

*These by-laws were amended by the Governing Body at its meeting on 13 July 2022*

## **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 A by-law, or provision in a by-law, may be made, rescinded, varied or departed from only at a Meeting of the Governing Body.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 However, a by-law, or a provision in a by-law, may be made, rescinded, varied or departed from at a Meeting without such prior notice if the Meeting has present at it at least one-half of the members of the Governing Body and a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 his or her 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 his or her 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 he or she has 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 he or she considers 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 his or her 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 he or she is 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 his or her personal or professional interests raise or may appear to raise the possibility of conflict with his or her 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 his or her 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 his or her vote for any purpose connected with this by-law unless he or she is 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 he or she has 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 his or her 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 his or her 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 his or her 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 he or she 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 his or her 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 he or she remains 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 his or her 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 his or her 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 his or her 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 his or her 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 he or she 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 his or her 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. He or she 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 his or her duties.
16. An applicant for sabbatical or special leave shall give to the Academic Committee a general description of how he or she proposes to spend the leave and of what remuneration he or she expects to receive for any new appointment accepted or activity undertaken during his or her 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 he or she is in receipt of his or her full university salary and the regular college tutorial salary that he or she 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 he or she shall declare what sum would have to be deducted from his or her income so as to leave him/her approximately in the same financial state as if he or she had not taken leave. He or she will forgo, for the period of his or her leave, from his or her normal pensionable stipend and allowances such proportion of that sum as his or her college salary is (at the date of commencement of leave) of his or her 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 he or she is to forgo any part of his or her 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 he or she so wishes.
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 his or her 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 his or her 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 him or her, 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, the Development Committee, and the Disciplinary Committee. The Domestic sub-committee, the Wine sub-committee, the Garden 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.
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 his or her 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 he or she reports 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 Disciplinary Committee shall have referred to it and shall consider all cases involving possible serious action on disciplinary grounds by the College against a Junior Member. The Committee shall have the power in exceptional circumstances to suspend membership of the College for a maximum period of seven days, but only if a majority of the Senior Members of the Committee votes in favour. The membership of the Disciplinary Committee, its procedure, its powers, and the procedure for appealing from its decision, is governed by the Disciplinary Procedure Rules in Schedule 6 of the by-laws.
22. 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.
23. 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 he or she wishes 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.
24. 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 College Gardener or Gardeners (as the case may be), 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.

25. 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.
26. 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.
27. 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.

28. 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 and the Disciplinary 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 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 and the Disciplinary 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 Chairman, and, if it wishes, a Vice-Chairman. The Chairman may be, but need not be, the Principal. In the absence of such a Chairman, or Vice-Chairman, 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 he or she intends to oppose acceptance of the nominations or any part of them. A member of the Governing Body who so intends shall, in his or her 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 he or she shall be appointed or elected for the period remaining of the tenure of the member whose place he or she is filling.
17. A member of a committee who wishes to resign from a committee before the expiry of his or her membership may do so, but shall inform the Principal in writing of that intention and the date from which he or she wishes the resignation to be effective.
18. A member of a committee who is suspended in his or her 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 Chairman, shall, unless the committee otherwise determines, prepare the agenda for and summon the meetings of each committee. He or she 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 chairman or College Officer may at his or her 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 Chairman shall have a casting vote in addition to his or her 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 he or she is not a member. He or she 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 he or she shall be eligible for immediate re-appointment to it. The three-year period of office of an Officer who is suspended in his or her 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 he or she was 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 his or her office for the period during which he or she is 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 his or her 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. He or she 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 Chairman 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, he or she 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. He or she 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 his or her studies, whether by the University or by the College, or who goes out of residence voluntarily, shall vacate his or her room within seven days, if he or she lives 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. He or she is 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 he or she judges 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 his or her 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 him or her to be appropriate.



13. Cases involving possible serious disciplinary action by the College against a Junior Member shall be referred to the Disciplinary Committee, and shall as aforesaid 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 his or her 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 him or her, 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 himself or herself with the directing of any member of the Staff of the College in the discharge of his or her 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 him or her, 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 his or her 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 his or her 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 his or her 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 his or her particular skills: for example, it may ask whether the the college needs, for a defined period, to retain his or her 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 his or her 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 his or her retirement, he or she 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 his or her 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 his or her 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 him or her, 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 his or her 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 his or her 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 his or her 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 his or her 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 his or her 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, he or she 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 his or her 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, he or she 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 he or she 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, he or she shall be entitled to seek a postponement of the meeting by written notice to the Principal to be delivered to him or her 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 he or she 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 he or she considers 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 his or her 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 his or her 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 his or her 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 him or her) 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 him or her 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 his or her 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 him or her 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. He or she shall have the opportunity to be accompanied or represented by a colleague or representative from any professional body or trade union of which he is 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 his or her 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, he 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 he has appointed to act for him or her. 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 he or she considers 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 his or her 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 he or she considers 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 he 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 he or she wishes so rely, a list of his or her 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, his or her 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 his representative in addition to the other parties specified in Clause 19 of Statute II. The person charged shall be notified of his or her 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 his or her delegate shall inform and consult the Governing Body prior to making any decision as to penalty. He 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 he or she may do so forthwith or upon such terms as he or she considers fit. If the Principal decides not to dismiss, the actions he 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 him or her.
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 his or her full contractual duties. If the Principal considers it advisable, he 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 him or her 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 he or she so wishes. 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 his or her 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 him or her 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, he shall ensure that the member of staff has adequate access to materials and/or colleagues to enable him or her 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 his or her 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 him or her, 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 him or her. 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 he or she has done so. The Principal shall consider any appropriate action, including suspension, that may be required in relation to the appellant and/or his or her 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 he or she decides 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 him or her 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 his or her right, at his or her 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 him or her to represent him or her.
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 his or her 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 he or she considers 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 he or she has exhausted any other relevant avenues of complaint.
71. Any complaint should be addressed in the first instance to the Principal 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 he or she wishes 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 him or her) shall consider any complaint as quickly as he or she reasonably can and shall take steps to investigate the matter. At this stage he or she may appoint one or more people to investigate the issues on his or her 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 his or her 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 his 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, he or she shall so inform the complainant and invite his or her 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 him or her right, which may include dismissing the complaint. The Principal shall notify the complainant of his decision at the earliest opportunity.

75. Provided that he or she acts within 7 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, he or she 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, he or she 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, he 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 he or she sees 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 his or her 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 his or her 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 his or her 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 his or her 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 Chairman.

6. The Finance Bursar, or such other person as may be agreed between the Governing Body and the Chairman, 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 Chairman 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 (eg 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 Chairman 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 laws 6.21 and 10.13

## **Schedule 6: Disciplinary Procedure Rules**

### **Introduction**

1. (a) These Rules shall in all cases be interpreted and applied (and where necessary, set aside) in accordance with the principles of natural justice, fairness, and proportionality. Where necessary the Disciplinary Committee shall add to, subtract from, or otherwise amend these written rules in order to secure compliance with these principles.

(b) Subject to paragraph 1(a), the Disciplinary Committee shall follow the procedure set out in this schedule, save that in exceptional circumstances as determined by the Chairman (or in his or her absence the Vice-Chairman), the Disciplinary Committee retains discretion to adopt and follow the relevant Conference of Colleges or University procedure, modified as necessary; or the Chairman (or in his or her absence the Vice-Chairman) may refer the matter to the University to be dealt with in accordance with its relevant procedure (as such procedures may be amended from time to time).

(c) The Disciplinary Committee may be assisted in its work by a third-party advisor appointed to advise it on the procedure to be followed, and/or may delegate to such advisor the compilation of the dossier and any other documents to be considered by the Disciplinary Committee.

### **Membership**

2. The Disciplinary Committee shall have ten members: (a) a Chairman nominated by the Nominating Committee; (b) seven members of the Governing Body of whom one shall be designated by the Nominating Committee as Vice-Chairman; and (c) the Presidents of the Junior and Middle Common Rooms. Two or more members shall be female. A meeting of the Committee shall be quorate when any five members are present.

### **Reserve membership and ad hoc membership**

3. Two members of the Governing Body shall be designated as reserve members under category (b); the Steward or Vice-President of the Junior or Middle Common Room shall be reserve for the Presidents of the common rooms. If in the opinion of the Chairman it is necessary or desirable to co-opt an additional member of the Governing Body, he or she shall do so subject to this decision being ratified by the Committee.

### **Those excluded from membership**



4. The Principal, Vice-Principal and Dean shall not be members of the Committee. Also excluded from membership is any Fellow who made the reference to the Committee; and any person who is Tutor of or to the accused, or Tutor of or to the alleged victim of the offence. The Chairman shall determine whether the presence of any other member of the Committee may in his or her opinion prejudice the apparent fairness of the proceedings, and shall exclude any such member from the proceedings.

### **Reference to the Committee**

5. Those who may refer a case to the Chairman of the Committee are (a) the Dean, and (b) any two members of the Governing Body who have consulted the Dean. The reference shall be made only if it is considered that a Junior Member stands accused of conduct which may if proved lead to serious disciplinary consequences.

### **Admissibility of reference**

6. When a reference has been made to the Chairman of the Committee he or she shall determine (a) that there is a prima facie case suitable for hearing by the Committee, and shall implement the procedure set out in these Rules, or (b) shall determine that the case is not one which is suitable for hearing by the Committee, and shall remit the matter to the Dean. A case is not suitable for hearing by the Committee unless the Chairman considers that the college has a proper disciplinary interest in it.

### **Preliminary procedure**

7. The Chairman shall ascertain from the accused whether he or she wishes to object to the presence on the Committee of the JCR or MCR member. He or she shall ascertain the name of any person whom the accused wishes to have called as a witness and shall invite such person or persons to attend unless of opinion that it is impracticable or undesirable to do so.
8. The Chairman shall compile the dossier for the hearing. This shall include (a) a statement from Fellows making the reference, or the Dean if the reference was made by him/her, about the allegation and their observations upon it; (b) a statement from the accused's Tutor or Tutors raising any fact or matter considered to be relevant; (c) a statement from any injured party, if he or she wishes to make one; (d) a statement from the accused setting out all facts and matter relevant to the issue of guilt and/or the consequences of guilt; and (e) a statement from any person whom the accused wishes to call to give evidence to the Committee on his behalf.
9. The Chairman shall copy the dossier to all members of the Committee at least three days before the date of the hearing.

10. The Chairman shall ensure that the accused receive a copy of the dossier and a copy of these Rules. He or she shall ensure in advance of the meeting that the accused is properly informed of the nature of the proceedings.
11. No other documents shall be required but the Chairman may, in his discretion, place any other documents before the Committee. Save in exceptional circumstances, all members of the Committee, and the accused, shall see all documents which will be considered by the Committee.

### **Proceedings before the Committee: first stage**

12. The purpose of the first stage of the hearing is to determine whether the allegation has been proved. Except as provided below, the first stage of the hearing shall be in open session. Without prejudice to the overriding objective, the procedure at the first stage of the hearing shall be as follows.
13. The Dean shall attend, and any Fellow may, attend the open session of the first stage of the hearing. They may put questions to the accused, or to any witness, only through the Chairman.
14. The Principal shall be present through the first stage of the hearing as a silent observer only.
15. The accused shall be present throughout the open session of the hearing. The Junior Member shall have the right to be accompanied if he or she wishes by a Junior Member of the College, or, with the consent of the Chairman, by a third party in the capacity of friend, adviser or representative, where the Chairman considers this to be appropriate in the interests of fairness. The friend or third party may speak on his or her behalf. The accused shall not be represented unless he or she is personally present at the hearing.
16. The Chairman shall determine the order in which the evidence is taken. Witnesses may add to or comment upon their written statements, and may be asked questions about their evidence. The accused shall normally be entitled to have the last word.
17. Unless the Committee shall otherwise determine, no person shall give evidence to the Committee who does not also attend in person, and no person shall give evidence in person who has declined to make a written statement when invited by the Chairman to make one.
18. After the evidence has been heard, the members of the Committee shall alone consider, in closed session, whether the allegation has been sufficiently proved. Each member of the Committee shall have one vote, the Chairman having a casting vote. A simple majority of votes shall be required for decision.

## **Proceedings before the Committee: second stage**

19. All those who were present at the open session of the first stage may attend to hear the decision of the Committee on the question of guilt, which shall be pronounced forthwith. If the Committee finds the allegation not to be sufficiently proved it shall dismiss the allegation. If it finds the allegation, or any discrete part of the allegation, to be sufficiently proved, it shall in open session invite submissions to be made on the question of the proper penalty.
20. The proper penalty shall take account of the accused's previous decanal record. The Dean shall be asked to give, and shall give, such statement as will enable the Committee to determine the proper penalty. He or she may, but need not, indicate his or her opinion as to the proper penalty.
21. After the submissions have been heard, the members of the Committee alone shall consider in closed session the proper penalty. Each member of the Committee shall have one vote, the Chairman having a casting vote. A simple majority of votes shall be required for decision.
22. The accused and his or her representative only shall be invited back to hear the penalty upon which the Committee has decided. The Chairman shall explain the decision, and shall inform the accused of the procedure for appeal to the Principal.

## **Further procedure and appeals**

23. The Chairman of the Committee shall prepare a statement of Reasons for Decision, and shall send this to the accused, to any person who attended the open session of the hearing, to the Principal, and to the Governing Body. The Reasons shall state the period during which any appeal to the Principal must be lodged. This shall normally be seven days from the date of the Reasons.
24. If there is no appeal the Governing Body shall determine the manner in which the decision of the Committee shall be publicised.
25. An appeal by the accused shall lie to, and only to, the Principal. An appeal by an injured party personally aggrieved by the conduct of the accused shall also lie to, and only to, the Principal. The appeal may be against any aspect of the decision or sentence. Notice of appeal shall in all cases be accompanied by a written statement of the grounds of the appeal, which may be (a) inadequacy or other fault in the conduct of the proceedings; (b) the availability of fresh evidence which could not reasonably have been put before the Committee at the hearing; (c) that the penalty was excessively severe or excessively lenient.
26. The Principal shall determine the appeal by such procedure as seems to him or her to be proper in the light of the overriding objective. The decision on the appeal

shall be given in the form of Reasons for Decision on Appeal. The Principal may confirm or quash the decision of the Disciplinary Committee, and his or her decision to do so shall, upon being reported to the Governing Body, be final. If of opinion that the decision of the Committee was correct but its penalty was excessively lenient, the Principal shall refer the matter back to the Committee. The members of the Committee alone shall reconsider the question in the light of the Principal's Reasons for Decision on Appeal, and shall determine the penalty which shall, upon being reported to the Governing Body, be final.

27. In the case of a decision to send down or rusticate a Junior Member, the Principal shall inform the Senior Proctor 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 him be referred to the Disciplinary Committee.
28. Point 25 of these rules shall be 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 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 him or her 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 his or her 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 he/she
  - 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 his/her 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 his or her 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 him or her 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 he/she 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 he/she sees 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 he or she has 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 he or she is 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 he or she considers 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 his or her 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 Proctor 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 him or her 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 his or her 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 his/her current course of academic study; or
    - (iii) to return to his/her current or another course of academic study;and
  - (b) his/her 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 his/her 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 recognizes 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 his/her 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 his or her 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 familiarize him/herself 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 he/she 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, he/she 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 him/herself 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.