LECTURERS

1. This by-law makes further provision for Lecturers of the College. It is to be read alongside, in particular, Statute I, clause 77(1).
2. The College may appoint Stipendiary, Non-Stipendiary, and Associate Lecturers.
3. Stipendiary Lecturers shall receive such stipends and allowances as the Governing Body shall in each particular case decide, with normal USS or equivalent arrangements; shall undertake such teaching duties as are specified in their contracts, and shall be paid at *per capita* rates for any teaching done in excess of their contracts; and shall assist as necessary in the organisation of, and admission of, undergraduates to the Schools for which they teach. A Stipendiary Lecturer may be offered Common Table on such terms as the Governing Body may determine.
4. Non-Stipendiary Lecturers may be appointed by the Governing Body on the recommendation of the Academic Committee on such terms as the Senior Tutor shall recommend, provided only that such lecturers are not entitled to Common Table.
5. A Non-Stipendiary Lecturer shall be entitled to a supplementary fee related to their teaching according to such formula as the Academic Committee shall from time to time determine. An additional supplementary payment may be paid to Non-

Stipendiary Lecturers in a subject, or in a part of a subject, in which there is no Tutorial Fellow, and to those outside tutors who, not being lecturers of the College, organise tuition in very small Schools. This additional supplementary payment shall be at such level and on such other terms as the Governing Body may determine. All proposals for payment under this by-law shall be made to the Senior Tutor who may refer the matter to the Academic Committee.

6. Stipendiary (other than those specified in point 3 of this by-law, above), and Non-Stipendiary, and Associate Lecturers shall be entitled to membership of the Senior Common Room. They shall be entitled to take meals in the Senior Common Room during Full Term and during the one week immediately preceding and two weeks immediately following Full Term; the letter of appointment shall specify the number of meals which the lecturer may take during these weeks free of charge, though this shall normally be two lunches or one dinner per week. Individual Lecturers shall be entitled to take such further meals, and upon such terms, as the Governing Body may from time to time determine on the basis of recommendations from the Academic Committee.
7. The Senior Tutor shall present a list of Lecturers to the Academic Committee annually in Trinity Term, which list shall apply for the following academic year.
8. Lecturers who hold a University post or a post at another College, with entitlement to leave, shall be entitled to leave from the College without pay but without loss of USS where appropriate whenever they are granted leave by the University or other College, provided that due notice is given and satisfactory alternative teaching arrangements are made. Those without University or other College posts shall have such arrangements for leave as the Governing Body shall from time to time determine.
9. Appointments to College Lectureships shall be for not more than two years in the first instance, renewable as appropriate and terminable by the Lecturer at a term's notice.
10. All Lecturers shall, to the extent that such provisions may be applicable to them, comply with the provisions of the College's policies as issued from time to time by the Governing Body, including the Policy on Harassment, Policy on Working With Children and Vulnerable Adults, and Code of Practice on Freedom of Speech, Policy on Equality and Policy.

## **12. STAFF**

1. The HR Manager shall oversee all Staff Pensions arrangements. These are principally in the hands of the University's Oxford Staff Pensions Scheme and are organised centrally.
2. No member of the College save the appropriate line manager, shall in any way concern themselves with the directing of any member of the Staff of the College in the discharge of their duties in the College unless such direction is expressly authorised by the Governing Body, or by the Domestic Bursar, or (as the case may be) by the appropriate Head of Department. The Domestic Bursar shall have overall responsibility for personnel matters, without prejudice to the responsibilities of individual line managers for the supervision of relevant college staff.
3. All staff (including those providing services to, and permitted to volunteer for, the College) shall, to the extent that such provisions may be applicable to them comply with the provisions of the College's policies as issued from time to time by the Governing Body, including the Policy on Harassment, Policy on Working With Children and Vulnerable Adults, and Code of Practice on Freedom of Speech, Policy on Equality and Diversity.

### **Schedule 1: Procedure for postponing the retirement of the Principal**

1. St Edmund Hall has a retirement age for the Principal, and a power to postpone date in which the Principal will retire. These rules set out the aims, and the procedure, of the scheme for considering an application by the Principal to postpone their retirement from office. It aims to provide a fair and proper process through which the Governing Body may manage its leadership, and that of the College, by retirement or retention.
2. These procedures are to be applied and operated, and (as the case may be) supplemented or superseded, to ensure that they remain in accordance with the law from time to time. The Secretary to the Governing Body shall ensure that they are kept under periodic review, and the Governing Body will make such adjustments as it may judge wise (including, if necessary, during the consideration of any case to which they apply).
3. The aims of the procedure are, in general, to allow the Governing Body to safeguard and enhance the high standards of the college in teaching, research, and professional service; to allow it to strengthen the leadership of the college so as to strengthen and deepen relationships between it and its members and between the members themselves; to maintain its position both in and beyond the university; to facilitate succession planning by maintaining predictable retirement dates, bearing always in mind that the process to appoint a Principal is lengthy; to promote equality and diversity to the extent possible; to avoid, to the extent possible, counter-productive exercises in performance management undertaken to consider the termination of employment for cause; and above all, to secure appropriate leadership from its Principal.
4. The Principal may apply for the postponement of their retirement beyond the date specified by the contract of employment and the statutes. Unless otherwise agreed, the Principal whose retirement has been postponed shall not be entitled to apply for a second postponement of their retirement under these procedures.
5. No postponement of the date of retirement of the Principal shall be considered otherwise than in accordance with these procedures.
6. In assessing any application by the Principal, the Governing Body will weigh the advantages of postponing the date of retirement against the opportunities arising from allowing a vacancy in the Principalship to arise, and to that end, may consider, among other matters: (a) whether, if the date of retirement is postponed, the Principal may be expected to continue to make a significant contribution to the college, in particular to its leadership, and whether the loss of

this contribution would be unacceptable to the college; (b) whether the Principal's individual's contribution would be very hard to replace given their particular skills: for example, it may ask whether the college needs, for a defined period, to retain their expertise in order to complete a specific project, or to retain skills that are currently in short supply; (c) how the postponement of the retirement of the Principal, compared with the opportunity arising from a vacancy, would fit with the future academic and business needs of the college over the proposed period; (d) the likely impact of a postponement of retirement compared with the opportunity arising from a vacancy on the leadership and work of the college; (e) the likely impact of postponement of retirement compared with the opportunity arising from a vacancy on opportunities for collegiate development and succession planning; (f) the likely impact on the promotion of diversity; (g) whether the duration of the proposed postponement of retirement is appropriate in terms of the benefits expected to the college; and (h) the existence of any personal circumstances that would properly justify exceptional treatment.

7. The Vice-Principal shall remind the Principal, in writing, of their normal retirement date and of the process for requesting a postponement of that retirement date no later than 30 months prior to the normal retirement date.
8. If the Principal wishes to postpone, or wishes to consider postponing, the date of their retirement, they should first discuss the situation informally with the Vice-Principal. The purpose of this discussion is to help inform any formal request which might subsequently be made by the Principal. Such discussions are intended to provide opportunity for the formulation of a request with which the Principal and the Governing Body might be content.
9. If the Principal wishes to postpone the date of their retirement, a written request to this effect, setting out in particular the length of postponement requested and explaining how, in the opinion of the Principal it accords with the matters which the Governing Body must bear particularly in mind, must be made to the Vice-Principal not later than 27 months prior to the date of retirement. The Vice-Principal shall bring it to the attention of the Governing Body without delay.
10. The Governing Body shall determine the proper procedure for consideration of the request, and shall make it known to the Principal, and shall act in accordance with that procedure. It may establish a committee to consider any matter which it shall judge likely to be of assistance to it, but it shall not be required to do so.
11. At a meeting convened for the purpose (for the avoidance of doubt, such a meeting is not within Statute I.11, and is therefore not a Special Meeting of the Governing Body) of considering the application for postponement of retirement, a decision shall be taken on the application, provided always that the Governing Body may agree to adjourn consideration of the request to another meeting.

12. If the application for postponement of retirement is for a period of one year only, the Governing Body shall normally approve it.
13. The Governing Body shall take its decision no later than 24 months prior to the date of retirement of the Principal. Save as provided for by Part II of Statute I, no appeal shall lie from this decision.
14. Where a decision is taken to postpone the date of retirement, the Principal will be notified in writing of the date set by the Governing Body as the new date of retirement. Save as may otherwise have been agreed, and save for exceptional circumstances which could not reasonably have been foreseen, the Principal shall not be eligible to make a second or further application for postponement of the date of retirement.



## Schedule 2: Procedure for postponing the retirement of certain Fellows

1. These provisions, adopted pursuant to Statute I.49, aim to put in place a fair and transparent process by which the college is able to manage the future of academic posts by retirement or retention of the Fellows to which it applies. The overriding objective of this by-law is to balance the wishes of the Fellow with the needs of the college as employer by (a) facilitating the calm and timely discussion of options with a view to identifying possible future arrangements which will be acceptable to all parties, and (b) providing a balanced and rational decision-making and appeal process which allows account to be taken of all facts and matters relevant to the issue to which it applies. In its application of this by-law the College shall take account of the practice and advice of the University and shall, to the extent possible, align its procedures with it.
2. For the purpose of Statute I.49(1), and notwithstanding any statement in their letter of appointment which specified a date of retirement defined by reference to the 67th birthday, every Official Fellow, Professorial Fellow, Fellow by Special Election, and Senior Research Fellow shall retire from that Fellowship and from any associated office, position or duties, on 30th September preceding the Fellow's 69th birthday.
3. For the purpose of Statute I.49(2) the following provisions of this by-law shall have effect. The Governing Body will review this by-law during the academic year 2021-22.
4. The Governing Body has established an Employer Justified Retirement Age ('EJRA') of 30th September preceding the 69th birthday for those appointed to Fellowships specified in Statute I.49.
5. The College will always consider, and the panel (referred to more particularly below) will be required to address and report on, in its recommendation to the Governing Body:
  - (a) whether there is a demonstrable need, for a defined period, to retain the Fellow in employment in order to complete a specific project or duties, or to gain the full benefit of tasks already completed by them, which are of particular strategic importance to the College, and which could not be completed by any other individual who is not over the EJRA, either by a current member of the college's staff or through a recruitment exercise, and which could not be completed on an employment contract with fewer working hours or of a shorter duration;
  - (b) whether there are any special personal characteristics that would properly justify exceptional treatment;

- (c) whether the proposed continuation in employment will result in the creation of career development opportunities for others that would not otherwise have been created;
  - (d) whether there is a demonstrable need which arises in connection with a specific event or circumstance and that could only be met by retaining the Fellow in employment for a fixed period; and
  - (e) in the case of a joint appointment, what are the implications for the joint nature of the post: for example, where the application involves only one part of a joint appointment, whether some suitable means have been found for managing the future of the joint appointment so as to protect the shared educational interests of the University and College.
6. An application by a Fellow to whom Statute I.49 applies to continue working beyond the EJRA will be considered in the context of the aims of the college in maintaining the EJRA as set out in clause 1, and in the light of the considerations set out in clause 5, of this by-law. Applications for continuation in employment will be approved only where, having taken account of the facts and matters set out in this by-law, the Governing Body is satisfied that (a) it is reasonably necessary to extend working, and (b) that the advantage arising from an extension of employment outweighs any detriment to the furtherance of aims of the EJRA. This assessment will depend on the particular post in question.
  7. The Governing Body shall be advised by a panel.
  8. The panel, and thereafter the Governing Body, will weigh the advantages of continued employment against the opportunities arising from creating a vacancy, which may include the intention of recruiting someone else, using the vacancy for a different purpose, or leaving the post vacant for a period, as the case may be.
  9. The panel shall consider, in particular, and to the extent it considers to be appropriate: (a) whether the Fellow's contribution will be very hard to replace given their particular skills and/or the employment market. In doing this it may consider whether the college needs, for a defined period, to retain the expertise of the Fellow in order to complete a specific project, or exceptionally to retain skills that are currently in short supply to teach a particular subject(s) or to fill a college administrative post; (b) what it judges to be the likely impact of continued employment compared with the opportunity arising from a vacancy on the quality of work of the college, for example on its ability to respond to student needs, or to meet research aims; (c) how any financial commitments or benefits which would accrue from a continued employment over the period proposed compare with those which might accrue from the opportunity arising from a vacancy; (d) what it judges to be the likely impact of continued employment compared with the opportunity arising from a vacancy on opportunities for career development and succession planning, bearing in mind recent and expected turnover; (e) the likely impact, if any, on the promotion of diversity; and (f) whether the duration of

the proposed extension of employment is appropriate in terms of the benefits expected to accrue the college.

10. Where the Fellow holds a joint appointment with the University, the post held by the Fellow will normally be re-filled in the context of a joint appointment by the University and by the College; and any continuation of the Fellow in employment by the College will be by means of a fixed-term contract and a Fellowship by Special Election, as provided more particularly below. Such a fixed-term contract, or contracts (as the case may be) shall be offered with continuity of service.
11. A Fellow wishing to continue to work may consider a new contract issued by the college to be compatible with retirement from the other part(s) of the joint employment. Flexibility should be encouraged, subject to the aims of the EJRA.
12. The procedures set out in clauses 13-27 of this by-law apply to Fellows to whom Statute I.49 applies who are jointly appointed, who are due to retire on or after reaching the EJRA but who wish to extend their employment. They also apply, but *mutatis mutandis*, to Fellows to whom Statute I.49 applies who are not jointly appointed.
13. The Principal shall in writing remind a Fellow to whom this procedure relates of their normal retirement date and of the procedure for seeking continuation in employment beyond that date. This reminder shall be given by the Principal no later than 30 months; to ensure a timely procedure, a calendar of the relevant date for each Fellow shall be kept by the Principal. In the case of joint appointments, a copy of this reminder shall be sent to the relevant head of division, it being the expectation of the Governing Body that the University will send or will have sent a corresponding notification to the Fellow concerning their university employment. Where it judges it necessary, the college may decide to give earlier notification.
14. A Fellow who wishes to continue in employment beyond the EJRA should first discuss their situation informally with the Senior Tutor. The discussion should take advantage of the opportunity to examine, at this early stage, all available options, including the possibility that a Fellow who holds a joint appointment may wish to continue working for only one employer, or that one employer might wish to agree continued employment while the other does not. These informal discussions, which are without prejudice, are intended to allow the formulation of a request with which all parties are liable to be content, but where this is not possible, to assist in the formulation of an application which the Fellow may make.
15. If the Fellow wishes to continue in employment beyond the EJRA, an application in writing shall be submitted to the Senior Tutor no later than 27 months before the EJRA. The application shall set out the working arrangements which the

Fellow proposes, and the length of continuation of employment which is requested, and such other facts and matters as the Fellow considers to be relevant to the application.

16. In the case of a Fellow who holds a joint appointment, the College expects that any request relating to the university component of a joint appointment will be made in accordance with the procedures established by the University. If, in the case of a joint appointment, a decision has already been made with regard to the university or other employment, the outcome of this should be included in the application to the College.
17. The Senior Tutor shall refer the application to the Principal forthwith and in any event no later than 24 months before the date of retirement.
18. For the avoidance of doubt, requests which are out of time may be considered if reasonable adjustments to accommodate them may be made. Such adjustments shall in any event be made in any case in which, within the first two years after the adoption of this by-law, it is not possible to give the full period of notification of retirement.
19. The Principal shall refer every application to a panel which shall comprise the Vice-Principal, the Senior Tutor, and the Finance Bursar, save that the Senior Fellow shall deputise for any member of the panel whose application is being considered. The panel shall appoint one of its members to act as secretary.
20. The panel will assess the application on its own merits in accordance with the terms of this by-law, and in the light of any exceptional personal circumstances. When considering the application of a Fellow who holds a joint appointment, the secretary of the panel will liaise with the chair of the equivalent university panel over matters of process, including the relative timings of the work of the two panels and the communication between the panels of their decisions, as may best suit the individual case and allow for issues relating to the joint nature of the post to be addressed.
21. The panel shall inform the applicant in writing of its recommendation, giving its reasons for the recommendation which it makes and stating the length of any extension of employment which it recommends to the Governing Body. The panel shall report its recommendation to the Governing Body and shall give reasons sufficient to allow the Governing Body to come to a proper conclusion on the application.
22. The Governing Body shall decide whether to accept the panel's recommendation and will notify the individual, division and department, as relevant, of its decision. For this item of business, the Principal shall not be present, shall not express an opinion, and shall have no vote. The meeting of the Governing Body will be

chaired by the Vice-Principal; any member of the panel who is present at the meeting of the Governing Body shall be entitled to vote on the recommendation; and in all other respects the Secretary of the Governing Body shall determine the procedure which is to be followed.

23. Where the decision of the Governing Body is to reject the application of the Fellow to continue working beyond the EJRA, the applicant shall be notified of this decision by the Vice-Principal who shall also remind the applicant of their right to appeal against the decision in accordance with clause 27 of this by-law.
24. Where the decision of the Governing Body is to extend employment under these procedures beyond the EJRA (whether in accordance with the recommendation of the panel or otherwise) the employee will be offered a fixed-term contract, which shall expire on the date specified by the Governing Body, but with continuity of employment. The contract shall specify the hours, duties, stipend, allowances, and other terms and conditions which are applicable for the period of extension. The Fellow may accept the offer or may appeal against the decision of the Governing Body in accordance with clause 27 of this by-law.
25. If the Governing Body agrees to an extension of the period of employment in accordance with this by-law, it shall also decide whether to permit any further application to be made under this procedure, though clause 13 of this by-law shall not apply.
26. A Fellow whose application for extension of the period of employment is agreed to by the Governing Body, and to whom a fixed-term contract is offered, and who accepts the offer, shall cease to hold the Fellowship of the kind set out in Statute I.49 but shall be elected to a Fellowship by Special Election, without loss of seniority, and upon such terms (including as to stipend, allowances, room and all other matters which lie in the decision of the Governing Body) as the Governing Body shall determine in accordance with clause 24 of this by-law.
27. If the Fellow is dissatisfied with the decision of the Governing Body, they may appeal against the decision to the Principal. The Principal shall review the written record and shall consider any fact or matter which the appellant wishes to bring to their attention. The Principal shall determine the procedure for the appeal and shall endeavour to agree this procedure with the applicant at the outset. If the Principal dismisses the appeal, that decision, and therefore the decision of the Governing Body, shall be final. If the Principal does not reject the appeal, they shall remit the matter to the Governing Body with a reasoned opinion; the Governing Body shall reconsider the matter in the light of this opinion; and its decision on such reconsideration shall be final.

### **Schedule 3: Procedure for the operation of Statute II**

#### **Part II of Statute II - Redundancy**

1. In the event that a reduction in academic staff or activity is contemplated for any reason whatsoever, the Principal shall call a Meeting of the Governing Body to consider and determine upon the matters set out in Clause 10(2) of Statute II.
2. If any member is unavoidably unable to attend and reasonably considers that they may be personally affected by a decision under Clause 10(2) of Statute II, for example because the Governing Body may be considering deleting a subject altogether, they shall be entitled to seek a postponement of the meeting by written notice to the Principal to be delivered to them at least three days prior to the date set for the meeting.
3. Prior to the meeting, the Principal shall cause a detailed memorandum of information to be prepared for the Governing Body. The memorandum shall contain all relevant available information including financial and academic matters, setting out in detail the position of the College and the matters to be considered both in favour of and against making any reductions in general terms and, in so far as possible, without reference at this stage to the position of any individual member of academic staff who may be affected.
4. The memorandum of information shall put all considerations forward fairly and in an even-handed manner and shall not make recommendations for any specific course of action. The memorandum shall evaluate as far as possible the impact of any reduction on the principles established by Clause 1 of Statute II. The memorandum should also be framed as far as possible after consultation with the appropriate university Faculties or other bodies.
5. In order to provide members with an opportunity to consider, and respond to, the memorandum of information, it shall be circulated at least seven days before the relevant Meeting of the Governing Body and representations shall be invited. To the extent possible, any representations received by the Principal shall be circulated to all members of the Governing Body.
6. Once a decision has been reached in principle under Clause 10(2) of Statute II, the Governing Body shall appoint a Redundancy Committee ("the Committee") unless it determines that it will carry out the task of handling any redundancies itself.



7. Members of the Committee shall be selected in accordance with the provisions of Clause 11 of Statute II. But no member who appears to be personally affected or likely to be so affected shall be chosen.
8. The Redundancy Committee (or if none be appointed, the Governing Body) shall meet as soon as is reasonably practicable to establish a timetable for consideration of the issues. The Committee shall consider the identification of those who are potentially at risk of redundancy and shall seek to identify any alternatives to redundancy to avoid redundancy and/or to mitigate the effects. It shall also consider, where applicable, selection criteria for the determination of who is to be chosen from among those who are potentially redundant.
9. No decision shall be taken upon any of the relevant matters without the Committee's ensuring that there has been full and proper consultation with the affected persons. For this purpose, and prior to any decision being made, the Committee shall ensure that each person is afforded an opportunity to meet members of the Committee (accompanied by a representative should they so wish), to be provided with relevant information and to make representations on any aspect of the case.
10. After having considered all relevant matters the Committee shall meet to formulate its recommendations together with the reasons for them. A written report of the recommendations and reasons for them shall be provided to the Governing Body and to the affected person or persons.
11. Upon receipt of the report and recommendations of the Committee a Meeting of the Governing Body shall be convened to consider the matter further.
12. Any member whose dismissal on grounds of redundancy is recommended by the Committee, shall be permitted at least two weeks between the date of the Committee's report and the Meeting of the Governing Body to prepare and submit to the Governing Body any representations which they consider appropriate. Any representations which are received by the Principal on or before the third day before the day of the meeting shall be circulated to all members of the Governing Body.
13. In addition to submission of written representations, the person concerned shall have the opportunity to make oral representations to the Governing Body prior to any decision being made and shall be entitled to be accompanied and/or represented by a person of their choice.
14. The Governing Body may request a member of the Committee (where appointed), to attend the Governing Body formally in that capacity to present the Committee's recommendations and to answer questions from the Governing Body and/or from the person or persons concerned. If the Governing Body so determines, the

Committee may be asked to carry out further consultation with affected members or any other appropriate person.

15. Notwithstanding Statute I clause 13, no Meeting of the Governing Body at which a decision to dismiss under Part II of Statute II is taken shall be quorate unless at least 50% of those members of the Governing Body entitled to attend are present and no vote shall be effective unless at least 50% of those attending vote in favour. Members of the Governing Body who are affected by the Redundancy Committee's decision or who are members of the Committee shall be entitled to vote.
16. Prior to making any decision to dismiss in accordance with recommendations of the Redundancy Committee, the Governing Body shall specifically consider any alternative employment opportunities or any other means of avoiding a dismissal for redundancy. In addition, the Governing Body shall ensure that it has been fully appraised of any USS or other pension fund (as the case may be) options which the person affected may be able to exercise in the event of redundancy.
17. In the event that the Governing Body accepts the recommendations of the Redundancy Committee and votes to dismiss any member on grounds of redundancy, a written note of the decision of the Governing Body together with a copy of the procedures establishing a right of appeal shall be provided to the person affected and their representative. No decision shall be implemented until after any appeal has been determined under Part V of Statute II.
18. If the Governing Body decides upon the dismissal of any member on grounds of redundancy, it shall give the person concerned reasonable assistance in searching for another job.

### **Part III of Statute II – Disciplinary Procedure**

19. Where it appears to the Principal that the conduct, performance, or behaviour of a member of academic staff is falling below an acceptable standard or that the member of staff appears to be otherwise in difficulties, the Principal may arrange to meet with that person on an informal basis to explore the situation and to consider what action can be taken to improve their conduct or performance. The Principal may appoint a colleague (being a Fellow or Emeritus or Honorary Fellow of the College) to conduct the informal discussions with the person concerned either with the Principal or alone. The informal discussion shall not be viewed as a disciplinary act but as an opportunity to explore together any problems that appear to have arisen and consider solutions that may be available. In cases of alleged harassment, the Principal (which expression includes anyone appointed to act instead of them) may propose to the complainant and the Fellow (which expression includes academic staff to whom Statute II applies) whose behaviour has given cause for concern that mediation might provide an appropriate step towards resolution of the situation which has arisen, or may indicate to that

Fellow what steps must be taken by them if further consideration of disciplinary action (including an oral or written warning) is to be avoided. In any case where the complainant is the Principal, the latter shall appoint the Vice-Principal, or the Reserve Harassment Fellow if the Vice-Principal is for any reason unable so to act, to act in their stead. In any case where the complaint relates directly to the conduct of the Principal, the complainant may approach one of the Senior Member Harassment Advisors or the Vice-Principal, who may refer the matter to those Advisors or the Reserve Harassment Fellow; in such a case, the Principal may request that the Vice-Principal or the Advisor concerned should consult the Reserve Harassment Fellow.

20. In any case where it appears to the Principal that the performance and/or conduct of a member of academic staff appears not to meet acceptable standards but where the circumstances do not appear to raise *prima facie* grounds for dismissal (for example, after investigation of a complaint submitted to the Principal under Clause 14(1) of Statute II, which is not to be referred to an Academic Disciplinary Committee), the Principal may convene a meeting with the individual for the purpose of considering the matter and giving any appropriate warning. No disciplinary warning shall be imposed unless the person concerned has had reasonable notification of the allegations made against them and an opportunity to respond and until the matter has been properly investigated by or at the behest of the Principal.
21. Prior to the disciplinary meeting, the person concerned shall be provided with written notification of the date and nature of the meeting and the matters to be considered, together with copies of any relevant statements. They shall have the opportunity to be accompanied or represented by a colleague or representative from any professional body or trade union of which they are a member. The individual shall not normally be permitted legal representation at this stage.
22. In the event that it appears to the Principal that the individual's conduct and/or performance has fallen below acceptable standards, and depending on the gravity of the situation and all the circumstances of the case, the Principal may issue an oral or written warning.
23. An oral warning is the first stage of the disciplinary procedure. It shall state clearly that it comprises the first stage of the disciplinary process. The reasons for the warning shall be specified, together with any agreed plan of action for improvement, where applicable. The oral warning shall be recorded in a dated written note, a copy of which shall be provided to the individual. The note shall be kept on the file of the person in question but shall be regarded and marked as spent after one year.
24. In the event that the person's conduct and/or performance does not improve, or gives further cause for concern whether of a similar nature or not, within the twelve month period during which the oral warning remains live, and in any case where the

seriousness of the matter so merits, the disciplinary action which the Principal may take short of dismissal is a written warning. The written warning shall specify the reason and set out the improvement required and the time for achieving it. It shall be dated, and a copy shall be provided to the individual as well as being kept in their file. A written warning remains 'live' for a period of two years after which it shall be regarded and marked as spent.

25. In the event that either an oral or a written warning is issued, the person concerned shall be notified of his right of appeal under Clause 13(3) of Statute II.

### **Part III of Statute II – Dismissal Procedure**

26. In any case before the Principal, whether on a complaint under Clause 14(1) of Statute II or otherwise, they shall consider all the circumstances of the case including the outcome of any enquiries instituted under Clause 14(2) of Statute II and any comments from the person concerned invited under Clause 14(3) of Statute II. If, after such consideration, it appears to the Principal that there are *prima facie* grounds for dismissal for good cause as defined in Clause 5 of Statute II, the Principal may call on the Governing Body to appoint an Academic Disciplinary Committee to consider and report on the case in accordance with Clauses 16 to 19 of Statute II. The Principal may at this stage suspend the person concerned in accordance with Clause 14(3) of Statute II.
27. Upon receipt of a request under Clause 15 of Statute II from the Principal, the Governing Body shall appoint the Academic Disciplinary Committee (the Committee) as soon as reasonably practicable and shall inform the person to be charged by written notice that the Committee has been appointed to consider any charge or charges to be brought. The written notice shall include the names of the three members of the Committee and shall enclose a copy of these provisions. At the same time the Governing Body shall appoint a solicitor or other suitable person to formulate charge(s) and to conduct or arrange for the conduct of the hearing. The Governing Body shall appoint one of the three members to act as Chair.
28. Subject to the provisions of Statute II and any provision to the contrary in this Schedule, the Committee shall have power to regulate its own proceedings. The Committee shall be quorate at any time provided at least two members including the Chair are present, and in the event of any vote of the Committee which is tied, the Chair shall have a casting vote. The Committee shall be entitled to appoint a secretary to support it in discharging its function at any time and to take notes of evidence at any hearing.
29. The person appointed to formulate the charge or charges ('the prosecutor', which expression may include a firm of solicitors or any person instructed to act on that person's behalf) shall notify the person charged of the date and time set for the hearing of the charge or charges.

30. The person charged shall notify the prosecutor of any representative they have appointed to act for them. Any fees or expenses payable to the representative (other than reasonable travel costs and out of pocket disbursements) shall be for the account of the person accused.
31. The Committee Chair may make any interlocutory directions they consider necessary for the fair conduct of the hearing, including but not limited to any directions as to the hearing date(s), whether at the request of either party or otherwise of their own motion. The Chair may also remit any matters to the Principal for further consideration and has power to join further parties to the case if they consider it appropriate to do so upon notice to the parties of such joinder. The Chair of the Committee shall set the date, time and place for the hearing and may also set appropriate time limits for each stage (including the hearing), to the intent that any matters be heard and determined expeditiously. If the Chair considers it appropriate in all the circumstances of the case, they may request the Principal to consider the suspension of the person charged under Clause 14(3) of Statute II.
32. At least 14 days before the date set for the hearing, the prosecutor shall forward the following to the Committee and person charged and any other parties to the hearing the charge or charges, together with copies of any documents specified or referred to in the charge or charges, a list of witnesses to be called by the prosecutor, and copies of statements containing the witnesses' evidence.
33. At least 7 days before the date set for the hearing, the person charged shall forward to the prosecutor copies of any documents on which they wish so rely, a list of their witnesses, and copies of their statements of evidence. The prosecutor shall ensure that copies of all these are prepared and forwarded to the Committee as soon as practicable.
34. The jurisdiction and power of the Committee shall not be restricted by the fact that the person charged has been, or is liable to be, prosecuted in a court of law in respect of any act or conduct which is the subject of proceedings before the Committee. The Committee may postpone or adjourn a hearing, if it considers it appropriate, to enable a prosecution to be undertaken.
35. Subject to the consent of the Committee, both the prosecutor and the person charged may introduce new evidence at the hearing save that in the case of the prosecutor such new evidence shall not be admitted except for good reason. In the event that new evidence is admitted, the other party shall have the right to an adjournment to allow time for consideration of the evidence and its effect on the case and may then submit further evidence in response, provided that the Committee consents, such consent not to be unreasonably withheld.

36. The Committee may proceed with the hearing in the absence of any party but shall not do so in the absence of the person charged unless it is satisfied that it is reasonable to do so in all the circumstances of the case or unless the person charged agrees or so requests.
37. Subject to the right of the person charged, their representative, and the prosecutor, to be present throughout the hearing, the Committee may decide whether to admit any persons to, or exclude them from, the hearing or any part of it.
38. Each party to the proceedings shall be entitled to give evidence at the hearing, to make an opening statement, to call witnesses, and to question any witness. Closing statements may be made by the prosecutor first and then any other parties, with the person accused being given the opportunity to speak last.
39. Without prejudice to the Committee's general power to regulate its own conduct, it shall specifically have the power to set time and other limits on the evidence to be called for each side consistent with providing a fair opportunity for each party to present its relevant evidence whilst ensuring that the charge is heard and determined as expeditiously as is reasonably practicable. The Committee shall have power to adjourn the proceedings from time to time as it sees fit.
40. The Committee shall ensure that its secretary or some other appropriate person is present throughout the hearing so that a full and accurate record of the evidence may be taken.
41. It is for the prosecutor to prove the charge or charges. In deciding whether any charge has been proved the Committee shall apply a civil standard of proof, namely a balance of probabilities. The Committee shall consider the evidence and decide whether on balance it considers that good cause for dismissal within the meaning of Clause 5 of Statute II has been proved in respect of each charge before it.
42. If the Committee decides that a charge has been proved, it shall give each party an opportunity either orally or in writing at the option of the Committee to address it on the question of penalty and/or mitigation prior to determining any recommendations that it may make to the Principal.
43. The decision of the Committee shall be recorded in a document in which the Committee's findings of fact, its reasons for the decision and any recommendations as to penalty are contained. The document shall be signed by the Chair of the Committee and at least one other member. The document shall be sent directly by the secretary of the Committee to the person charged and to their representative in addition to the other parties specified in Clause 19 of Statute II. The person charged shall be notified of their right of appeal against the decision or against any recommendation of the Committee as to penalty.



44. Where any charge has been upheld and the Committee has recommended dismissal, the Principal or their delegate shall inform and consult the Governing Body prior to making any decision as to penalty. They shall arrange for a special Meeting of the Governing Body for this purpose and shall keep the person charged informed as to the process. The person charged shall not have the right to make further representations to the Principal at this stage.
45. If the Principal decides to dismiss the person charged they may do so forthwith or upon such terms as they consider fit. If the Principal decides not to dismiss, the actions they may take are as set out in Clause 20(2) of Statute II. Any warning given under Clause 20(2)(c) of Statute II shall be recorded in writing and shall remain live for two years. In all cases the Principal's decision shall be communicated to the person charged in writing as well as to the Governing Body.
46. No decision as to dismissal or otherwise implementing recommendations of the Committee shall be implemented until after any appeal has been determined under Part V of Statute II.

#### **Part IV of Statute II – Removal for Incapacity on Medical Grounds**

47. Where from the conduct or performance of a member of academic staff it appears to the Principal that there may be cause for concern about that person on medical grounds, and in any case where the member of staff has been absent on medical grounds for an aggregate period of six months in any twelve month period, the Principal shall meet the individual concerned and consider the circumstances of the case. The consultation shall be on a confidential basis if the member of staff so wishes, but the Principal may appoint an informal panel of two or three individuals, including one who is medically qualified, to advise and assist them.
48. At this stage the purpose of the meeting and any subsequent investigations is to elucidate the nature of the problem and to consider ways of assisting the member of staff to resume their full contractual duties. If the Principal considers it advisable, they shall seek the member of staff's consent to disclosure of the latter's medical record in accordance with the Access to Medical Reports Act 1988, or such other legislation as may be later made. The Principal may also, with the consent of the member of staff, arrange for them to be examined by an occupational health physician or other medical practitioner to assess *inter alia* the prognosis for a return to work and any available treatment. Any fees payable in relation to such examination shall be borne by the College.
49. The Principal shall consider with the member of staff, and other concerned people as required, ways of ensuring that students and others for whom the individual has contractual responsibilities have their teaching, pastoral and other needs, as may be, met by a rearrangement of resources or other arrangements. In all cases, and especially where third parties are consulted, the Principal shall do all that is

reasonably practicable to respect the confidentiality of the member of staff if they so wish. The Principal shall also consider whether counselling or other assistance shall be offered to the member of staff at the expense of the College.

50. If it appears to the Principal that the situation is unlikely substantially to improve within a reasonable period of time, or in any case where the condition of the member of staff or any mental or physical quality affecting the member of staff is such as substantially to interfere with the performance of their duties, the Principal shall consider the removal of the member of staff in accordance with the provisions of Clauses 23 and 24 of Statute II. Prior to taking any action under this section, the Principal shall consult with the individual and/or any representative(s) nominated by them as to the steps to be taken and their likely outcome. The consultation shall specifically include consideration of the person's condition and likely future state of mental or physical capacity, and whether the person wishes to seek early retirement or a reduction of duties and hours (with a commensurate reduction in stipend). The wishes and needs of the person concerned shall be balanced against the tutorial or other relevant requirements of the College. If the Principal suspends the member of staff under the provisions of Clause 23(1)(b) of Statute II, they shall ensure that the member of staff has adequate access to materials and/or colleagues to enable them to participate effectively in the consultation process.
51. The consultation process shall also include consideration of any adjustments which could reasonably be made to the duties of the employment and/or the physical features of the premises and/or any arrangements made by or on behalf of the College so as to facilitate the continued employment of the person concerned. The Principal shall not consider the removal of the person concerned from their office or employment without first taking advice and assistance as to any facilities that may be available to assist the person. In general, the Principal shall have regard to the provisions of the Disability Discrimination Act 1995, as from time to time amended, and associated Codes of Practice, as appropriate.
52. The Principal shall seek to obtain a medical report concerning the member of staff from the medical practitioner who has had clinical care of them, and shall notify the person concerned to that effect in writing, seeking the member's consent in writing in accordance with the provisions of the Access to Medical Reports Act 1988, as from time to time amended.
53. At all stages the person concerned shall be able to nominate a friend, professional colleague or other representative to assist and advise them. Provided that clear notification is given to the Principal, such a representative may be given authority to act instead of the person concerned if the latter so wishes, and may give such consents, agreements, et cetera, as the person concerned would be able to give. Such authority shall include, but not be limited to, a power of attorney, including a Lasting Power of Attorney which has been duly registered.

54. In the event that the member of staff does not apply for medical retirement, or does but the application is rejected, the Principal shall consider all the circumstances of the case, including any available medical information, and shall determine in particular whether the case should be forwarded to a Medical Board or an Academic Disciplinary Committee.
55. Any powers of the Principal may be exercised instead by a duly appointed alternate or other appropriate officer and references to the Principal shall, throughout this Part of this Schedule be construed as including references to the alternate.

#### **Part V of Statute II – Appeals**

56. A Notice of Appeal against any decision under Parts II, III or IV of Statute II must be served on the Principal within 28 days of the decision. The Principal shall bring the fact that an appeal has been made to the attention of the Governing Body and inform the appellant that they have done so. The Principal shall consider any appropriate action, including suspension, that may be required in relation to the appellant and/or their position in the College pending the outcome of the appeal.
57. The Governing Body shall appoint a person to hear the appeal in accordance with Clause 29 of Statute II who shall be called the Chair, and the two further persons in accordance with Clause 29(4) of Statute II who shall sit with the Chair if the Chair so decides under Paragraph 59 of this Schedule.
58. In the event that the notice of appeal is not served in time in accordance with Clause 28 of Statute II, the Chair shall consider the circumstances of the case including the length and the reason for the delay and the grounds of appeal and shall determine whether justice and fairness require that the appeal shall be permitted to proceed.
59. The Chair shall consider whether to sit alone or with two other persons. In the event that they decide to sit with two other persons, they shall be the persons appointed by the Governing Body in accordance with Paragraph 57 above and the body so constituted shall be referred to as the Appeal Body, which term shall also refer to the Chair in the event that the Chair sits alone.
60. The Chair shall appoint a date, time and place for the hearing and shall make such other directions for the disposal of the case as appear to them appropriate including the joinder of other parties, and any directions that may be required to clarify the grounds of appeal. The Appeal Body shall have power to adjourn the hearing from time to time as it sees fit.
61. Notice of the date, time and place and any directions made by the Chair shall be served on all parties to the appeal at least 14 days before the date appointed and the appellant shall be notified of their right, at their own expense, to be represented by another person who may, but need not, be legally qualified. The appellant and

any other party shall also be notified of their right to call witnesses with the consent of the Appeal Body.

62. Any committee, board or other body shall, if joined as a party to the appeal by the Chair, appoint one or more persons either from among their number or otherwise, who may, but need not, be legally qualified, to prepare and present the response to the appeal, such response to be served on the Appeal Body, the appellant and any other parties at least seven days before the day appointed for the hearing of the appeal.
63. Any hearing of the appeal may be adjourned or postponed at the discretion of the Chair. The Appeal Body may dismiss the appeal for want of prosecution. But no decision to dismiss in such circumstances shall be made without first having provided the appellant with an opportunity to make representations whether orally or in writing.
64. Except as expressly otherwise provided herein, no appeal may be determined without an oral hearing, due notice of which has been served on the appellant and any persons appointed by them to represent them.
65. Each party to the hearing shall be entitled to make a statement and to address the Appeal Body. Witnesses may be called with the consent of the Appeal Body. Leave to adduce fresh evidence and/or the calling of witnesses examined at first instance shall only be given if the Appeal Body is satisfied that it is necessary or expedient in the interests of justice.
66. Subject to the provisions of Statute II and of this Schedule, the Appeal Body shall determine its own procedure. The Chair may at their discretion set time limits at each stage of the proceedings to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable having regard to the principles of justice and equity.
67. In accordance with the provisions of Clause 30(3) of Statute II, the Appeal Body may allow or dismiss an appeal in whole or in part or remit the appeal in such manner and for such purpose as it sees fit within the provisions of Clause 30(3) of Statute II. In the event that the Appeal Body remits the appeal in accordance with Clause 30(3)(a)-(d) of Statute II, the Chair may set such time limits for further consideration as they consider appropriate.
68. The reasoned decision of the Appeal Body, including any decision under Clause 30(3)(a)-(d) of Statute II shall be recorded in writing and shall be sent to the Principal and to the parties to the appeal.
69. The Chair may, by an appropriate certificate in writing, correct any accidental errors and/or any omissions in documents recording the decisions of the Appeal Body.

## Part VI of Statute II – Grievance Procedure

70. A member of academic staff to whom Statute II applies may bring a complaint under Clause 34(a) of Statute II about the matters specified in Clause 33 of Statute II, provided that they have exhausted any other relevant avenues of complaint.
71. Any complaint should be addressed in the first instance to the Principal and should be made in writing. Any complaints against disciplinary warnings under Clause 13 of Statute II shall be in writing and shall specify with sufficient detail the grounds of complaint and any supporting information. The complainant should specify whether they wish any aspect of the matter to be kept confidential at this stage.
72. The Principal (which expression includes anyone appointed to act in place of them) shall consider any complaint as quickly as they reasonably can and shall take steps to investigate the matter. At this stage they may appoint one or more people to investigate the issues on their behalf but shall whenever possible meet with the complainant for the purpose of considering the complaint generally and agreeing or establishing the further steps which may be taken. In any case where the complaint relates directly to the conduct of the Principal, the latter shall appoint the Vice-Principal to act in their stead.
73. The Principal shall consider in the first instance whether other remedies available to the complainant have been exhausted and may, if in all the circumstances of the case it seems right, refer the complainant to the appropriate channels for resolution of their complaint prior to taking any further action.
74. If in any other case other than an appeal against a disciplinary warning the Principal forms the *prima facie* view that the complaint should be dismissed or that no further action should be taken for the reasons set out in Clause 34(2) of Statute II, they shall so inform the complainant and invite their views before taking further action. Upon receipt of the complainant's response, or in the event that no response is received within 21 days, the Principal shall consider the matter further and shall take such action as seems to them right, which may include dismissing the complaint. The Principal shall notify the complainant of their decision at the earliest opportunity.
75. Provided that they act within seven days of receiving the decision of the Principal under Paragraph 74 above, the complainant may refer the matter to the Governing Body. If a majority of the Governing Body so determines, it may appoint a Grievance Committee to hear the complaint notwithstanding it has been dismissed by the Principal.
76. In any case where, upon due consideration, the Principal is satisfied that the subject matter of the complaint may properly be considered with, or forms part of, a

complaint under Part III of Statute II, or a determination under Part IV of Statute II, or an appeal under Part V of Statute II, they shall so inform the complainant and defer any further action on it until such time as the complaint, determination or appeal has been heard or the time for instituting has passed.

77. In any case where upon investigation the Principal is satisfied that the complaint concerns an act or omission which may amount to a criminal offence, they shall so notify the complainant and, subject to any representations the complainant may make, shall consider whether, and if so what, further action may be taken in relation to the complaint within the College's grievance procedure.
78. In any case where the Principal does not dispose of the appeal or defer it under Clause 34(3) of Statute II, or under the provisions of this procedure, the Principal shall consider whether it may be capable of informal resolution. The Principal shall take into consideration the nature and ambit of the complaint and the wishes of the complainant and have particular regard to the interests of justice and fairness.
79. If the complainant objects to informal resolution the Principal shall consider whether to refer the matter to a Grievance Committee or take any other action as they see fit.
80. In any attempt at informal resolution the Principal shall have regard to confidentiality as far as possible and shall ensure that the interests of the parties to the matter are considered at all stages.

#### **Part VII of Statute II – Removal of the Principal from Office**

81. The procedures to be used are those set out in Parts III, IV and V of Statute II. The guidance given under these earlier parts applies, *mutatis mutandis*, to the removal of the Principal.



**Schedule 4: Work-related stress, illness and disability**

1. The provisions and procedures set out in this Schedule shall be understood to operate, and shall be operated, with a view to securing the welfare of Fellows and the interests of the college as a place of education and research, and in conformity with the requirements of the law and with the expectations and duties of mutual support and solidarity.
2. It shall be the responsibility of the Principal to preserve and keep confidential such documents and other records as may be required.
3. If the college is notified by a Fellow, or by their medical practitioner or other professional adviser, that the Fellow is, or is at risk of becoming, subject to undue levels of work-related stress, or illness or disability which may among other things cause or contribute to such stress, so as to risk impairing their ability to discharge the duties of the fellowship, it shall implement the procedure set out herein.
4. On receipt of a notification, and without avoidable delay, the Principal shall convene an ad hoc committee comprising the Principal, the Senior Tutor, and one other member of the Governing Body who is proposed by the Fellow concerned and who agrees to act. Where there is reason for it to be done, the Principal may ask the Vice-Principal to act in their place; the Senior Tutor and the Fellow making the reference may agree that the Senior Tutor's place may be taken by another member of the Governing Body.
5. The responsibility of the committee shall be to undertake all such investigations and enquiries as appear to it to be reasonable and appropriate to eradicate, so far as it lies within the power of the college, the problem which has been presented. To this end it shall, in particular, ask the Fellow for medical or other material information, ask the Fellow to take the advice of such university bodies as from time to time are available for support and advice, ask the Fellow for their suggestions as to steps which the college may take to bring matters to a proper resolution; and may take such other steps as appear to it to be desirable to bring matters to a proper conclusion.
6. The committee shall act confidentially and without formality, save that the Principal shall keep a sufficient record of the procedure. It shall not report to the Governing Body or to any other committee of the Governing Body, save to the extent necessary, in the opinion of the Principal, to justify (for example) the appointment of a temporary lecturer or such other measure as will require the expenditure of funds or have a material impact on the working conditions of other Fellows.

7. The provisions of this Schedule may be extended, with the agreement of the Principal, to other persons with an equivalent or substantial academic responsibility within the college, but shall not apply to staff other than academic staff.

### Schedule 5: The Remuneration Committee

1. The Remuneration Committee is an advisory committee of the Governing Body. Although Statute I, clause 37 authorises the Governing Body to determine the remuneration of the Principal, and clause 44(2) authorises the Governing Body to determine the College's remuneration of any person to whom is assigned a share in the work of the college, the Governing Body is mindful that a majority of its members are paid employees as well as trustees/fiduciaries. The purpose of the Committee is therefore to assist the Governing Body to make decisions regarding remuneration notwithstanding any possible conflicts of interest, in a way that is consistent with, and is seen to be consistent with, the obligations of the Governing Body to act honestly and in good faith to advance the College's educational purposes.
2. The Committee's objective is to give independent advice to the Governing Body regarding the remuneration of the Principal and any Fellow to whom clause 44(2) of Statute I applies, taking into account the factors listed in Rule 10, below. By 'remuneration' is meant: the stipend/salary paid by the College; allowances, both monetary and in kind, paid by the College; payments and other benefits awarded for serving in a College office; pension contributions paid by the College; Common Table and other rights associated with membership of the SCR; severance payments (including the augmentation of pension benefits) to be paid in the case of termination of employment; and any other payment, either monetary or in kind, made by the College to the Principal and Fellows, other than one which is *de minimis*. The Committee may also review College policies with regard to the claiming of expenses by the Principal and Fellows.
3. Members of the Committee will be appointed by the Governing Body for terms of up to three years. No member may serve more than two terms consecutively, but may serve a further two terms thereafter. Subject to clause 19 of Statute I, the Committee will comprise at least three members, and the Governing Body will appoint one member of the Committee to be its Chair. A quorum of the Committee will be two independent members. The number of non-independent members will be limited to a maximum of one. Any duly convened meeting at which a quorum is present will be competent to exercise all or any of the powers and discretions vested in or exercisable by the Committee.
4. Members of the Committee shall not receive any remuneration but will be reimbursed reasonable expenses by the College.
5. The Principal may not be a member of the Committee. Honorary and St Edmund Fellows, Emeritus Fellows after a period of at least three years from their election, alumni of the College and individuals with no obvious College connection may be

members of the Committee. Save as otherwise expressly set out below, no serving Fellow of the College may be a member of the Committee. At least one member of the Committee shall be (or shall have been) an academic with direct experience of higher education in the United Kingdom, appointed after consultation with the Chair.

6. The Finance Bursar, or such other person as may be agreed between the Governing Body and the Chair, will be Secretary to the Committee. No person will be present for the discussion of that person's remuneration.
7. The Secretary shall convene meetings of the Committee at the request of the Chair or the Governing Body; minute the proceedings of the Committee's meetings; and promptly distribute minutes to all members of the Committee.
8. Meetings shall take place at least once per annum and may take place more frequently. Meetings may take place at any location convenient to the members and those College officers invited to attend. Meetings may take place by consultation, provided that a quorum is consulted and the Secretary of the Committee is included, and provided that at least one meeting per year is a physically convened meeting. Notwithstanding any provision of any by-law, only members of the Committee have the right to attend meetings. However other individuals including the Principal and Fellows may be asked by the Committee or the Governing Body to attend all or part of the Committee's meetings as and when appropriate. No such individuals may be present when recommendations are made by the Committee regarding their remuneration.
9. The normal procedure shall be for the Vice-Principal, on behalf of the Governing Body, to advise the Secretary of any proposals or assessments regarding remuneration to be considered by the Committee prior to a decision being made by the College as to whether to accept the Committee's recommendations. Any determination regarding remuneration shall be the result of the College's own decision-making processes, including consideration by the Governing Body and/or Finance Committee, taking into account the factors listed in Rule 10.
10. The Governing Body shall act honestly and in good faith, to advance the College's charitable educational purposes, in both the short and the long term. Factors to be taken into consideration in achieving this include, but are not restricted to: the need to attract and retain Fellows of the highest quality to the College, in particular by remaining competitive with those academic institutions in the United Kingdom and internationally with which the College is likely to be in competition for such Fellows; the policy of the University with regard to the basic stipends/salaries of academic staff on University-only or joint appointments, particularly the scales and the points on those scales applied to the University's academic staff; other colleges' policies with regard to remuneration; the allowances paid by other colleges (with reference to the Estates Bursars'

Committee annual survey of stipends and allowances, covering such areas as housing allowances, house purchase schemes and research allowances and other benefits); principles of equity and fairness among the Fellows of the College, including in particular the need to prevent unlawful discrimination and promote equality of opportunity between people of different groups; the importance attached by the College to maintaining and where possible enhancing collegiality among the Fellows, and among members of the College generally; the potential to encourage, by additional remuneration, enhanced performance of College-specific duties; trends in remuneration in the relevant levels of the UK public and private sectors; the Governing Body's judgement, in the light of the financial state of the College's operations, of all the appropriate calls on College resources; and any other relevant factors.

11. The Committee shall consider any remuneration proposal made by the Governing Body, taking into account the factors listed in Rule 10, and either (a) if the Committee considers that the proposal is unreasonable in any significant respect, recommend that it be referred back to the Finance Committee for further consideration in the light of the comments of the Committee on the proposal; or (b) recommend that the proposal be accepted.
12. Without prejudice to clause 19(6) of Statute I, it is expected that the Governing Body will normally be minded to accept the recommendation of the Committee. It is expected that the Governing Body and the Committee will make good faith efforts to reach a position that is mutually acceptable. After any referral back by the Committee the Governing Body shall give serious consideration to the concerns of the Committee regarding the original proposal. The Governing Body may agree to present a new or revised remuneration proposal to the Committee for further consideration, or may implement the original proposal without further consideration by the Committee. In either case the Governing Body shall explain its decision to the Committee in writing. This paragraph is without prejudice to the right and duty of the Governing Body under the Statutes to override the procedure provided herein where it considers it is in the best interests of the college to do so, consistent with its obligation to act honestly, in good faith, and not arbitrarily, in the pursuit of its educational objectives.
13. The Committee may offer advice on its own initiative on issues regarding remuneration, on which it considers the College should bring forward proposals. It is expected that the Governing Body will consider any such comments and advice and respond to the Committee concerning the issues raised.
14. Such information as Committee members regard as necessary to the operation of the Committee will be furnished by the College, via the Secretary. In particular, information to enable the consideration by the Committee of the factors set out in Rule 10 will be provided by the College, via the Secretary, together with such explanation as is necessary to enable the Committee to make a well-informed

judgement. Fellows and College officers wishing to communicate with the Committee are free to do so and should do so via the Secretary. The College will meet the cost of obtaining external advice (e.g., from remuneration consultants, reports and surveys, legal advice). Where the Committee is of the view that such external advice is required, the Committee may make recommendations to the Finance Committee and must receive the Finance Committee's approval before expenditure is incurred. The College shall send to the Committee annually a summary report including key metrics concerning the College and its Fellows, in form and content satisfactory to the Committee.

15. Minutes of the Committee's meetings will be reported to the Governing Body after each meeting. The Minutes will include full disclosure of briefings and information provided to the Committee by College officers, and the reasons behind any recommendations that the Committee makes. Members of the Committee may meet from time to time with the Principal and Fellows of the College for a general exchange of views concerning remuneration issues. The Chair of the Committee will receive the agenda and minutes of the Finance Committee and may be invited to participate in meetings of the Finance Committee where remuneration issues are to be discussed.
16. The Governing Body, in consultation with the Committee, will review the operation of the Remuneration Committee triennially.



By law 10.13

## **Schedule 6: Non-Academic Misconduct Disciplinary Procedure for students of the college**

### **1. Introduction**

- 1.1. This Disciplinary Procedure deals with conduct by students which breaches their non-academic obligations as a member of the College. These obligations, which are summarised or identified in Appendix A, are referred to as “the College Code of Discipline”. In this Procedure a “Breach of Discipline” refers to a breach of one or more of the provisions of the College Code of Discipline.
- 1.2. The purpose of this Procedure is to address breaches of discipline by students, and not to resolve disputes between individuals. Students may only be disciplined where their conduct occurs in a College Context, as defined in Appendix B. Further definitions are contained in Appendix C.
- 1.3. In this Procedure the person making a report is referred to as the “reporter.” A reporter may be a student member of the College or another person including (but not limited to) a member of the College staff, a member of the College decanal team, a student or staff member of another College, an office or staff member of the University or a member of the public. The person who is alleged to have breached the College Code of Discipline is referred to as the “subject”.
- 1.4. For informal advice about procedural aspects of the disciplinary process, please contact the Dean, who is responsible for the maintenance of discipline within St Edmund Hall ([dean@seh.ox.ac.uk](mailto:dean@seh.ox.ac.uk)).
- 1.5. Where disciplinary proceedings are contemplated the Dean will remind reporters (where relevant) and subjects of the sources of support available to them. Advice and support for students are available from:
  - The members of the College’s student welfare team;
  - The University’s Sexual Harassment and Violence Support Service;
  - The University’s Student Welfare and Support Service.
- 1.6. Separately from this procedure, the Dean may impose any safeguarding measures which are reasonably necessary to ensure the peace of the College and the safety of its members. Such measures may include requiring a student to have no contact with another Member of the College, excluding any person from College premises or restricting any person’s access to College premises. These safeguarding measures are neutral in effect and do not imply that any student on whom measures are

imposed has been found to be in breach of any of their obligations.

- 1.7. For the avoidance of doubt, where appropriate, the Dean may resolve a report through informal means, rather than through the processes detailed in these rules. Informal resolution may include measures such as meeting with the subject of a report to discuss their behaviour, informally warning the subject not to engage in future breaches of the Disciplinary Code and agreeing with the subject on appropriate reparation measures (which may include, but are not limited to, the subject making appropriate apologies and paying for damage caused). Informal resolution will often be the appropriate course where the alleged breach is minor, the student has not been the subject of similar reports in the past and/or the student admits to the breach and cooperates with the Dean. These rules do not exclude or limit the existing powers of the Domestic Bursar, Finance Bursar or any other College Officer to respond to breaches of the Code of Discipline.

## **2. General**

- 2.1. Reports will usually be dealt with confidentially by all parties involved and details will not normally be disclosed except where it is necessary to do so to carry out a fair investigation, to effect a safeguarding or precautionary measure (under paragraph 1.6 above or 4.4 below), to communicate the outcome of disciplinary proceedings, to protect members of the College and/or University community and/or the public, and/or to comply with legal or regulatory obligations.
- 2.2. Parties should strive to act promptly, and to meet the time limits set out in this Procedure. Time limits may be extended by the relevant decision-maker where there is good reason to do so. It will often be necessary to extend time-limits for complex cases. Where time limits are significantly extended, the subject (and reporter where appropriate) will be kept updated as appropriate about the progress of the case.
- 2.3. If any member of the College has concerns that a student involved in this Procedure is suffering health, welfare or academic study issues or other difficulties that may be relevant to whether or how the disciplinary procedure should be used, the student should be directed to the College welfare team and to the University Student Welfare and Support Services.
- 2.4. Reasonable adjustments may be made to this Procedure in individual cases in order to enable the subject and any other person affected by application of the Procedure to participate fairly.
- 2.5. Anonymous reports will only be considered under this Procedure in exceptional circumstances where there are compelling reasons to do so. While some investigation may be possible in certain cases, it will usually be very difficult to proceed with disciplinary action following an anonymous report, because of the need to allow the subject to respond to the report.
- 2.6. Reports concerning the behaviour of a student group, such as a sports teams or other

College society may be dealt with under this procedure and, if a breach of discipline is found, the Dean or other relevant person may impose appropriate penalties on the group. In responding to reports of this kind the Dean or other relevant person should identify an appropriate representative of the group, such as a team captain or society president. The representative should be invited to any meetings, interviews or hearings required by the procedure, and may exercise any applicable rights of appeal on behalf of the group. The Dean or other relevant decision maker will consider reasonable requests by other members of the group to attend meetings.

- 2.7. Subjects and reporters may be accompanied to meetings, interviews or hearings by a supporter, who should normally be a member or employee of the College or a member of the Oxford Student Union, so long as the name and position of the supporter is provided in advance and any further procedural requirements set out in the procedure below are met. Requests to be accompanied by a supporter should be made to the Dean, Investigator and/or Disciplinary Panel Chair as appropriate at least 48 hours in advance of the date of any meeting or hearing (although if the subject is given less than 72 hours' notice of a meeting or hearing requests will be considered if they are made as soon as possible after receipt of notice). Legal representation will not normally be permitted, though reasoned requests for such representation may be made, and will be considered.
- 2.8. Meetings and hearings may take place online where the parties agree to it, or where, in the view of the decision maker, doing so is necessary to avoid undue delay or to protect the welfare of any person.
- 2.9. Where there is more than one subject it may be appropriate for a subject to hear or be provided with the evidence of another subject. Where there is more than one reporter it may be appropriate for a reporter to hear or be provided with the evidence of another reporter.
- 2.10. The standard of proof used when making determinations under this Procedure is the balance of probabilities. This means that the Dean and/or the Disciplinary Panel will conclude that there has been a breach of the College Code of Discipline if they are satisfied that it is more likely than not that the conduct which is alleged to be a breach of the Code of Discipline occurred.
- 2.11. Non-compliance with a disciplinary penalty imposed under this Procedure may result in further disciplinary penalties, including additional fines, suspension or expulsion.
- 2.12. Any member of College involved in administering this Procedure shall comply with the College's conflict of interest policy and should not act if a fair-minded and informed observer would consider there is a real risk of bias. If the Dean is unable (for any reason) to act the Principal will appoint an appropriate substitute. Any decision to be made or action to be performed by the Principal may be made or performed by the Vice-Principal in the event that the Principal is absent, has a

conflict of interest, or is otherwise unable to undertake the action within a reasonable time.

- 2.13. Records will be kept at all stages of the process and will be processed in accordance with the College's records management and privacy policies.
- 2.14. This Procedure makes provision for the subject to appeal from adverse decisions taken under Parts 5 and 6. The reporter is not a party to disciplinary proceedings and does not have a right of appeal from the outcome of a disciplinary decision. If the reporter is a student and is dissatisfied with the action taken under this Procedure they may make a complaint under the College Complaints procedure (see Appendix IV of the *Grey Book*). Any complaint will be addressed by individuals who have not previously been involved in the report.

### **3. Initial Considerations**

- 3.1. Reporters who are students may consider using the University Student Resolution which is a free mediation service for students who find themselves in conflict with another student.
- 3.2. The Dean may liaise between reporting students and subjects where there has been a relationship breakdown to put in place a no contact agreement on the basis that there has been no admission of fault. Such agreements will be neutral in effect and will impose the minimum impact reasonably possible on all students involved.
- 3.3. Appendix B sets out the College's approach in cases where the alleged conduct falls within the scope of more than one procedure or may constitute a criminal offence.

### **4. Reports and Precautionary Measures**

- 4.1. Reports should normally be made in writing, by email to the Dean, (dean@seh.ox.ac.uk). If a reporter does not wish to make a written report in the first instance, they should contact any senior member or employee of the College who will make a written account of the report which they will invite the reporter to confirm. That report will then be submitted to the Dean.
- 4.2. If the report is not successfully resolved informally or if informal resolution is not appropriate (see paragraph 1.7.), the Dean will decide whether to investigate an alleged breach of discipline.
- 4.3. If the Dean considers that a report raises a case of a breach of discipline requiring an answer, they may (i) investigate the report under the Procedure for Minor Breaches of Discipline set out at Part 5 below, or (ii) refer the case to the Principal in accordance with the Procedure for Major Breaches of Discipline set out at Part 6 below.
- 4.4. The Dean will not normally investigate, or refer to the Principal, an alleged breach of discipline which is reported to have occurred more than 6 months previously but may

do so in exceptional circumstances. In determining whether exceptional circumstances warrant investigation and/or referral the primary consideration will be whether there is a risk of harm to any current member(s) of the College and will take account of safeguarding considerations where relevant. Factors which the Dean may consider include (but are not limited to): the gravity of the alleged breach of discipline; whether the alleged breach of discipline was an isolated event, was repeated or was part of an alleged course of conduct; the length of any delay in reporting; the reasons for any delay in reporting and any barriers to reporting. Exceptional circumstances are more likely to be found to exist in cases of sexual misconduct and/or violence. The Dean will notify the reporter of any decision not to investigate or refer a report under this provision.

- 4.5. The Dean may at any time impose temporary precautionary measures on the reporter and/or the subject for the remainder of this Procedure. Precautionary measures do not indicate any finding of misconduct and are not penal in nature.
- 4.6. Possible precautionary measures may include (without limitation): a no contact arrangement; a ban from, or time constraints for, accessing particular College buildings or services; recommending a ban from, or time constraints for, accessing particular University buildings or services or services of another college (subject to endorsement by the University or relevant college as appropriate); moving either the reporter or subject to alternative College or University accommodation; and/or, where no other option is appropriate, a temporary suspension of studies.
- 4.7. Precautionary measures should aim to cause the minimum restriction necessary to protect the individuals concerned, or members of the College, or to protect an investigation under this Procedure, and should take into account safeguarding considerations where relevant.
- 4.8. Precautionary measures are particularly likely to be appropriate in cases involving a risk to any individual's mental or physical health, issues of a highly sensitive or confidential nature and/or where there is a threat of significant disruption to a person's academic study or ability to engage in other College activities.
- 4.9. The Dean will promptly provide the student and, where appropriate, the reporter, with written reasons for any precautionary measures imposed. Any student upon whom precautionary measures are imposed may ask the Dean to review them, and, if the request is refused, may apply to the Principal at any time ([principal@seh.ox.ac.uk](mailto:principal@seh.ox.ac.uk)) for the precautionary measures to be reviewed. The Principal may direct the Dean to carry out a review or remove or modify the measures.
- 4.10. The Dean may refer a matter to the police or seek guidance from the police or other public safety agencies where the report concerns criminal conduct and/or where there is a significant imminent risk of harm to students or staff. In deciding whether

to do so, the Dean should take into account the wishes of the reporter.

## **5. Procedure for Minor Breaches of Discipline**

- 5.1. The Procedure for Minor Breaches of Discipline applies to cases in which the Dean considers that, if established, the alleged breach of discipline would appropriately be addressed by the penalties set out in paragraphs (1) to (8) of Appendix A(II), under the heading “Penalties for Minor Breaches of Discipline”.
- 5.2. Where the Dean proceeds to investigate under this section the aim will be to complete an investigation and issue a decision in relation to the alleged breach of discipline as soon as reasonably practicable.

### **Determination by the Dean**

- 5.3. The Dean will write to the subject informing them of the report, setting out the provision(s) of the College Code of Discipline alleged to have been breached and informing them that the report is being considered under this Part of the Procedure. The Dean will invite the subject to provide a response to the allegation, which may be in writing or at a meeting with the Dean. The Dean will ensure the subject is given fair notice of the report and the provision(s) of the Code of Discipline they are alleged to have breached before holding a meeting in which the subject is expected to respond. Normally the notice period for a meeting will be at least 24 hours.
- 5.4. If the subject admits the breach of discipline the Dean will proceed to consider what, if any penalty should be imposed (see paragraphs 5.11 onwards).
- 5.5. If the subject does not admit the alleged breach of discipline the Dean may take any steps reasonably and proportionately required to investigate and to assemble relevant evidence. This may include interviewing the reporter and interviewing the subject, as well as interviewing any witnesses, requesting written responses to questions and requesting relevant documents or other evidence from any person.
- 5.6. The Dean may ask a member of the College administrative staff or a member of the College decanal team to attend any meeting under this Part of the Procedure in order to take notes of the meeting and/or may arrange for the meeting to be recorded.
- 5.7. Before reaching any determination under this Part the Dean will ensure the subject is aware of all relevant evidence (including exculpatory evidence) to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the Dean judges that in all the circumstances the need to protect such rights overrides the subject’s need for the information in question.
- 5.8. The subject will be provided with the opportunity to respond to that evidence and to provide a justification or explanation for the conduct in question. The subject may



elect to respond in writing or at a meeting with the Dean.

- 5.9. Where there are substantial questions of fact to be decided the Dean may refer the report to the Principal to be considered by a Disciplinary Panel under Part 6 below. It will not normally be necessary in such cases for the Principal or the Disciplinary Panel to appoint an investigator. All materials gathered by the Dean in the course of their investigation will be provided to the Disciplinary Panel.
- 5.10. After having satisfied themselves that reasonable and proportionate investigatory steps have been taken the Dean will consider and assess all relevant evidence and any response provided by the subject and will determine whether they are satisfied on the balance of probabilities that a breach of discipline occurred.
- 5.11. Where the Dean concludes that a breach of discipline has been established, they will inform the subject in writing what, if any, penalty or penalties they are considering imposing. The Dean may impose any penalty, or a combination of the penalties, set out in Appendix A(II) paragraphs (1)-(8) or may make a conditional determination under Appendix A(II). The subject will have the opportunity to make representations bearing on the penalty, including any mitigation, in writing or at a meeting with the Dean.
- 5.12. The Dean will inform the subject and, where appropriate, the reporter of their decision in writing, providing reasons for any conclusion as to breach of discipline and any penalty or conditional determination imposed. The Dean will remind the subject of their right of appeal and of the matters set out in paragraph 5.13 to 5.17 below. The reporter will be notified of the Dean's decision.

### **Appeal to the Principal**

- 5.13. The subject may appeal to the Principal against a decision made by the Dean under paragraph 5.12 above.
- 5.14. The appeal is a review of the Dean's decision and is limited to the grounds set out in paragraph 5.15 below.
- 5.15. The grounds upon which the subject may appeal are that:
  - (a) The fair-minded and informed observer would conclude there was a real possibility of bias on the part of the Dean;
  - (b) The Dean acted unfairly and/or failed to follow this Procedure;
  - (c) The subject has new material that it was not reasonably practicable for them to provide earlier in the process, which would be likely materially to have affected the outcome;
  - (d) There was an error of interpretation of any of the provisions referred to in

Appendix A or of this Procedure;

- (e) The decision that a breach of discipline was established was one which no reasonable decision-maker could have made;
- (f) The penalty imposed was disproportionate.

- 5.16. Any appeal must be made by sending a notice of appeal to [principal@seh.ox.ac.uk](mailto:principal@seh.ox.ac.uk) within 7 days of notification of the Dean's decision. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground(s) of appeal is (are) established. At the same time the subject should provide a copy of the Dean's decision under paragraph 5.12 above and any other documentary evidence which is relevant to their grounds of appeal.
- 5.17. The subject should state in their notice of appeal whether they are requesting an oral appeal meeting with the Principal.
- 5.18. The Principal may invite the subject to an appeal meeting and will normally do so when the subject has requested it. The Principal may arrange for a note-taker to attend the meeting and/or for the meeting to be recorded.
- 5.19. The Principal may: confirm the Dean's determination; confirm the Dean's determination as to breach of discipline but vary the penalty imposed in such a way that the variation is regarded by the subject as a reduction; require the Dean to reconsider their determination as to breach of discipline; reverse the determination of the Dean as to breach of discipline; or refer the report to a Disciplinary Panel under Part 6 below.
- 5.20. The Principal will determine the appeal as soon as reasonably practicable and will normally inform the subject of their decision, and the reasons for it, in writing within 7 days of the determination. The reporter will be informed of the decision.
- 5.21. If the appeal is not allowed, the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the College process and that the subject has the right to seek review by the Office of the Independent Adjudicator (OIA). The letter will also identify the time limit for seeking a review by the OIA and explain where and how the subject can access advice and support.

## **6. Formal Procedure for Major Breaches of Discipline**

- 6.1. This section addresses the procedure which will be followed where the Dean refers a case to the Principal for the purposes of convening a Disciplinary Panel.
- 6.2. Where a case is referred under section 6.3, the Principal and Disciplinary Panel will proceed expeditiously, and endeavour to complete the process as soon as

reasonably practicable.

## **Notice of Referral**

- 6.3. The Dean may make a referral under this section where they consider that if the alleged breach of discipline is established, and the penalties set out in paragraphs (1) to (8) of Appendix A, under the heading “Penalties for Minor Breaches of Discipline” may not be sufficient to address it.
- 6.4. A referral may be made at any stage after receipt of a report, including at any stage of an investigation under Part 5 above, prior to a determination being made.
- 6.5. On referring the report to the Principal the Dean will write to the subject informing them of the report, setting out the provision(s) of the College Code of Discipline alleged to have been breached, stating that the matter has been referred to the Principal under this part and that a Disciplinary Panel will be convened to consider the report.
- 6.6. In any case in which the Dean has determined that there are exceptional circumstances which warrant referral of a report relating to events more than six months ago under paragraph 4.4 above, the Dean shall provide reasons for that conclusion. The subject may appeal to the Principal against that determination by writing to the Principal within 3 working days, setting out the reasons for which they contend that the Dean’s determination that there were exceptional circumstances was wrong. The Principal will consider the appeal on the papers and will allow the appeal if they consider that the Dean’s conclusion was one which no reasonable decision-maker could have reached.

## **Appointment of Investigator and Disciplinary Panel**

- 6.7. The Principal will normally appoint an Investigator to investigate the report. The appointment will be made as soon as reasonably practicable. The Investigator may be a senior member of the College or an external Investigator, at the Principal’s discretion.
- 6.8. The Principal will write to the subject and the reporter informing them of the identity of the Investigator and that if they have any objection to the appointment, they must set out the reasons for their objections in an email to [principal@seh.ox.ac.uk](mailto:principal@seh.ox.ac.uk) within 2 working days. If the Principal considers that the grounds for objecting are reasonable, they will aim to appoint an alternative Investigator as soon as reasonably practicable. The subject and the reporter will be notified of the identity of any replacement Investigator by email.
- 6.9. A Disciplinary Panel will consist of three people appointed by the Principal for the purposes of considering the report. Panel members must either be members of the College Governing Body or be people who have been approved by the Governing Body as being suitable Disciplinary Panel members. The Principal will appoint one of

the members as Chair of the Disciplinary Panel.

- 6.10. A Disciplinary Panel may be appointed to consider a single case or a group of cases. Where the Principal has referred more than one case involving the same subject, the Disciplinary Panel may decide to consolidate the cases.
- 6.11. The Principal will write to the subject and the reporter informing them of the identities of proposed Disciplinary Panel members and stating that if they have any objection to the appointment of any of the members, they must set out the reasons for their objections in an email to [principal@seh.ox.ac.uk](mailto:principal@seh.ox.ac.uk) within 2 working days. If the Principal considers that the grounds for objecting are valid, they will aim to appoint an alternative panel member within 3 working days of the objection being made.

### Investigation

- 6.12. The Investigator will gather such evidence and make such inquiries as appear to them to be proportionate and necessary to determine the issues in the case.
- 6.13. Any evidence obtained by the Dean for the purposes of their investigation of the report shall be provided to the Investigator.
- 6.14. The Investigator shall inform the subject of the case against them and disclose all relevant evidence (including exculpatory evidence) to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the Investigator considers that in the circumstances the need to protect such rights overrides the subject's need for the information in question.
- 6.15. The Investigator will give the subject the opportunity to respond to the case against them, including an opportunity to put forward oral and/or written or documentary evidence, and to make representations. Representations may include, but are not limited to, representations regarding any response to the allegation, justification, or excuse for the breach of discipline under investigation, and mitigating factors that may bear on disposal of the case. Such representations should normally be heard at a meeting in person between the subject and the Investigator, at which notes should be taken of the subject's representations. However, where the subject is out of residence at the time, or it is not reasonably practicable for representations to be made in person within a reasonable time, the opportunity to make representations online or in writing may be substituted at the discretion of the Investigator.
- 6.16. The Investigator will usually provide the reporter with the subject's evidence, or if appropriate a summary of the evidence, in response to the report. The Investigator will invite the reporter to comment on the evidence and to provide any further relevant evidence, whether oral or documentary.
- 6.17. A member of the administrative staff of the College or any other person as approved

by Governing Body will attend any meeting between the subject and other witnesses (including the reporter) and the Investigator. The member of staff will take notes of the meeting and/or the meeting may be recorded.

- 6.18. On completion of their investigation, the Investigator will make a written report to the Disciplinary Panel. The report will include a summary of the allegations and evidence, any relevant written or documentary evidence and notes of meetings. The Investigator may offer a conclusion as to whether on the evidence a finding that the subject committed the breach(es) of discipline could be justified.

### **Disciplinary Meeting**

- 6.19. The report will be considered by the Disciplinary Panel at a meeting which will normally be attended by the subject and the Investigator.
- 6.20. It is expected that all relevant witness evidence will have been obtained by the Investigator and will be contained in the Investigation report. In many cases it will not be necessary for the Disciplinary Panel to hear directly from witnesses in order to reach a decision. On receipt of the Investigation Report the Panel Chair will consider whether it would be appropriate to invite any witness, including the reporter(s), to attend the meeting.
- 6.21. The Chair will write to the subject informing them of the proposed date of the Disciplinary Meeting which will be no less than 14 days after the date of the email. The Chair will: set out the allegation(s) against the subject, referring to the relevant provision(s) of the College Code of Discipline alleged to have been breached; provide a copy of the Investigator's Report and any other evidence which will be considered by the Disciplinary Panel; set out the names of the members of the Disciplinary Panel and anyone else who will be present for some or all of the meeting, identifying the capacity in which they will be attending; inform the subject of the right to be accompanied in accordance with paragraph 2.7 above; and inform the subject that they can expect the members of the Disciplinary Panel to ask them questions. The Chair will ask the subject to confirm their attendance at the meeting and whether they wish to call any witnesses. In the event that the subject is unable to attend the Disciplinary Meeting on the proposed date or chooses not to attend they should write to the Chair promptly, providing reasons for their inability to attend and/or decision not to attend. The Chair may either propose an alternative date for the Disciplinary Meeting or may confirm that the Disciplinary Meeting will proceed on the proposed date and may proceed in the absence of the subject.
- 6.22. If the subject wishes to call witnesses to the Disciplinary Meeting, they must write to the Chair within 7 days identifying the witnesses and explaining the reasons why they consider attendance to be necessary. The Chair will consider whether it is appropriate for those witnesses to attend the Disciplinary Meeting to give evidence.
- 6.23. If the Chair decides that it would be appropriate to invite witnesses to the Disciplinary Meeting, they will consider whether any particular arrangements are

required to safeguard the interests of the witnesses. Such arrangements may be put in place at the discretion of the Chair but may include: separate waiting areas for the reporter and the subject; the reporter bringing a supporter to sit with them while addressing the Panel and answering questions; the reporter addressing the Panel from behind a screen; the reporter responding to questions via online-link from a different location. Such measures are likely to be required in sexual misconduct cases.

- 6.24. The Chair will determine the procedure for the hearing, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the case, informal and flexible. The subject may make oral and/or written representations to the Disciplinary Panel, and the Panel may ask questions of the subject, the Investigator and any witnesses.
- 6.25. The subject will not be permitted to ask questions directly but will be provided with the opportunity to put relevant questions to witnesses through the Chair.
- 6.26. A member of the administrative staff of the College will attend and take notes of the meeting, and/or the meeting may be recorded.
- 6.27. After the Disciplinary Meeting the Disciplinary Panel will deliberate in the absence of any other person, apart from the note-taker who the panel may ask to attend all or part of the deliberations. Before determining whether a breach of discipline has been established it will satisfy itself that reasonable and proportionate efforts have been made by the Investigator to obtain the relevant evidence which is necessary to determine the issues in the case from the subject and from others, whether orally or in writing; assess the relevance, reliability and credibility of the evidence; satisfy itself that the subject has had a fair opportunity to answer the case against them; satisfy itself from the evidence obtained that, on the balance of probabilities, it has been shown that the breach of discipline was committed by the subject; and identify the form of disposal which it is minded to adopt, subject to further representations by the subject.
- 6.28. Decisions of the Disciplinary Panel shall be made by a simple majority vote.
- 6.29. If the Disciplinary Panel determines that a breach of discipline has been established, it will notify the subject promptly, and normally within 7 days of that determination, the reasons for it, and the disposal it is minded to adopt. It will invite the subject to make representations to the Disciplinary Panel within 3 working days of notification of the determination, regarding the appropriate disposal. Such representations may be made orally or in writing, at the choice of the subject. The Disciplinary Panel may also request the provision of a written statement of the impact of the subject's conduct from the reporter or any other person.
- 6.30. The Disciplinary Panel may impose any penalty or combination of penalties set out in Appendix A(II). It may also make a conditional determination. It will consider the range of available penalties and impose a penalty, or conditional determination, that



is appropriate and proportionate in all the circumstances.

- 6.31. The Panel shall report its determination and disposal to the Principal as soon as reasonably practicable, supported by written reasons. Notice of the Panel's determination and disposal will be given in writing to the subject by the Principal within 3 working days of receipt of the Panel's report, supported by a copy of the Panel's report. The decision letter will inform the subject of their right of appeal and of the matters set out in paragraphs 7.2 to 7.5 below. The reporter will be informed of the outcome of the proceedings.

## **7. Appeals following Disciplinary Panel proceedings**

- 7.1. The subject may appeal against any determination of a Disciplinary Panel that involves the imposition of a penalty and against any penalty imposed.
- 7.2. The appeal is a review of the Disciplinary Panel decision and is limited to the grounds set out in paragraph 7.4 below.
- 7.3. Any disciplinary measures appealed against do not come into effect pending determination of the appeal. It is, however, still possible for a student to meet any conditions specified in the disciplinary measure or conditional determination and hence to terminate the measure, while the appeal is pending. Precautionary measures may continue to apply pending the determination of an appeal.

### **Notice of Appeal**

- 7.4. The grounds upon which a subject may appeal are that:
- (a) The fair-minded and informed observer would conclude there was a real possibility of bias on the part of the panel or any of its members;  
termination of an appeal.
  - (b) There was unfairness and/or a failure to follow this Procedure;
  - (c) The subject has new material that it was not reasonably practicable for them to provide to provide earlier in the process, that would have been likely to make a material difference to the outcome;
  - (d) There was an error of interpretation of any of the provisions referred to in Appendix A or of this Procedure;
  - (e) The decision that a breach of discipline was established was one which no reasonable decision-maker could have made; and/or
  - (f) The penalty imposed was disproportionate.
- 7.5. Any appeal must be made by sending a notice of appeal to [principal@seh.ox.ac.uk](mailto:principal@seh.ox.ac.uk) within 7 days of notification of the Disciplinary Panel's determination. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain

why the subject considers that the particular ground of appeal is established. At the same time the subject should provide a copy of the Disciplinary Panel's reasoned determination and any other documentary evidence which is relevant to their grounds of appeal.

### **The Appeal Committee**

- 7.6. An appeal under this Part is to be heard by a Non-Academic Disciplinary Appeal Committee.
- 7.7. An Appeal Committee will consist of three people appointed by the Principal for the purposes of considering the appeal constituted in accordance with paragraph 7.8 below. The Principal will appoint one of the members as Chair of the Appeal Committee.
- 7.8. The Appeal Committee may comprise:
  - a) one Fellow of the College of suitable seniority and experience who is a Member of the Tutorial Committee holding an academic post; and
  - b) any two, or any three if the Principal does not appoint a Fellow under paragraph (a) above, of the following in any combination:
    - i. Fellows of the College who hold academic posts (but who need not be members of the Governing Body);
    - ii. Fellows of the College who are members of the Governing Body (but who need not hold academic posts);
    - iii. Members of another College or other Colleges of the University of Oxford who (apart from the fact that they are members of another College) fall under the descriptions in (i) – (ii) above;
    - iv. Any other person who has been approved for this purpose by Governing Body.
- 7.9. The Appeal Committee will be assisted by a member of College staff who will act as Secretary to the Appeal Committee ('the Secretary').
- 7.10. The Principal will write to the subject and the reporter informing them of the identities of proposed Appeal Committee members and stating that if they have any objection to the appointment of any of the members they must set out the reasons for their objections in an email to [principal@seh.ox.ac.uk](mailto:principal@seh.ox.ac.uk) within 2 working days. If the Principal considers that the grounds for objecting are reasonable, they will aim

to appoint an alternative panel member as soon as reasonably practicable.

### **Consideration of the Appeal**

- 7.11. The Principal will nominate a person ('the College Representative') to make a case before the Appeal Committee in support of the implementation of the disciplinary measure. As soon as possible after their appointment, the College Representative will provide to the subject and the Secretary a written response to the grounds of appeal. The response must state whether the College Representative is requesting an oral hearing. Any request must be supported by reasons. The reporter will be notified that an appeal has been commenced.
- 7.12. Within 2 working days of the College response the subject must confirm in writing whether they are requesting an oral hearing. Any request must be supported by reasons.
- 7.13. The Appeal Committee Chair will determine whether an oral hearing is appropriate and, if it is, the Secretary will fix a date for a hearing. The hearing will normally take place no later than 14 days after a request for an oral hearing is received from the College representative or subject. The date should be fixed in consultation with the subject, the College Representative, and the members of the Appeal Committee.
- 7.14. At least 7 days before the hearing the Secretary will
  - a) write to the Appeal Committee members, the subject, and the College Representative to confirm the date, time, and location of the hearing;
  - b) provide the Appeal Committee members, the subject, and the College Representative with a bundle containing all documents relevant to the appeal.
- 7.15. If the subject or the College Representative wishes the Appeal Committee to take account of any additional material or written submissions, copies must be provided to the Secretary at least 5 days before the hearing. The Secretary will ensure that it is circulated to the Appeal Committee and the other party as soon as possible. Any documentation submitted after this time will not be considered by the Appeal Committee unless the Chair decides that exceptional circumstances warrant its inclusion.
- 7.16. The Appeal Committee Chair will determine the procedure for the hearing of the appeal, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the case, informal and flexible. If (exceptionally) any witnesses are heard, questions will be asked of them by the members of the Appeal Committee.
- 7.17. The Appeal Committee members will deliberate on their decision following any hearing. Where the appeal is considered without a hearing the Appeal Committee members will meet to deliberate and will be provided by the Secretary with the documents set out in paragraph 7.14 above. The Secretary will provide the subject

and the College Representative with at least 7 days' notice of the date on which the Appeal Committee will meet and any additional material must be submitted in accordance with paragraph 7.15 above.

- 7.18. The appeal will be determined by a simple majority vote.
- 7.19. The decision of the Appeal Committee shall be provided in writing to the Principal, the subject, and the College Representative as soon as reasonably practicable after, and normally within 7 days of, the conclusion of any hearing. The Appeal Committee will produce a written report setting out its conclusions and the reasons for them. In case of a majority decision, the decision and the reasons will be those of the majority. The reporter will be notified of the outcome.
- 7.20. The Appeal Committee may uphold the implementation of the disciplinary penalty, vary the conditions of its implementation, require those conditions to be satisfied afresh, set aside the penalty and remit the matter to the Disciplinary Panel, or substitute any alternative disposal which was open to the Disciplinary Panel. An Appeal Committee may impose a more severe disciplinary measure than that which was imposed by the Disciplinary Panel.
- 7.21. The decision of the Appeal Committee is not open to further appeal within the College. However, if the Appeal Committee upholds a substantial penalty, as defined in regulation 1.1. of the Conference of Colleges Appeal Tribunal ("The Tribunal") Regulations ([CCAT Regulations September 2021 \(ox.ac.uk\)](https://www.ox.ac.uk/ccat-regulations)) the subject may appeal to the Conference of Colleges Appeal Tribunal. Information on the process to be followed can be found on the Conference of Colleges website ([Conference of Colleges, in the University of Oxford](https://www.ox.ac.uk/conference-of-colleges)). Guidance can be obtained by emailing the Conference of Colleges secretariat.
- 7.22. If the Appeal Committee does not allow the subject's appeal and the subject does not have a right of appeal to the Conference of Colleges (because the penalty is not "substantial") the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the College process and that the subject has the right to seek review by the Office of the Independent Adjudicator and the time limit for doing so. The letter will also explain where and how the subject can access advice and support.

## **8. Appeal in relation to breach of conditions**

- 8.1. If conditions are attached to any disposal under Appendix A(II) and the Dean considers that the subject has failed to meet those conditions, notice of that failure and of the consequences as determined by the terms of the disposal will be given in writing to the subject by the Dean within 3 working days of the failure having come to the attention of the Dean. In the case of a dispute about whether the conditions specified in a disciplinary penalty or conditional determination have been met by the

subject, the appeal procedure under this Part applies.

- 8.2. The subject may appeal against the coming into effect of the consequences of any failure to meet a condition specified in a penalty or conditional determination, on one or both of the following grounds:
  - a) that the Dean was wrong to conclude that the subject failed to meet the condition; or
  - b) that the subject's failure to meet the condition was excusable.
- 8.3. The subject exercises the right of appeal under this provision by giving notice of appeal in writing to the Principal within 7 days of receipt by the subject of notice under paragraph 8.1 above of their failure to meet the condition.
- 8.4. The appeal, which will be a rehearing, will be referred by the Principal to a Disciplinary Panel constituted in accordance with Part 6 above and the procedure under Part 6 will be followed.

**SCHEDULE 6**  
**APPENDIX A**  
**THE CODE OF DISCIPLINE**

The following constitute Breaches of Discipline for the purposes of this Non-Academic Disciplinary Procedure:

1. Any act, omission, or course of conduct prohibited by the criminal law of England and Wales;
2. Any act, omission, or course of conduct contravening a Statute or Regulation of the University of Oxford, or a local rule of any University site or building, or a regulation promulgated by the Proctors or by the University's Rules Committee. The sources of the University's rules governing student conduct are set out in the *Proctors' and Assessor's memorandum*, which is contained in the Student Handbook issued by the University. This clause is interpreted in the light of that Memorandum.
3. Any act, omission, or course of conduct contravening a provision of the By-laws of St Edmund Hall, the St Edmund Hall *Grey Book* and/or other policies published by St Edmund Hall including, but not limited to, the *College Policy and Procedure on Harassment*, the *Smoking Policy* and the *Social Media Policy and Guidance*,
4. Any act, omission, or course of conduct that is, in the opinion of the Dean or a Disciplinary Panel, to the reasonable annoyance, discomfort or distress of any person, whether or not that person is a member of the College, and whether or not that person makes a report.
5. Any act, omission, or course of conduct that is in contravention of an order or summons issued by the Dean (including but not limited to precautionary and safeguarding arrangements made under these rules), or that the subject has been warned in writing by the Dean not to repeat on pain of committing a Breach of Discipline.
6. Any breach of a condition in a disposal previously issued by the Dean or a Disciplinary Panel or in another formal document (including a letter of suspension or room licence) issued by the College.

**(I) PENALTIES**

The penalties which may be imposed in respect of a breach of the College Code of



Discipline include:

### **Penalties for Minor Breaches of Discipline**

1. A requirement that the subject apologise, orally or in writing, to the College or to named individuals;
2. A requirement that the subject undertake specified training;
3. A requirement that the subject produce a written reflection;
4. A warning, which will remain on the subject's disciplinary record for a specified period;
5. A ban, not exceeding 14 days from any specified College locations, facilities and services not including the subject's own College-provided living accommodation or the route to it, so imposed so as not to disproportionately interfere with the subject's academic work;
6. A ban, not exceeding 28 days, from any specified College locations, facilities and services which, for the subject, serve an exclusively or almost exclusively recreational function;
7. Service on College premises, of up to 20 hours, so scheduled as to give priority to the subject's academic work;
8. A fine of up to £500, so calculated so as not to expose the subject to disproportionate hardship;
9. Alteration of the room ballot;
10. Other appropriate measures, comparable in their severity to the range of measures listed at 1.-9.

### **Penalties for Major Breaches of Discipline**

11. Any penalty as set out at paragraphs 1-9 above;
12. A ban from any College premises other than by prior consent for academic purposes and/or from residing in College accommodation with or without conditions that need to be satisfied before a return to the College premises and/or accommodation. Such a ban should normally not exceed the period of one academic year but in exceptional

circumstances may be for a longer period;

13. A ban from any College premises other than by prior consent for academic purposes and/or from residing in College accommodation unless certain conditions are satisfied, with or without further conditions that need to be satisfied before a return to the College premises and/or accommodation. Such a ban should normally not exceed the period of one academic year but in exceptional circumstances may be for a longer period;
14. Suspension from the College with or without conditions that need be satisfied before return to College. Such a ban should normally not exceed the period of one academic year but in exceptional circumstances, may be for a longer period;
15. Suspension from the College unless certain conditions are satisfied, with or without further conditions that need to be satisfied before return to College. Such a ban should normally not exceed the period of one academic year may be for a longer period;
16. Expulsion from the College unless certain conditions are satisfied;
17. Expulsion from the College.
18. Other appropriate measures, comparable in their severity to the range of measures listed at 11.-17.

### **Conditional determination**

The Dean or a Disciplinary Panel may also dispose of the case by making a conditional determination that there should be no penalty so long as certain conditions are satisfied.

### **Conditions**

The conditions that may be attached to a penalty under paragraphs 12 to 16 above, or to a conditional determination include (but are not limited to):

- (a) that the subject is to commit no breach of the Code of Discipline of any type or of any specified type for a specified period or indefinitely;
- (b) that the subject is to report to the Dean at such intervals and for such a period as the Dean and/or Disciplinary Panel may determine with a view to keeping the subject's conduct under review and for the purposes of which review the subject's assent to a

conduct agreement may be required;

- (c) that the subject is to take some other reasonable step or steps specified in the disposal, the step or steps to be taken before a specified date, provided that the step will not be one designed to penalise the student.

The Dean or a Disciplinary Panel may specify the consequences which should follow if a condition is breached when disposing of the case. Alternatively, if no consequences are specified, a breach of a condition in a disposal may be treated as a breach of the Code of Discipline (as specified in Appendix A).

### **Costs**

The Dean may always pass on to a student any costs incurred by the College as a direct consequence of the breach of discipline, for example the cost of removing graffiti. This does not include costs attributable to investigating and establishing the breach of discipline, or legal fees.

Where a report is resolved informally between the Dean and the student, the payment of such costs by the student may form part of that resolution (paragraph 1.6.).

### **Approach to disposal**

When reaching a decision as to what penalty to impose, or specify in a conditional determination, the Dean or Disciplinary Panel will dispose of the case in a manner which is proportionate to the circumstances of the breach of discipline and the subject.

Relevant factors may include (without limitation):

- The seriousness of the breach of discipline;
- The degree of harm caused to any victim, including the College, and the effect of the

subject's ongoing presence in College or its premises on that victim;

- The subject's previous disciplinary record;
- Whether or not the subject has co-operated with the investigation;
- The degree of insight shown by the subject;
- The existence of mitigating or aggravating factors;
- In the case of a financial penalty, the subject's financial position.

Mitigating factors may include (without limitation):

- The subject has apologised to any victim;
- It is the subject's first breach of discipline;
- The subject admitted the breach of discipline at the earliest opportunity;
- The subject has expressed remorse;
- The subject has compelling circumstances that affected their judgment.

Aggravating factors may include (without limitation):

- Any failure to co-operate with investigatory or risk assessment processes;
- Where the conduct was motivated by protected characteristics or perceived protected characteristics;
- Repeated breaches of the same or similar provisions of the Code of Discipline;
- Failure to comply with a minor sanction.

**SCHEDULE 6**  
**APPENDIX B**  
**APPLICATION OF THE PROCEDURE**

- 1) This Procedure applies to any current or suspended student of St Edmund Hall, whether undergraduate or graduate, any visiting student, common awards student, associate member of the JCR or MCR, and whether in residence or out of residence at the time, who is alleged to have breached the College Code of Discipline as set out in Appendix A.
- 2) An alleged breach of the College Code of Discipline may be the subject of disciplinary steps under the Procedure only if the subject is alleged to have committed the alleged breach in their capacity as a member of the College. A breach of discipline will be treated as having been committed in that capacity if:
  - a) it was committed on or near College premises; or
  - b) it was committed on or near the premises of another college or on or near University premises and a reasonable request is received from the Dean or other competent official of that other college, or from the University Proctors or the Head of a University Department or the Chair of a University Faculty Board as the case may be, to deal with the matter as an offence against College discipline; or
  - c) it was committed during College activities away from College premises; or
  - d) it was committed when studying at a partner organisation; or
  - e) it was committed on social media against any other member of the College; or
  - f) it threatens to bring the College into disrepute among reasonable people; or
  - g) it was committed by the use of College facilities (such as computer networks) or privileges (such as intercollegiate internal mail); or
  - h) it was committed by the use of University facilities (such as computer networks) or privileges (such as a University Card) and a reasonable request is received from the University Proctors to deal with the matter as an offence against College discipline; or
  - i) it was committed against the College or any other member of the College.

1.1. For certain types of report, steps may be taken under other procedures before

the matter is addressed by the Dean. In particular:

- 1.1.1. Complaints about harassment including sexual misconduct may be considered under the College's harassment and sexual misconduct procedure.
- 1.1.2. Reports about medical students may be subject to preliminary consideration by the relevant University Department under Fitness to Practice procedures and may also be considered by that Department after the completion of a disciplinary procedure in College. The Department may impose precautionary measures pending the outcome of investigation under this procedure.

### **Other College Policies**

- 1.2. Where this Procedure applies, and the subject's situation also constitutes a proper basis for steps to be taken under another policy or procedure of the College (for example the College's fitness to study procedure), and the responsible person in College for that other procedure confirms that a report has been made about the student under the other procedure or that steps under that other policy or procedure are anticipated or have been proposed or initiated, the responsible College officers under each policy or procedure will together determine, in consultation with the subject, whether all steps should be consolidated so that they are taken under a single policy or procedure, provided that such a consolidation may not have the effect of depriving the subject of an avenue of appeal that they would otherwise have enjoyed. In the event of disagreement as to the appropriateness of a consolidation, the final determination is to be made by the Principal. The responsible officer of the College for the purpose of this procedure is the Dean.

### **University Policies**

- 1.3. Where this Procedure applies and the subject's situation also constitutes a proper basis for disciplinary steps to be taken by the University Proctors, and such steps have been proposed or initiated, any steps proposed or initiated under this procedure may be stayed until the conclusion of Proctorial proceedings. Disciplinary steps may subsequently be taken under this Procedure notwithstanding that Proctorial proceedings have been discontinued or that Proctorial charges have been dismissed, and no finding of fact by the Proctors or



absence of any such finding will bind the College.

### **Behaviour which could constitute a criminal offence**

- 1.4. Where this Procedure applies and the subject's situation also constitutes a proper basis for investigation by the police or by any other public authority, or for any other steps to be taken towards prosecution in the criminal courts, and such steps have been proposed or initiated (or their imminent proposal or initiation can reasonably be foreseen), any steps proposed or initiated under this Procedure will usually be stayed until the conclusion or abandonment of the investigation or prosecution.
- 1.5. Where the alleged victim of an alleged criminal offence is a member of the College, the College will provide that person with necessary support, including supporting them in their decision about reporting the matter to police.
- 1.6. Disciplinary steps may subsequently be taken under this Procedure notwithstanding that criminal proceedings have not been commenced or have been discontinued or that criminal charges have been dismissed. The College will not treat discontinuance or dismissal of such proceedings as evidence that the subject did not breach the Code of Discipline in the manner alleged.
- 1.7. The fact that proceedings under this Procedure are stayed pending the outcome of criminal investigation or prosecution will not prevent the Dean from taking safeguarding and/or precautionary measures referred to in paragraphs 1.6 and 4.4 of this Procedure.
- 1.8. Where a student is found guilty of a breach of University regulations or a criminal offence, the College may subsequently pursue the same matter under this procedure and attach its own penalty to the same breach or offence, making due allowance for any penalty or other measure already imposed by the Proctors or by the courts. The College also retains the right, following any Proctorial finding against or criminal conviction of the Student as well as in any other circumstances, to take steps to ensure the peace of the College and the safety of its members, which are not regulated by this Procedure.

**SCHEDULE 6  
APPENDIX C  
DEFINITIONS**

‘College’ means St Edmund Hall;

‘Member of the College’ for the purpose of this procedure includes the current Principal and any other College officeholder, current Fellow, employee of the College and current student (including a suspended student);

‘Dean’ means the Dean or the Deputy Dean;

‘Principal’ means the Principal of St Edmund Hall;

‘Disciplinary Panel’ means a panel convened in accordance with Part 6;

‘Appeal Committee’ means a Non-Academic Disciplinary Appeal Committee convened in accordance with Part 7;

‘Procedure’ means this Non-Academic Disciplinary Procedure;

‘Breach of discipline’ means a breach of the rules set out in the College Code of Discipline and contained in, or referred to by, the provisions specified in Appendix A(I);

‘Reporter’ means a person who submits a report under paragraph 4.1. Reporters may be student members of the College or any other person including (but not limited to) members of the College staff or decanal team, student or staff members of other Colleges, staff members of the University and members of the public;

‘Subject’ means a student (including a suspended student) who is alleged to have breached the College Code of Discipline.

## **Schedule 7: Tutorial Procedure Rules**

### **General principles**

1. Reasonable efforts shall be made to make students aware of their academic responsibilities and of their rights under these procedures. In particular, these responsibilities and rights should be brought to the attention of a particular student if that student's conduct or performance is likely to place them in academic dereliction.
2. The enforcement of academic discipline, especially if the result is to send a student out of residence either temporarily or permanently, is a very weighty matter and all due safeguards to protect the rights and interests of all Junior Members of the College should be observed. Procedures should be regarded primarily as rehabilitative, with the primary purpose of helping a failing student to get back on track and to bring their studies to a successful conclusion. There should thus be provision for an escalating series of measures to achieve these ends, and the most serious measures such as sending down shall be taken only as a last resort.
3. At each stage care should be taken to ensure that the student understands what is required in terms of compliance with rules or levels of performance, and the likely consequences of failure to conform. As far as possible, objective measures of compliance or performance should be applied, and care should be taken to ensure impartiality. The student's explicit acceptance of the fairness and reasonableness of the measures taken should be secured whenever practicable.
4. Matters of academic discipline should be considered separately from disciplinary action for other forms of misbehaviour. Information about the latter should not be allowed to influence academic decisions. At every step, matters under the broad heading of 'fitness to study' (as described more particularly in Schedule 9) should be given due and proper attention.
5. An adequate record should be kept at all stages. Formal meetings between a student and the Tutor for Undergraduates must be recorded and every reasonable effort should be made to ensure that the record is agreed with, transparent to, and understood by the student.

### **Criteria for good academic standing at undergraduate level (including second BA)**

6. A student shall be deemed to be of 'good academic standing' if they
  - a) keeps the residence requirements laid down by the University;

- b) passes (normally by the second attempt in cases where this is allowed in accordance with applicable regulations) the First Public Examination or other examinations laid down by the University as a necessary part of their course;
  - c) attends on time all tutorials, classes and other required academic engagements, except where permission on adequate grounds is obtained, normally in advance, from the tutor(s) concerned;
  - d) produces assignments (essays, problem sheets, etc.) and sits and completes collections (informal college examinations) with the regularity required by the tutor(s), except where permission on adequate grounds is obtained, normally in advance, from the tutor(s) concerned; and
  - e) produces work, under the above heads, of an appropriate standard, given the student's particular level of academic ability. This codifies that the College wishes, as far as possible, to support students who do their best but none the less run into academic difficulties.
7. These are academic criteria. The requirement to pay fees and charges is a separate issue, as are matters concerning misbehaviour of a non-academic nature.

#### **Responsibility of Junior Members to comply with academic obligations**

8. As codified in detail in point 6 (above), Junior Members shall attend academic appointments and comply with arrangements duly made in connection with their academic work. Tutors, the Tutor for Undergraduates, members of the Tutorial Committee, and the Principal, shall exercise their powers and duties fairly, reasonably and proportionately; and shall endeavour wherever possible to resolve academic problems consensually. Where such a resolution cannot be achieved, the procedure set out in these Rules shall be adopted.

#### **First stage: the jurisdiction of the Tutor for Undergraduates**

9. If the Tutor of a Junior Member informs the Tutor for Undergraduates that the Junior Member has failed to comply with their academic obligations, the Junior Member shall be seen by the Tutor for Undergraduates, who will explore the nature and extent of the failure, and who should enquire as to any possible extenuating circumstances, health, welfare, disability, or fitness to study issues that the Junior Member may wish to have taken into account. If there appear to be no such issues of substance and it appears that the allegation of academic dereliction is well founded, the Tutor for Undergraduates shall provide a clear assessment of the failings to the Junior Member, while seeking to offer constructive guidance and advice. The Tutor for Undergraduates may also (normally having consulted with the tutor(s)) impose conditions to be met that seem to them to be reasonable and necessary, and if so, shall so report to

the next meeting of the Tutorial Committee. Key points of advice, and any conditions that are set, should be recorded and communicated to the student and tutor(s) in writing, with reasonable efforts being made to secure the student's agreement to the accuracy of the record.

10. Measures taken at this initial stage shall be regarded as spent after a period of two terms from the meeting of the Tutorial Committee at which it was recorded.
11. If at these initial stages or any subsequent stage, the Tutor for Undergraduates has good reason to consider that health, welfare, disability, or fitness to study issues may be involved in the case, then they shall consider referring the Junior Member to other Officers of the college, or appropriate support services (to be explicit, this may include the Senior Welfare Officers, the Dean, the College Doctor, the Counselling Service, the University's Disability Advisory Service), or to a Fitness to Study Panel, as they see fit. Such factors should be taken explicitly into account in any academic or non-academic conditions that may be set.

#### **Next stage: jurisdiction of an Academic Panel**

12. In the event of a Junior Member's failing to satisfy the Tutor for Undergraduates that they have made the necessary academic improvement after any conditions imposed at the first stage of this procedure, the Tutor for Undergraduates may, in consultation with the subject tutor(s), refer the matter to an Academic Panel, which shall be convened forthwith. The Panel shall not include any of the Junior Member's tutors. The Panel shall normally comprise the Tutor for Undergraduates, plus two other members of the Tutorial Committee selected by the Tutor for Undergraduates. The Tutor for Undergraduates shall act as its Chair except where they are a tutor of the Junior Member, in which case the Tutor for Undergraduates will appoint a substitute member of the Tutorial Committee to act as chair. In making the reference to a Panel, the Tutor for Undergraduates shall also indicate the level of any conditions which they consider would be appropriate. The reference to the Panel shall be reported to the next meeting of the Tutorial Committee; and the matter referred to it shall remain exclusively within the jurisdiction of the Panel unless and until the Panel declares its proceedings to be concluded, excepting in circumstances where the Academic Panel chooses to refer the case to a Fitness to Study Panel, after which the case reverts back to the jurisdiction of the Academic Panel. It shall further be understood that an Academic Panel may choose to seek the guidance of a Fitness to Study Panel at any stage of its deliberations, as may an Appeal Panel, and indeed they must do if they have reason to suspect that fitness to study issues may have a significant bearing on the case.

13. In the event of an appeal against a ruling of the Academic Panel being submitted to the Chair of the Academic Panel (noting points 14 and 17, below), an Appeal Panel shall be constituted, the membership of which shall be approved by the Governing Body. The membership shall comprise the Principal plus two Fellows. Fellows who have previously sat on an Academic, Disciplinary or Fitness to Study Panel hearing concerning the junior member in question shall not sit on the Appeal Panel.
14. The Academic Panel shall meet without delay. The Junior Member shall normally be interviewed in person by the Panel convened to consider their case, though if the Junior Member agrees the Panel may meet without the Junior Member being present. If the Junior Member fails to attend a meeting at an agreed time, or fails to respond to invitations to agree a time, then the Chair may convene a meeting of the Panel in the absence of the Junior Member. The Tutor for Undergraduates and Chair of the Academic Panel, should endeavour to ensure that the student understands the situation, has the opportunity to make known all material circumstances (e.g., medical evidence), and is aware that they may be accompanied to meetings of the Academic Panel by a member of the college, Senior or Junior, or by a Student's Union representative. The Junior Member shall have the right to ask the Panel to rescind the reference as made on insufficient grounds, and to remit the matter to the Tutor for Undergraduates. The Panel shall determine any such request, and no appeal shall lie against its decision.
15. The Panel shall ordinarily interview, or shall otherwise seek the opinion of, the Tutors of the Junior Member. In general terms, and with all necessary powers to regulate its own procedure, the Panel may take such steps, and impose such conditions, as appear to it to be necessary to put right that which has gone wrong, and to ensure that the Junior Member resumes or adopts proper habits of academic responsibility. It shall seek to make proposals designed to resolve matters. If the panel decides to impose conditions, on the first occasion these shall not ordinarily take the form of Penal Collections, and save in the most exceptional circumstances the Panel shall not send down the Junior Member at this stage.
16. If the Panel determines that Penal Collections should be imposed, it shall do so in accordance with the guidance set out in By-law 10.14 and Schedule 8 to the by-laws. It may impose any academic condition, combined with any non-academic condition, which it considers to be appropriate to the individual case. It shall hear and deal with the consequences of those conditions as they arise. Subject to point 14 above, it may impose any condition considered as a penalty, but shall only impose a penalty, which represents the minimum necessary to meet the merits of the case. For the avoidance of doubt, a Panel has the power to decide that the Junior Member be sent down, be rusticated for a term or terms (and that any readmission be subject to such academic and



other conditions as the Panel may also impose), to impose conditions for the future meeting of academic obligations (and to determine that failure to meet these conditions have a pre-determined consequence). The Panel shall retain jurisdiction, and no other body shall have jurisdiction, over the case until the Panel reports to the Tutorial Committee that it has taken a decision which it considers to be final and conclusive.

### **Final stage: Appeal Panel**

17. The Junior Member may appeal against the decision of any Academic Panel to impose conditions, or against any decision of the Panel adopted in the light of those conditions, to the Appeal Panel. Any such appeal must be lodged within three working days of the Junior Member being informed of the condition, or within three days of being told of the decision taken by the Panel in the light of those conditions. The Appeal Panel shall determine the appeal by such procedure as seems to it to be proper. The decision on the appeal shall be given in the form of Reasons for Decision on Appeal. The Appeal Panel may confirm, vary, or quash the decision of the Academic Panel, and its decision to do so shall, upon being reported to the Governing Body, be final.
18. In the case of a decision on the Appeal to send down or rusticate a Junior Member, the Principal shall inform the Senior Tutor of the decision. If the Governing Body shall determine that a Junior Member who has been rusticated or sent down should be forbidden access to any or every part of the premises of the college, the Principal shall inform the Junior Member in writing of this decision and shall inform the Head Porter. Disregard by the Junior Member of any such conditions shall be referred to the Dean and may by them be referred to the Disciplinary Committee.
19. No other appeal shall lie within the college. This is without prejudice to the right of the Junior Member concerned to appeal to any tribunal or body recognized by the College as having jurisdiction to hear an appeal in the case in question

### **Schedule 8: Guidance for the administration of Penal Collections**

1. The following Rules shall be taken as a general statement of best practice. Departures from the provisions of this schedule shall not be taken to invalidate the proceedings.
2. A Penal Collection shall be set only on work which the Junior Member has or should have covered by the date of the collection; shall be set with a clear and reasonable standard being required; and shall be set for a specified date not sooner than three weeks after the decision to set it has been taken and communicated by the Academic Panel.
3. No Penal Collection shall make use of a paper that has been, is being, or will be, sat as a regular collection within six months of the date of the Penal Collection.
4. A Penal Collection shall be set or approved by a tutor external to the college, who shall be told by the senior subject tutor the appropriate scope of the question paper and the current stage in their course that the Junior Member sitting the paper has reached, and who shall be asked if they are prepared to mark the collection, should the need arise (see point 5, below), as if it is a collection taken at that stage of a student's career and not, if this is different, as if it were a paper in the Public Examination towards which the Junior Member is working.
5. Any Penal Collection shall normally be marked by a tutor, but without any annotations on the script. If the mark satisfies the conditions set then the matter is concluded, otherwise the script will be assessed by an external tutor. If the new mark satisfies the conditions set then the matter is concluded, but if not the opinion of a further colleague will be sought, and the most favourable assessment will be considered to be final. The external tutor(s) shall not be told the name of the Junior Member, nor the mark required, but shall be invited to add any supplementary explanation or other comment which seems to be appropriate.
6. At least seven days before a Penal Collection is to be sat, the senior subject tutor shall give the Tutor for Undergraduates a copy of the paper, together with the name of the external tutor who set it, or approved it, and to whom it is to be returned for marking.
7. A Penal Collection shall ordinarily be sat in a private room; and, if no reasonable alternative can be devised, the claim of the Tutor for Undergraduates for the use of a room for this purpose shall take precedence over any other uses,

whether pre-booked or not. The examination shall be sat in appropriate circumstances, with due safeguards against disruption and the same provisions of extra time or the use of a computer, etc should be followed as the student in question is properly entitled to.

8. Whereas a Penal Collection shall be invigilated throughout by a person selected by the Registrar in consultation with the Tutor for Undergraduates, a designated subject tutor shall be available at the time of the collection in the event a query arises on the examination paper. The invigilator shall deliver the completed collection script to the Tutor for Undergraduates.
9. The Tutor for Undergraduates shall ensure that a copy is taken of the collection script, which is to be kept in the College Office, and that the script itself is sent to the external markers with a request for it to be returned to the Tutor for Undergraduates.
10. The mark(s), and any supplementary explanation or comment, shall be reported, whether to an Academic Panel, to the Tutorial Committee, or to the Governing Body, without embellishment or moderation by any tutor of the college.
11. The College may, in accordance with relevant University regulations, use University Examinations to fulfil the function of penal collections.

## **Schedule 9: Fitness to study and suspension of studies**

1. The following Rules shall be taken as a statement of best practice. Departures from the provisions of this Schedule shall not be taken to invalidate the proceedings.

### **Definition of fitness to study**

2. The University's definition of fitness to study shall be followed. (For convenience of reference, the provisions as set out in University Statute XIII, Part B: Fitness to Study, were, on the date on which these by-laws came into effect, are set out here, and they read as follows:
  - (a) a student's fitness:
    - (i) to commence a distinct course of academic study; or
    - (ii) to continue with their current course of academic study; or
    - (iii) to return to their current or another course of academic study; and
  - (b) their ability to meet:
    - (i) the reasonable academic requirements of the course or programme; and
    - (ii) the reasonable social and behavioural requirements of a student member (whether resident in college or not) without their physical, mental, emotional or psychological health or state having an unacceptably deleterious impact upon the health, safety and/or welfare of the student and/or other students and/or University or college staff (not withstanding adjustments required by law).)

### **Relevant legislation**

3. The College recognises that in dealing with these matters, it is obliged to operate with reference to the University of Oxford's procedures and protocols for such matters, and within the terms of The Data Protection Act 1998, and of the Equality Act 2010. This requires the College to make reasonable adjustments to ensure that students with disabilities are not put at a substantial disadvantage compared to others when carrying out their studies. This obligation may arise even if a student has not been diagnosed with a condition.

### **Responsible college Officers and communication with the Junior Member**

4. Issues of fitness to study may fall under the purview and scrutiny of one or more of several college Officers (Registrar, Tutor for Undergraduates, Dean,

Tutor for Graduates, Chair of Fitness to Study Panel, Tutor for Admissions) and of subject tutors. The lead in dealing with such cases may be taken by different Officers at different stages of the process in the steps leading up to suspension. However, ultimately the responsibility for overseeing the final steps and communication of outcomes to the Junior Member, or referral of cases to the University's Fitness to Study panel, resides with the Tutor for Undergraduates or Tutor for Graduates. In each case, the Tutor for Undergraduates/Graduates will act in consultation, where appropriate, with other Officers (from among the Dean, Senior Welfare Officers, Chair of Fitness to Study panel and Registrar), and will seek input also from the student's tutor(s) or academic adviser.

5. To ensure clarity of communications and completeness of record, which shall be held by the Registrar, confirmation of key steps and decisions concerning hearings, panels and suspension should be communicated in writing (on paper or by electronic media) to the Junior Member concerned by, and only by, the relevant College Officer via the Registrar, or their deputy should the Registrar be on leave. The provision for a deputy to act may be assumed in reading the following guidance.
6. Every reasonable effort will be made by the Registrar to ensure that such communications have reached and been acknowledged as received and understood by the Junior Member.

### **Procedures leading to Suspension**

7. Formally, powers to suspend Junior Members reside with the Tutorial Committee, unless it has delegated such powers to an Academic Panel. Students may apply to the College to go 'out of residence' for a limited period, i.e., to temporarily suspend their studies. Normally such requests will only be granted on health or other welfare grounds. Suspensions are usually given for a period of a year. Exceptionally, permission may be granted for a shorter period of suspension but usually students will not be allowed to repeat parts of a year.
8. In circumstances where the College has reason to consider a Junior Member unfit to study (as defined above), the College may insist that the Junior Member needs time out of College, either for a short period, for one academic term, or more usually for a year. Such a move is a last resort, and before reaching this point, all other reasonable avenues and options for medical and/or welfare support will have been explored by the relevant College Officers and these avenues and options will have been discussed with the Junior Member concerned, with record kept of relevant correspondence and meetings involving the Junior Member. However, in an acute situation, the Dean may impose temporary restrictions on access to college buildings or facilities or interaction with other members of the college.

9. It is likely that in the majority of cases where a need to suspend on grounds of fitness to study arises, agreement will be reached between the Junior Member and the College that suspension is necessary, such agreement being reached by means of consultation led by a relevant College Officer (e.g., Tutor for Undergraduates or the Dean), and normally involving consideration of evidence provided by medical or other expert professionals. Such a recommendation may then go forward to the Tutorial Committee for approval.
10. In cases where agreement is not reached, or where the relevant College Officer (e.g., Tutor for Undergraduates or the Dean) requires further guidance, the case may be referred by said Officer to a Fitness to Study Panel convened within the College.
11. Whereas some cases may involve a Junior Member who is in good academic standing, in other cases where fitness to study becomes a matter of concern, the Junior Member may be in **academic dereliction** such that an Academic Panel has been convened to consider the case (in accordance with by-law 10.14 and schedule 7). Should grounds emerge during the Academic Panel's consideration of the case, whether established or merely suspected, of factors that should be taken into account under the headings of health, welfare, or disability, and on which the Academic Panel feels unable to form a proper judgment, then guidance should be sought from a Fitness to Study Panel. The Fitness to Study Panel should then report back to the Academic Panel, which will then decide on the appropriate academic outcome (e.g., the setting of penal collections, sending down, or suspension). The Fitness to Study Panel should respect the student's wishes regarding confidentiality of the detail of that information but may wish to signal to the Academic Panel what they consider appropriate adjustments of expectation or targets. For instance, an Academic Panel may be minded to suspend a Junior Member so that the student may recover their fitness to study during a period out of residence, rather than set in play mechanisms leading to termination of their course of study (be sent down) on grounds of academic dereliction.
12. Confirmation of key steps and decisions should be made in writing to the Junior Member by (and only by) the relevant College Officer, via the Registrar.
13. In such cases where College (or Departmental/Faculty) Fitness-to-Study Panel procedures are exhausted, and in the small number of cases where no agreement is reached on the suspension of a Junior Member involving fitness to study grounds, the College may refer the case on to the University's Fitness to Study Panel (see University Statute XIII, part B).
14. Whereas the terms 'Junior Member' or 'student' have been used in this Schedule, it should be understood that in general, matters relating to academic



performance and fitness to study are considered by the University to be primarily a College matter with respect to undergraduate members (hence in any reference of a case to the University the College would be considered the 'primary referring body'), while the College is considered the secondary referring body for postgraduate members (the primary referring body being the Faculty or Department of the student concerned). For this reason, graduate students of the College are likely to be more appropriately referred to or via the Department or Faculty's Fitness to Study procedures rather than the College's Fitness to Study Panel. In cases where the present guidelines are deemed to be applicable to Junior Members who are graduate students of the college, any necessary or appropriate adjustments shall be made to fit the differing circumstances involved.

15. Should non-academic disciplinary procedures be underway in connection with a Junior Member who has been referred to a Fitness to Study Panel, such procedures (but not necessarily such disciplinary measures as have already been imposed) shall normally be suspended until the Fitness to Study Panel has reported, and shall recommence automatically if the Panel's decision is that the student is fit to study

#### **Arrangements during a period of suspension and conditions for return**

16. Where a suspension is enacted, clear written guidance will be given from the Tutor for Undergraduates/Graduates (in consultation with other parties, including the Dean, and taking note of the views of the student's tutors/academic advisor), via the Registrar, as to the extent and means of any interim arrangements for contact with the College and its members, continuing use of the College's facilities, etc. during the period of suspension. The following norms apply unless otherwise indicated in the written guidance.
  - a) The written guidance referred to above should specify the terms and expectations surrounding resumption of studies and return to residence, including e.g., provision of a medical certificate or other relevant expert opinion commenting on fitness to study, collections that will be sat upon return, completion of missing essays, etc.
  - b) Those who are suspended on fitness-to-study grounds should be allowed and encouraged to take a period of rest from their studies and so access to University and college teaching resources, including electronic resources, should normally be suspended until the start of the term preceding the term in which they are expected to return.
  - c) Before access is re-established, the Tutor for Undergraduates/Graduates may request the Junior Member to furnish current medical or other expert opinion as deemed relevant by the College, on the student's current condition, fitness to study, or any necessary adjustments to study that might be required to begin preparation for a return to their course of study.

- d) Tutors should at this point establish contact with the student to confirm any academic assignments or collection papers that have been set out within the conditions for resumption of studies. Any variance from the terms agreed may be undertaken only with the agreement of the Tutor for Undergraduates and in the light of any reasonable adjustments that may be recommended in the case of disabled students.
- e) Junior members who are suspended from their studies should have only limited physical access to the College during their period of absence, either to visit friends in their rooms, or to see tutors, and that only by prior arrangement. They should not frequent the bar, JCR, MCR, or library, nor should they participate in college (or university) sports, drama, or other such organized college clubs, societies or activities unless specific permission has been granted by the Tutor for Undergraduates and the Dean.
- f) The re-opening of electronic access to teaching resources during suspension should not include electronic access to other systems such as room access or meal booking.
- g) A final and current medical certificate from the College Doctor, or other specified expert opinion (as above) indicating that the student is fit to return to full-time study on the course in question, setting out, if appropriate, any special adjustments that may need to be made, should be provided 10 days before the meeting of Tutorial Committee immediately prior to their expected date of return, unless a different date is stipulated in writing by the Tutor for Undergraduates via the Registrar.
- h) Financial and accommodation matters relating to periods of suspension are dealt with under a separate head (see By-law 8.7).

### **Fitness to Study Panels**

- 17. The Fitness to Study Panel shall be chaired by an appropriately experienced Fellow of the College, appointed by the Nominating Committee, normally for a three-year period. The chair of the Fitness to Study Panel shall familiarise themselves with relevant legislation and University rules and frameworks.
- 18. A pool of at least six Panel members shall similarly be appointed by the Nominating Committee in consultation with the Chair, taking account of relevant experience and/or qualifications.
- 19. When a case is referred to the Chair of the Fitness to Study Panel they shall convene a Panel of three members drawn from the pool such that (a) it does not involve the subject tutors of the student in question, (b) it does not involve members of an Academic Panel considering the same case, and (c) it does involve at least one member of the same sex as the Junior Member in question. In the event that the Chair is the tutor for the student in question, they should

appoint a deputy to chair the Panel and should not participate as a member of said Panel.

20. The Fitness to Study Panel shall solicit such evidence as may appear to it to be relevant, from, e.g., the subject tutors, the Tutor for Undergraduates/Graduates, the Dean, the College's Senior Welfare Officers, or the College Doctors/the student's GP/other professional advisor, subject (where relevant) to the agreement of the Junior Member to the release of any confidential medical or personal information, and may invite such persons to appear at a hearing of the Panel.
21. The College Officer who has referred the case to the Fitness to Study Panel shall provide a written case for the referral and this material should be made available to the Junior Member at least three working days in advance of any hearing.
22. The Junior Member shall be entitled to make representation to the Panel and to submit relevant evidence. They may be accompanied to hearings by a person of their choice, subject to advance notification to the Panel Chair, but will be expected to answer questions put to them, even if another person acts as their advocate. If the Junior Member absents themselves from a hearing, the Panel chair may elect to proceed in the absence of the Junior Member.
23. The Junior Member has the right to attend and hear the evidence put to the Panel but may be asked to leave the room while the Panel considers the evidence. The outcome and the rationale for the decisions taken should be conveyed to the Junior Member within five working days of the hearing. If the outcome takes the form of a report to an Academic Panel, that report should also be made available to the Junior Member.
24. The Junior Member should be notified of any formal hearing of the Fitness to Study Panel at least five full working days before it meets.
25. In line with the practice of the equivalent University-level Panel, the Fitness to Study Panel shall not consider (a) matters relating to a student's academic underperformance or conduct save to the extent to which they are relevant to the student's fitness to study, or (b) matters giving rise to fitness to practise considerations.
26. The Fitness to Study Panel may be asked to review its assessment of a case by the Tutor for Undergraduates (for undergraduate Junior Members), Tutor for Graduates (for graduate Junior Members), or Dean, on the grounds of new evidence being available that might materially affect the judgment of the case. This might happen, for example, where fitness to resume studies after a period

of absence (such as a vacation period), or after a period of suspension, is at issue.

27. In cases where these procedures are seemingly exhausted the College may refer the case to the University's Fitness to Study Panel, as set out in the University's Statutes (XIII, part B).
28. The Chair of the Fitness to Study Panel shall make an annual report on its activities, making recommendations as appropriate, and this report shall normally be considered at the July Meeting of the Governing Body.

## Approval and Review

### Version Control:

Version	Date created	Created by	Changes made	Authorised by
2	July 2022	Eleanor Burnett, Finance Bursar.	Schedule 6 introduction amended	Governing Body 13 July 2022
3	January 2023	Laura Butler, Governance Officer.	Gender-specific pronouns removed and replaced	Governing Body 30 November 2022
4	July 2023	Laura Butler, Governance Officer. Oliver Riordan, Secretary to GB.	Non-Academic Misconduct Disciplinary Procedure replaced; Committee information updated	Governing Body 05 October 2023