

Hertford College

Bye-laws

Hertford Bye-laws

10 October 2012

Table of Contents

Section	Page
General Provisions	1
The Governance Bye-law	2
Major College Committees	4
The Fellows	6
The Principal.....	12
The Officers of the College.....	13
Conflicts of Interest Bye-Law.....	14
The Disciplinary Bye-law	19
Bye-Law on Employer Justified Retirement Age.....	34
Appendix 1 Academic Committee – Terms of Reference	41
Appendix 2 Domus Committee – Terms of Reference.....	42
Appendix 3 General Purposes Committee – Terms of Reference	443
Appendix 4 Treasury Committee – Terms of Reference.....	44
Appendix 5 Committee for the Development Office - Terms of Reference.....	45
Appendix 6 Remuneration Committee	46
Appendix 7 Honorary Fellowships Committee – Terms of Reference	47
Appendix 8 College Officer Job Descriptions	48

Hertford College

Bye-laws

GENERAL PROVISIONS

- 1 In these Bye-laws (and in all Bye-laws made under them) words importing the masculine gender shall include the feminine and vice versa, where the construction so permits and the Bye-laws do not otherwise provide.

THE GOVERNANCE BYE-LAW

- 1 Governing Body Code of Practice and Standing Orders
 - 1.1 All matters discussed in Governing Body and its committees are confidential to the members of the Governing Body.
 - 1.2 The Principal is responsible for Governing Body agenda and papers.
 - 1.3 No important proposal is to be introduced without a supporting paper.
 - 1.4 All Governing Body papers should go through the appropriate channels, and be circulated by the Principal's Office. A draft Agenda will be circulated by the Thursday, 6 days before the meeting. Papers should be delivered to the Principal's Office no later than noon on the Monday, 2 days before the meeting, for circulation that afternoon with the final Agenda. Papers laid on the table will normally not be considered at that meeting, but circulated for the next Governing Body meeting.
 - 1.5 Papers without a name will not be considered.
 - 1.6 Amendments to the minutes (apart from typing corrections) should be handed in written form to the chair before the beginning of the meeting.
 - 1.7 All remarks should be addressed to the chair.
 - 1.8 Committee papers will be assumed to have been read, without need of introduction at the Governing Body meeting, but important or complex issues may be introduced briefly by a member of the committee from which they come.
 - 1.9 Recommendations from Domus Committee on charitable donations will be approved, unless a Fellow request deferral, so that she or he can present a contrary case in writing. Fellows may however ask questions about the donations, and reasons for their approval or rejection
 - 1.10 No vote may be taken on any item marked 'Business of Governing Body', or to suspend Standing Orders, if more than ninety minutes have elapsed since the start of the meeting.
 - 1.11 No member may speak twice on the same item of business except for purposes of reply, clarification or the correction of errors of fact.
 - 1.12 Items marked 'W' will not normally be discussed unless a member of Governing Body requests that it should be.
 - 1.13 Governing Body members unable to attend meetings of Governing Body are required to send apologies in writing stating the reason for their absence.

- 1.14 Should a member of Governing Body have an interest in a matter under discussion s/he may speak and answer questions before withdrawing to allow further discussion and any vote that may be required.
- 1.15 College Officers reporting to Governing Body may be required to withdraw in order that their reports may be considered.
- 1.16 The Bursar shall attend Governing Body in order to give an account on the discharge of his office.

MAJOR COLLEGE COMMITTEES

- 1 There shall be the following Major College Committees
 - 1.1 Academic Committee
 - 1.2 Domus Committee
 - 1.3 General Purposes Committee
 - 1.4 Treasury Committee
 - 1.5 Committee for the Development Office
 - 1.6 Remuneration Committee
 - 1.7 Honorary Fellowships Committee
- 2 The following provisions shall apply to all College committees:
 - 2.1 Governing Body shall from time to time approve additional Terms of Reference for major College Committees and these are set out in the appendix to these Bye-laws.
 - 2.2 Committees shall report to Governing Body directly unless another College Committee is specified in the Terms of Reference.
 - 2.3 All Committees must keep minutes and should also record those present and apologies for absence in their minutes.
 - 2.4 The designated Chair (the Principal unless otherwise specified) shall be responsible for approving agendas, minutes and other relevant papers and for communicating them to Governing Body.
 - 2.5 The Chair shall appoint a Secretary to prepare the Committee's papers.
 - 2.6 In the absence of the designated Chair this role shall be taken by the longest-serving member of the Committee who is not an Officer reporting to it.
 - 2.7 Where Committee terms of reference indicate the normal frequency of meetings the Chair shall have the power to convene additional meetings as required.
 - 2.8 Wherever a Committee recommends expenditure outside the limits of the current budget, such recommendations must be passed to Treasury Committee in the first instance.
 - 2.9 Committee members elected by Governing Body shall normally serve for a term of three years and not be eligible for immediate re-election.

- 2.10 If a Committee is divided upon a recommendation, this should be reported to Governing Body.
- 2.11 A quorum of fifty percent of voting members shall be required to be present in order that a Committee may take decisions or make formal recommendations to Governing Body. Where a matter is to be decided, or a recommendation agreed, by e-mail, at least fifty percent of voting members must respond for the result to be valid.
- 2.12 The Principal shall have the power to suspend Committee membership in the case of members who are on leave. The Committee quorum shall be reduced correspondingly for the period of suspension.

THE FELLOWS

CLASSES OF FELLOWSHIP

1 The Fellowships in the College shall be of the following classes:

- 1.1 Official Fellowships
- 1.2 Professorial Fellowships
- 1.3 Research Fellowships, Senior and Junior
- 1.4 Supernumerary Fellowships

There may also be Honorary Fellowships, Emeritus and Visiting Fellowships

ELECTIONS

2 Elections to Fellowships shall be made in the manner following unless otherwise provided:

- 2.1 The number of Fellowships, and the rights, privileges, and duties of Fellows shall be as the Governing Body may determine;
- 2.2 Elections to a Fellowship shall be made at a meeting of the Governing Body and by the votes of not less than two thirds of the total number of the Governing Body members, and with the consent of the Principal;
- 2.3 Re-election to a Fellowship shall be by a majority of those present and voting at a meeting of the Governing Body;
- 2.4 Notice of any meeting of the Governing Body at which election to a Fellowship is proposed shall be given at least twenty-one days before the date of such a meeting;
- 2.5 Notice of any meeting at which re-election to a Fellowship is proposed shall be given either at the preceding meeting of the Governing Body or at least fifteen days before the date of the meeting at which the re-election is proposed to be made;
- 2.6 A Fellow may be re-elected only to a Fellowship of the same class as that to which he was last elected or re-elected; but this sub-clause of this Bye-law shall not prevent a Fellow from being proposed for election to any other class of Fellowship;
- 2.7 Unless the Governing Body otherwise declare, the duties of a Fellow shall remain after his re-election as they were before;
- 2.8 No election shall be held if immediately after such election the number of Fellows holding their Fellowship under clause 3.1(a) of this Bye-law would be equal to half or less than half of the membership of the Governing Body, unless the Governing Body waives this provision by the votes of not less than two thirds of its total

number. For the purposes of this sub-clause of this Bye-law a person who at the time of the coming into force of these Bye-laws holds an Official Fellowship with a tutorship in the College shall be deemed to hold his Fellowship under clause 3.1(a) of this Bye-law.

OFFICIAL FELLOWSHIPS

- 3.1 Official Fellowships shall be tenable by those elected:
- (a) To discharge the tutorial responsibilities of the College, or
 - (b) As Officers of the College not holding a Fellowship in any other capacity.
- 3.2 Before proceeding to the election of an Official Fellow to discharge tutorial responsibilities within the College, the Governing Body shall in every case consult the appropriate Faculty or Department.
- 3.3 Every Official Fellow shall be elected for a period not exceeding five years in the first instance, and may be re-elected for such period or periods as the Governing Body may determine, but no such re-election may be for a period longer than ten years at a time.
- 3.4 An Official Fellow shall reside within the University during the usual College Terms, but the Governing Body may in case of sickness or for any other sufficient cause dispense with the residence of an Official Fellow for such period as it thinks proper.
- 3.5 The Governing Body may from time to time grant an Official Fellow dispensation from tutorial and administrative duties for any reason approved by it and for periods not exceeding one year at a time upon such terms as to the reduction of his stipend and allowances during such dispensation as may appear to it to be reasonable.
- 3.5.1 An Official Fellow elected or last re-elected under clause 3.1(a) of this Bye-law and who at that time also held, or was in the process of being appointed to hold, a University teaching post shall vacate his Fellowship upon ceasing to hold such post, but may be re-elected to his Fellowship.
 - 3.5.2 An Official Fellow elected or last re-elected under clause 3.1(b) of this Bye-law shall vacate his Fellowship on ceasing to hold the qualifying Office.

PROFESSORIAL FELLOWSHIPS

- 4.1 Professorial Fellowships shall be tenable by
- (a) University Professors;
 - (b) Persons holding University posts, which are declared by any University Statute or Decree to qualify the holder for such.

- 4.2 The holder of any Professorship allocated to the College shall thereby be a Professorial Fellow of the College. In all other cases persons shall be elected to Professorial Fellowships under the provisions of clauses 2.2, 2.4 and 2.8 of this Bye-law.
- 4.3 A Professorial Fellows shall hold his Fellowship, subject to clauses 10 and 11 of this Bye-law, for as long as he holds his qualifying post.

RESEARCH FELLOWSHIPS

- 5.1 Research Fellowships shall be of two classes:
- (a) Senior Research Fellowships and
 - (b) Junior Research Fellowships,
- and shall be tenable by persons who are likely to do valuable research in the College or the University or, with the consent of the Governing Body, elsewhere.
- 5.2 Every Senior Research Fellow shall be elected for a period not exceeding five years in the first instance and may be re-elected for such further period or periods as the Governing Body may determine, but no such re-election may be for a longer period than ten years at a time.
- 5.3 A Senior Research Fellow may be elected a member of Governing Body for any portion of his Fellowship at a meeting of Governing Body and by the votes of not less than two thirds of the total number of Fellows.
- 5.4 Every Junior Research Fellow may be elected for a period not exceeding three years in the first instance and may be re-elected for such period or periods as shall, when added to the period of his first appointment not exceed six years in all.
- 5.5 A Junior Research Fellow may be elected a member of Governing Body for any portion of his Fellowship at a meeting of Governing Body and by the votes of not less than two thirds of the total number of Fellows.
- 5.6 The intellectual qualifications of candidates for Junior Research Fellowships may be tested by examination and, in that event notwithstanding the provisions of clause 2.2 of this Bye-law, the votes of a majority of the total membership of the Governing Body shall suffice to make an election.
- 5.7 For the purposes of clause 2.6 of this Bye-law, Senior and Junior Research Fellowships shall be treated as being of different classes.

SUPERNUMERARY FELLOWSHIPS

- 6.1 Supernumerary Fellowships shall be tenable by:

- (a) Persons appointed by the University to hold administrative or academic posts within the University or to perform some definite work on behalf of the University;
 - (b) Persons whose services as a Fellow would, in the opinion of the Governing Body, be of advantage to the College as a place of education and learning.
- 6.2 Every Supernumerary Fellow shall be elected for a period not exceeding five years in the first instance and may be re-elected for such period or periods as the Governing Body may determine, but no such re-election may be for a longer period than ten years at a time.

EMERITUS FELLOWSHIPS

- 7.1 The Governing Body may elect to Emeritus Fellowships persons who have vacated Fellowships in the College other than Junior Research Fellowships.
- 7.2 The tenure of Emeritus Fellows shall be as determined by the Governing Body from time to time, save that no election or re-election shall be made without notice thereof otherwise than at a meeting of the Governing Body.
- 7.3 Unless otherwise expressly stated, references to Fellows or Fellowships in these Bye-laws shall not include Emeritus Fellows or Fellowships.
- 7.4 Clause 2 of this Bye-law, except sub-clauses 2.7 and 2.8 thereof, shall apply to the election and re-election of Emeritus Fellows.

HONORARY FELLOWSHIPS

- 8.1 The Governing Body may elect distinguished persons to Honorary Fellowships in the College.
- 8.2 The tenure of Honorary Fellowships and the mode of election thereto shall be as determined by the Governing Body from time to time, save that no election or re-election shall be made without notice or otherwise than at a meeting of the Governing Body.
- 8.3 Unless otherwise expressly stated, references to Fellows or Fellowships in these Bye-laws shall not include Honorary Fellows or Fellowships.

VISITING FELLOWSHIPS

- 9.1 The Governing Body may elect to Visiting Fellowships distinguished academic persons who are engaged in academic pursuits in the University of Oxford or elsewhere.

- 9.2 The election to a Visiting Fellowship including the terms thereof shall be by majority of those present and voting at a meeting of Governing Body.

VACATION OF FELLOWSHIPS

- 10.1 A Fellow shall vacate his Fellowship on becoming the Principal of the College and no Fellowship shall be tenable with a Headship or Fellowship (other than an Honorary or Emeritus Fellowship) in any other College, Hall or Society within the University.
- 10.2 Subject to the right of appeal to the Visitor as provided by the Statutes, a Fellow, including an Emeritus Fellow, Visiting Fellow or Honorary Fellow, may be deprived of his Fellowship by a declaration of the votes of not less than two thirds of the total number of the Governing Body that he has failed to observe his responsibilities to the College or is guilty of conduct rendering him unfit to remain a Fellow; and an Official or Research Fellow may be deprived of his Fellowship by a similar declaration that he is engaging in an occupation likely to interfere with the proper discharge of his duties to the College, or that he has failed to discharge such duties. Provided that, subject to the provisions of clause 7(a) of the Appendix Part 1 of the Statutes, nothing in this clause shall apply to the removal of any member of the academic staff to whom clause 7(a) of the Appendix Part 1 of the Statutes applies.
- 10.3 Where any person has been elected or last re-elected to a Fellowship under clause 3.1(b) of this Bye-law by virtue of holding a College Office, clauses 10.1 and 10.2 of this Bye-law shall apply to that Office in like manner as to his Fellowship.

REMUNERATION OF FELLOWS

- 11.1 Every Official Fellow and Research Fellow shall be entitled to receive such annual stipend and allowances as recommended from time to time by the Remuneration Committee and approved by the Governing Body, and any Fellow may receive such additional grants, if any, as the Governing Body may think fit.
- 11.2 No stipend or allowances shall be payable in respect of his Fellowship to any Professorial or Supernumerary Fellow, but holders of such Fellowships shall be eligible to receive the stipend and allowances attached thereto during their tenure of such Office, and a Professorial Fellow elected under clause 4.1(b) of this Bye-law who assists in discharging the tutorial responsibilities of the College may be paid in respect of such assistance such stipend and allowances, including a housing allowance, as the Governing Body may determine.
- 11.3 The Governing Body shall assign rooms in College free of rent, rates and taxes to every Official Fellow and may if it thinks fit assign rooms, on such terms as it thinks appropriate, to any other Fellow who declares that he intends to use such rooms for residence or for work approved by the College.

- 11.4 The Governing Body may make a housing allowance to any Official or Research Fellow who declares that he does not intend to reside in the College.
- 11.5 The College shall maintain a common table of which the Principal and every Fellow of the College shall be entitled to partake without charge.
- 11.6 Honorary, Visiting Fellows and Emeritus Fellows shall have no entitlements under this Bye-law, but may enjoy such privileges and advantages as the Governing Body shall from time to time determine, save that no stipend shall be payable to Honorary and Emeritus Fellows as such.

THE PRINCIPAL

- 1 In addition to the provisions set out in the Statutes, the following shall apply to the position of Principal:
 - 1.1 The Principal shall reside in the Principal's Lodgings for not less than six weeks in every term and for a total of not less than eight calendar months of each year unless dispensation has been granted in advance by the Governing Body.
 - 1.2 Subject to the provisions of the Statutes and any decision of the remuneration committee of the College, the Principal shall be entitled to such annual stipend as the Governing Body and the Remuneration Committee shall from time to time determine, being a sum not less than half the salary of a Schedule A Professor of the University.
 - 1.3 The Principal shall be entitled to the use of his lodgings free of rent, rates and taxes. The College shall be responsible for structural repairs and external decoration of the Principal's lodgings.
 - 1.4 The Principal may receive such allowances, including allowances for the internal decoration of his lodgings, as the Governing Body may think fit.

THE OFFICERS OF THE COLLEGE

In accordance with Statute 5.2.3, the Governing Body shall appoint, the Principal apart, the following College Officers:

1. Tutor for Undergraduate Admissions
2. Tutor for graduates
3. Senior Tutor
4. Dean
5. Investment Bursar
6. Dean of Degrees
7. Tutor for Women
8. Fellow Librarian
9. Archivist
10. Bursar
11. Development Director

All College Officers shall be responsible to the Governing Body for the proper performance of their duties as set out in Appendix 8 of the Bye-laws.

Part time College Officers will normally serve a term of four years and no more than two terms of four years.

BYE-LAW ON THE MANAGEMENT OF CONFLICTS OF INTEREST

1 INTRODUCTION: MANAGING CONFLICTS OF INTEREST

- 1.1 The Charity Commission recommends that all charities have a policy on how they will deal with any conflicts of interest to which charity trustees may be subject as a result of their involvement in the work and decision-making processes of the charity. All Fellows are in a fiduciary relationship with the College and so must act wholly and exclusively in the interests of the College in relation to their involvement in management and governance matters.
- 1.2 The bye-law follows recommendations in the booklet *A Guide to Conflicts of Interest for Charity Trustees*, published by the Charity Commission. The following extracts are indicative of the general nature of the issue:
- 1.2.1 A conflict of interest is any situation in which a trustee's personal interests, or interests which they owe to another body, and those of the charity arise simultaneously or appear to clash.
- 1.2.2 We recognise that it is inevitable that conflicts of interest occur. The issue is not the integrity of the trustee concerned, but the management of any potential to profit from a person's position as trustee, or for a trustee to be influenced by conflicting loyalties.
- 1.2.3 It is the potential, rather than the actual, benefit from which the conflict of interest arises which requires authority. In order to avoid a breach of trust and to ensure transparency, authority is required where there is a possibility of benefit. This will avoid accusations of impropriety, which could in turn have a damaging effect on the charity's reputation.
- 1.2.4 If the benefit from which the conflict of interest arises is not authorised by the charity's governing document, trustees will need to apply to the Commission for the necessary authority.
- 1.2.5 All trustees need to be alert to possible conflicts of interest which they might have and to how they can minimise their effects. A key aspect of minimising the effects of conflicts of interest is to be open and transparent about such situations when they arise. We recommend that all trustees advise their charity of any actual or potential conflicts of interest of which they are aware, as soon as they arise.
- 1.3 Conflicts of interest are managed in five main ways:
- 1.3.1 The payment of remuneration or provision of benefits to Fellows is subject to recommendations from the Remuneration Committee.
- 1.3.2 Provision of other financial benefits to Fellows is restricted.

- 1.3.3 There is a register of Fellows' material interests.
- 1.3.4 Every Fellow having a material interest shall declare that at any meeting in which it relates to the business under discussion.
- 1.3.5 Provision is made for Fellows to absent themselves (or not vote) where they have a material interest.

1.4 The Code applies to committee meetings in addition to College meetings.

2 CONFLICTS OF INTEREST STATEMENTS

2.1 The following persons shall be required to complete a Conflict of Interest Statement (CIS):

- 2.1.1 Members of Governing Body
- 2.1.2 Members of Committees of the Governing Body
- 2.1.3 Members of the Board of Directors of all companies in which the College holds a majority of the shares
- 2.1.4 Such other persons as the Governing Body shall require to complete a CIS

A person required to complete a CIS shall do so within one month of his/her appointment and at the end of each financial year of the College. The Statement shall (1) confirm reading and acceptance of the Bye-law and notes thereto; (2) list potential conflicts of interest (see 8 and 9 below); (3) agree to complete a revised Statement if further need arise. In the absence of declared conflicts of interest, the Statement may be made electronically by simple reply to an email.

3 DUTY TO DECLARE

3.1 Any Fellow who has a material interest in any matter of business before the Governing Body shall declare the interest at the beginning of each meeting at which that business is under consideration (or before the discussion of that business). There is no need to declare an interest which is overt on the agenda (such as a re-election) or which appears on the register of interests, although Governing Body may be reminded of this at the outset of the meeting.

4 MEANING OF MATERIAL INTEREST

4.1 A material interest is any matter which may influence the judgment of the person possessing it, or may reasonably appear to be capable of influencing that person's judgment, so that the judgment may not be exercised wholly and exclusively in the interests of the College. [For shareholdings, see Note 3] A Fellow whose partner or close family members may benefit from any matter of business has a material interest. [Note 1]

5 WITHDRAWAL FROM MEETING

5.1 If a material interest is declared, then the Fellow declaring it shall withdraw from any meeting, or part of it, at which the business is under consideration, and shall not speak on the matter,

unless the Governing Body shall have resolved to the contrary, but in no case shall the Fellow vote on the matter.

6 RECORDING IN THE MINUTES

- 6.1 Where a Fellow declares an interest, that fact shall be recorded in the minutes of the meeting. Any resolution of the Governing Body under paragraph 5 above allowing the Fellow not to withdraw shall be recorded in the minutes of the meeting.

7 EXCLUDED INTERESTS

- 7.1 Paragraphs 3 to 6 do not apply to excluded interests. An interest is an excluded interest if:
- 7.1.1 it is an interest which arises from the holding of (1) a Tutorship and other Tutors have a similar interest, or (2) a position held by four or more Fellows;
 - 7.1.2 it is an interest arising from membership of a Faculty or Department in the University, or the holding of an office or position in the University, where the other members of the Faculty or Department or the other persons holding such an office or position in the University, as the case may be, have a similar interest (this also applies to interests of partners and close family members, provided that they have been entered on the register of interests);
 - 7.1.3 it is an interest arising from membership of (or from being a director of) a subsidiary company of the College [Note 2]
 - 7.1.4 it is an interest which arises from a general review of College stipends or benefits;
 - 7.1.5 it arises from appointment or re-appointment to any unpaid position in the College (a Fellow's interest in his or her election or re-election to a Fellowship or appointment or re-appointment to any paid office or position in the College is not excluded).

8 REGISTER OF INTERESTS

- 8.1 Fellows shall register their material interests with the Principal's office, the information being recorded in a register kept for the purpose. Fellows shall notify the Principal's office of any new material interest occurring whenever such new material interest occurs. The register shall include a statement of membership of any Faculty or Department in the University, and the holding of any office or position in the University (excluding merely part-time offices). The register of interests shall be available for inspection in the Principal's office by any Fellow.
- 8.2 Any position as a shareholder, company director or charity trustee shall not constitute a material interest for the purposes of paragraph 8.1 unless there is a reasonable possibility that the company or charity may be engaged in any business, appeal, or transaction involving the College. [Note 3]

9 DOUBTS AS TO MEANING OF MATERIAL INTEREST

9.1 If there is doubt whether a declared interest is material the Governing Body shall determine it in the absence of the Fellow or Fellows concerned, after hearing his or her views, and the Governing Body's decision shall be final.

10 BENEFITS TO FELLOWS

10.1 No direct or indirect financial gain or benefit shall be provided for any Fellow. This does not apply to:

10.1.1 payments or benefits authorised by the Statutes, Bye-laws or by the Fellow's contract of employment; and

10.1.2 a contract (other than for employment or provision of services) entered into with a Fellow (or a contract under in which the Fellow receives an indirect benefit), provided that, where a payment or benefit exceeds £300, the Accountant has certified that the contract is not disadvantageous to the College and not unduly advantageous to the Fellow.[Note 4]

11 REMUNERATION AND BENEFITS FOR PERSONS CONNECTED WITH FELLOWS

11.1 Remuneration and benefits may be provided for persons connected with Fellows if:

11.1.1 they are for tasks generally undertaken by persons unconnected with the College (examples being out-College tuition, examining and participation in selection of students); or

11.1.2 where a payment or benefit does not exceed £300, the Accountant has certified that the contract is not disadvantageous to the College and not unduly advantageous to the Fellow or connected person; or

11.1.3 they are approved by the Governing Body; or

11.1.4 the requirements of s 73A of the Charities Act 2006 are otherwise satisfied.

12 COMMITTEES

12.1 The bye-law shall apply to committees, working parties and other bodies constituted by the Governing Body. Decisions under 5 and 6 may be made by the committee or other body involved.

12.2 The bye-law applies to the Principal as it applies to Fellows.

Notes

1. *The test for deciding whether or not an interest is material is an objective one. It also depends on appearances-the test is not simply whether the interested person might be influenced, but whether the possibility of influence might reasonably seem to arise. If the business benefits a close friend or associate, then the interest should be regarded as material unless the relationship is overt – as where two Fellows in a subject may be regarded as friends.*
2. *Any Fellow who is a director of a subsidiary company of the College must take care to manage the conflict that can arise between his or her duty to the College and that to the company, and of the need to be aware at all times in which capacity he or she is acting.*
3. *A Fellow may hold shares in a company which enters into a contract with the College or stands to benefit if the College takes a certain decision. The interest of the Fellow is material according to the following rules:
unquoted shares: if it represents 10% or more of the shares;
quoted shares: if it both has a value in excess of £10,000 and represents more than 1% of the shares (such shareholdings will be exceptional).
For this purpose, Fellows' holdings shall include those of partners, close family members and close friends or associates. If an interest is registered, it need only be the name of the company or investment vehicle, without the number or value of shares held.*
4. *Such gains or benefits will not be common, but can arise in a number of circumstances. Examples are (A) receipt of payment for services to Hertford (other than those permitted by the Statutes); (B) entering into a transaction with the College for the purchase or sale of property; (C) a contract with the College where a Fellow has an interest (a shareholding in a local decorating company could provide an example). (A) is precluded absolutely, whereas (B) and (C) can be approved by the specified procedure. These rules are additional to those applying to decisions in meetings; (C), for example, would apply to a contract authorised by the Bursar.*

THE DISCIPLINARY BYE-LAW

DISCIPLINARY BYE-LAW for HERTFORD COLLEGE

TABLE OF CONTENTS:

I DEFINITIONS	15
II DISCIPLINARY CODE	16
III DISCIPLINARY PROCEDURES IN CASES OF NON-ACADEMIC DELINQUENCY	17
<i>Preliminary stages of the disciplinary procedure</i>	17
<i>Breaches also contravening other University, College or criminal codes</i>	17
<i>Disciplinary proceedings before the Dean or Junior Dean</i>	17
<i>Disciplinary Proceedings before a Disciplinary Committee</i>	18
<i>Disciplinary proceedings before the Governing Body</i>	20
IV SPECIAL CASES OF CONVICTION AND UNIVERSITY OFFENCES	21
V PENALTIES IN CASES OF NON-ACADEMIC DELINQUENCY	21
VI ACADEMIC DELINQUENCY	22
1. <i>Discussion</i>	22
2. <i>First Formal Warning</i>	22
3. <i>Probation</i>	22
4. <i>Formal Disciplinary Hearing</i>	23
5. <i>Internal appeal</i>	23
6. <i>External appeal</i>	24
Complaints Procedure	24
VII ILL-HEALTH AND TEMPORARY WITHDRAWAL FROM COURSE	24
<i>Procedure to be followed in cases of serious ill-health</i>	24
<i>Applications for temporary withdrawal from course</i>	25
VIII APPEALS	26
IX GENERAL PROCEDURAL MATTERS	27

I DEFINITIONS

For the purposes of this Bye-law, save where the context otherwise requires, the following words shall have the following meanings:

- (a) The term 'Junior Member' shall mean any person other than a Fellow admitted to the College to pursue and pursuing a course of study.
- (b) 'Expulsion' shall mean the permanent loss of membership of the College and the University.
- (c) 'Banning' shall mean a withdrawal of the right of access to specified premises or facilities of the College either for a fixed period or for a fixed minimum period and pending the fulfilment of specified conditions.
- (d) 'Rustication' shall mean a withdrawal of the right of access to all of the premises and facilities of the College either for a fixed period or for a fixed minimum period and pending the fulfilment of specified conditions.
- (e) 'Suspension' shall mean a withdrawal of a right of access as in I.(c) or (d) above where action is taken as an interim measure pending further investigation. Such withdrawal shall be either for a fixed period or for a fixed minimum period and pending the fulfilment of specified conditions.
- (f) 'Harassment' shall mean a course of unwarranted behaviour such as to cause and as may reasonably be expected to cause such distress or annoyance as seriously to disrupt the work or substantially to reduce the quality of life of another person.
- (g) 'Non-academic delinquency' shall mean conduct in breach of the provisions set out in II below (the Disciplinary Code).
- (h) 'Academic delinquency' shall mean unsatisfactory academic performance by a Junior Member, and shall include failure to pass the First Public Examination within the time and at the standard prescribed by the College rules and unsatisfactory performance in College Collections.
- (i) 'Day' shall mean a full working day (Monday to Friday) and shall exclude Saturday, Sunday, a bank holiday, Good Friday or Christmas Day.
- (j) The masculine shall include the feminine.
- (k) 'In writing' shall include any communication contained in a letter or facsimile or e-mail.

II DISCIPLINARY CODE

No Junior Member of the College shall:

commit any act of misconduct. Misconduct shall be defined as:

1. improper interference, in its broadest sense, with the functioning or activities of the College or those who work, study or are accommodated in the College; and/or
2. any activity or failure to act in a way, which otherwise damages the College or its reputation, or those who work, study or are accommodated in the College.

The following paragraphs elaborate this general principle, but not so as to derogate from the generality of the above, and are acts of misconduct:

- (a) Disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social or other activities of the College, or the exercise of the freedom of speech by members, employees or agents of the College and by visiting speakers, or obstruct or attempt to obstruct any employee or agent of the College in the performance of his duties;
- (b) Damage or deface or attempt to damage or deface any property of the College or of any member, employee or agent of the College, or knowingly take or attempt to take such property without consent;
- (c) Occupy or use or attempt to occupy or use any property or facilities of the College except as may be authorised by the College authorities concerned;
- (d) Forge or falsify expressly or impliedly any College certificate or document, or make false statements concerning standing or results obtained in examinations;
- (e) Engage in any activity likely to cause injury or to impair safety, including in particular any conduct in breach of the College rules relating to precautions against fire;
- (f) Engage in violent, indecent, disorderly, threatening or offensive behaviour or in threatening or offensive language directed towards members, employees or agents of the College or members of the public, or engage in the harassment of any such person;
- (g) Engage in any fraudulent or dishonest behaviour in relation to the College;
- (h) Refuse to disclose his name and other relevant details to an officer, employee or agent of the College in circumstances where it is reasonable to require such information to be given;
- (i) Use or offer, sell or give to any person drugs, the possession or use of which is illegal;
- (j) Engage in conduct in breach of the Statutes and Regulations of the University published from time to time;
- (k) Engage in conduct resulting in conviction for a criminal offence or a caution for a criminal offence issued by a police officer.

- (l) Engage in conduct in breach of such College rules set out in Information for Members or otherwise notified to Junior Members by the Governing Body as may be in force from time to time;
- (m) Engage in any other conduct which is gravely detrimental to the interests of the College.

III DISCIPLINARY PROCEDURES IN CASES OF NON-ACADEMIC DELINQUENCY

Preliminary stages of the disciplinary procedure

1. The disciplinary procedure may be initiated by any member, employee or agent of the College, who believes that a Junior Member has breached the Disciplinary Code. This person shall refer the matter to the Dean or Junior Dean as soon as reasonably possible after the occurrence of the alleged breach, naming the Junior Member concerned and giving details of the alleged breach.
2. Where the seriousness of an alleged breach of the Disciplinary Code justifies it, the Dean, or in his absence the Principal, or in their joint absence the Bursar, shall have the authority to suspend the Junior Member with immediate effect, for as long as the disciplinary procedure is in operation, or for such time as the Dean (or Principal, or Bursar) considers appropriate. The suspension of a student shall be a neutral act and the suspension itself shall have no bearing on any later decision.

Breaches also contravening other University, College or criminal codes

3. (a) Where an alleged breach of the Disciplinary Code constitutes in the opinion of the Dean a sufficiently serious criminal offence, the Dean shall decide having regard to all the relevant circumstances whether to refer the matter to the Police and Proctors, and where a Junior Member is subject to criminal proceedings arising out of the alleged breach of the Disciplinary Code, the Dean shall not normally proceed with the case, unless the Dean considers there are circumstances which require the case to proceed.

(b) Where an alleged breach of the Disciplinary Code constitutes in the opinion of the Dean a sufficiently serious University offence, the Dean shall normally refer the matter to the Proctors, and where a Junior Member is subject to University disciplinary proceedings arising out of the alleged breach of the Disciplinary Code, the Dean shall not normally proceed with the case unless the Dean considers there are circumstances which require the case to proceed.
4. (a) If an alleged breach of the Disciplinary Code referred to the Police under 3(a) above is not proceeded with as a criminal matter by the prosecuting authorities, the Dean shall then deal with the matter as though it had not been referred to the Police.

(b) If an alleged breach of the Disciplinary Code referred to the Proctors under 3(b) above is not proceeded with by the University authorities, the Dean shall then deal with the matter as though it had not been referred to the Proctors.
5. If the complaint relates to activity which falls within the College's Code of Practice on Harassment, whether or not it constitutes 'harassment' for the purpose of this bye law, the Dean shall consider whether the complaint should more appropriately be dealt with under the informal procedures set out in the Code. If he takes the view that the complaint should not be so dealt with he shall deal with the matter under the following procedure.

Disciplinary proceedings before the Dean or Junior Dean

6. Following receipt of the report of the alleged breach, the Dean or Junior Dean shall require the Junior Member

concerned to attend for interview before him at a time and place stipulated, and shall provide the Junior Member(s) with at least two days notice of the interview. The notification of the interview shall give particulars of the alleged breach of the Disciplinary Code and if possible the allegations to be set out in writing.

7. At the interview, the Dean or Junior Dean shall explain to the Junior Member that he can:
 - (a) admit the alleged breach, in which case the Dean or Junior Dean shall elicit only such information about the breach as is relevant to penalty;
 - (b) deny the alleged breach and continue with the interview as an investigation into whether the alleged breach is established, which may be adjourned if either the Dean or Junior Dean or the Junior Member reasonably requires evidence in relation to the alleged breach to be provided by other persons.
 - (c) elect to end the interview and take the matter immediately to a Disciplinary Committee.
8.
 - (a) At any stage of the disciplinary procedure, the Dean (but not the Junior Dean) may refer the matter to a Disciplinary Committee.
 - (b) At the close of the interview the Dean or Junior Dean may either:
 - (i) take no further action; or
 - (ii) if the breach has been established or admitted, and after hearing any mitigation, impose a penalty within the range set out in V3 below.
 - (c) In case (ii), the Junior Member may appeal to the Appeal Committee against a finding of breach and/or the penalty imposed.
 - (d) The Dean or Junior Dean shall in all cases take an adequate written note of the proceedings at the interview and of any evidence presented, sufficient for the use of the Appeal Committee in the event of an appeal under III.8 (c) above. A note-taker may be employed at the discretion of the Dean.

Disciplinary Proceedings before a Disciplinary Committee

9. A Disciplinary Committee shall consist of three members of the Governing Body, who shall be nominated by the Dean, or in his absence the Principal, or in their joint absence the Bursar. The chairman of the Committee shall be the senior member of the Governing Body present.
10. The Dean shall appoint an Investigating Officer. The Investigating Officer shall ordinarily be a member of the College but may be any person who the Dean in his sole discretion shall decide to appoint. The Investigating Officer shall:
 - (i) carry out any investigations as are considered necessary;
 - (ii) collect any further documents as are considered necessary;
 - (iii) prepare a written statement of the particulars of misconduct:
11. The Committee Chairman shall arrange a hearing as soon as practicable after receiving the Investigating Officer's

report. At least 7 days before the appointed hearing date, the Investigating Officer shall cause to be sent to the Junior Member concerned and to members of the Disciplinary Committee:

- (i) a copy of the Disciplinary Bye-law ;
- (ii) any relevant documents;
- (iii) the names of any witnesses who will give written or oral evidence; and where possible copies of their written witness statements;
- (iv) a written statement of the particulars of misconduct.

12. At least 5 days before the hearing the Junior Member shall provide to the Committee and to the Investigating Officer:

- (i) copies of any documents that the Junior Member intends to rely upon; and,
- (ii) the names of any witnesses whom the Junior Member would like to give written or oral evidence and where possible copies of their written witness statements.

13. No other documents may be presented at the hearing or further witnesses called unless the Committee decides it is fair and reasonable to do so.

14. The hearing shall be in private. The Committee may appoint a Legal Adviser to attend and/or advise on procedure but who shall take no part in the decision making process. A note-taker may be employed at the discretion of the Committee.

15. During the Hearing:

- (i) the procedure at the hearing shall, be determined at the discretion of the Committee;
- (ii) the Junior Member may be assisted by one representative.
- (iii) the allegation shall be presented to the Committee by the Investigating Officer or such other person as the Investigating Officer may designate;
- (iv) the Investigating Officer may call as witnesses persons who can give relevant evidence. The Junior Member or the Junior Member's representative may question the witnesses and, if so, the Investigating Officer may ask further questions;
- (v) The Junior Member or the Junior Member's representative may call as witnesses persons who can give relevant evidence. The Investigating Officer may question the witnesses and if so, the Junior Member or the Junior Member's representative may ask further questions;
- (vi) if a witness is likely to be in distress, the Committee may permit the witness to be accompanied by any person. If the witness is a vulnerable witness then the Committee may allow that witness to give evidence behind screens or make such other arrangements as appropriate;
- (vii) The Investigating Officer may question the Junior Member when the Junior Member gives evidence;

(viii) The Investigating Officer and the Junior Member or the Junior Member's representative may make formal submissions to the Committee;

(ix) Prior to making the decision, the Committee shall give the Junior Member the opportunity to make written representations in mitigation of any penalty which may be imposed if the allegation is upheld.

16. After the hearing, the Committee may either

(i) take no further action; or

(ii) if the breach has been established or admitted, and after hearing any mitigation, impose a penalty within the range set out in V3 below; or

(iii) if the breach has been established or admitted and after hearing any mitigation the Committee is of the opinion that a penalty in the range V4 below is merited, make a recommendation as to penalty for consideration by the Governing Body under III.21 below.

The Committee shall make arrangements for the decision to be given to the Junior Member either orally (in which case it shall be confirmed in writing) or in writing within 5 days of the date of the conclusion of the hearing. The written communication to the Junior Member shall set out the misconduct, the decision, the reasons for the decision and any penalty imposed.

17. Before deciding the penalty to be awarded or the recommendations to be made the Committee shall take into account the effect on the Junior Members ability and eligibility to take an examination or complete a course of work as well as the interests of the College.

18. In fixing any financial penalties the Committee shall have regard to the Junior Members financial means.

19. In imposing a penalty on a Junior Member pursuing a course leading to a professional practice the Committee, if appropriate, shall have regard to the relevance of the misconduct in relation to the Junior Members fitness to be professionally registered and the Committee may take advice in this regard.

20. The Committee shall inform the Junior Member of the right to appeal to the Appeal Committee save in those cases where the Committee make a recommendation to the Governing Body as to Rustication, Expulsion or to deprive the Junior Member of a Scholarship award (penalties in the range V4 (b)-(c) below). In this latter case the Committee shall give the Junior Member no less than five days notice of its intention, and the right of appeal may not be exercised until after the Governing Body has reached a decision upon the recommendation of the Disciplinary Committee.

Disciplinary proceedings before the Governing Body

21. When considering a recommendation made by a Disciplinary Committee under penalties V4 (b)-(c) below, the Governing Body shall have reference to the information recorded under IX.2 below, and to such part or parts of the statements of evidence taken by the Committee as are relevant to penalty. The Junior Member shall have the right to make oral or written representations for consideration by the Governing Body. The student shall be entitled to be assisted by one representative but shall not be entitled to give evidence or call witnesses as to fact but may call no more than two witnesses as to character.

IV SPECIAL CASES OF CONVICTION AND UNIVERSITY OFFENCES

1. If a Junior Member is either:

- (a) convicted of a criminal offence or receives a caution for a criminal offence issued by a police officer: or
- (b) expelled, suspended or rusticated by the University for conduct which amounts to a breach of the Disciplinary Code in II above;

then the special procedures set out below shall apply in place of the disciplinary procedures in III above.

- 2. The findings of fact made by the criminal or University court, (or set out in the caution issued by a police officer) as notified to the College, shall be accepted, and shall not be the subject of further investigation by the College.
- 3. The Junior Member shall be given notice by the Dean, or in his absence by the Principal, or in their joint absence the Bursar, that the Governing Body intends to consider whether a penalty should be imposed for the breach of the Disciplinary Code, at a meeting scheduled to take place not less than three days after the receipt of the notice by the Junior Member.
- 4. The Junior Member shall have the right to make oral representations on the question of penalty for consideration by the Governing Body. The student shall be entitled to be assisted by one representative but shall not be entitled to give evidence or call witnesses as to fact but may call no more than two witnesses as to character.
- 5. The Governing Body shall have full discretion to impose such penalty as it shall think fit, within the range set out in V below. However, it is the agreed policy of the Governing Body to act congruently with the University in cases falling within IV. 1(b) above, save in wholly exceptional circumstances.
- 6. The Junior Member may appeal to the Appeal Committee against the penalty imposed.

V PENALTIES IN CASES OF NON-ACADEMIC DELINQUENCY

- 1. Penalties will not normally be imposed for minor and inadvertent breaches of the Disciplinary Code.
- 2. The Junior Dean shall have the power to impose a fine of up to £50 or such sum as the Governing Body shall from time to time decide, which in all cases shall be payable at once unless otherwise agreed in writing by the Junior Dean.
- 3. The Dean, Disciplinary Committee and Appeal Committee shall have the power:
 - (a) To impose a fine which in all cases shall be payable at once unless otherwise agreed in writing by the Dean, Disciplinary Committee or Appeal Committee (as appropriate); and/or
 - (b) To require the Junior Member to pay the cost of damage resulting from the breach of the Disciplinary Code, such payment to be made at once unless otherwise agreed in writing by the Dean, Disciplinary Committee or Appeal Committee; and/or
 - (c) To confiscate electrical equipment or other property belonging to the Junior Member which constitutes a fire risk on the advice of the Bursar; and/or
 - (d) Where the Junior Member has caused serious or persistent disturbance to others, especially late at night, to require him to remove permanently from College premises the source of the disturbance ((eg) musical instruments; stereos; etc.); and/or

- (e) To ban the Junior Member from specified College premises or facilities.
 - (f) To impose an appropriate sentence of community service.
4. The Governing Body shall have the power:
- (a) To impose any of the penalties listed in V.3 above (in any combination); and/or
 - (b) To rusticate or expel the Junior Member; and/or
 - (c) To deprive the Junior Member of any Scholarship award.
5. The power to impose a penalty shall include the power to suspend that penalty for a specified period.

VI ACADEMIC DELINQUENCY

Where academic difficulties arise, it is the job of the college and student to work together to try to resolve them. 'Academic difficulties' here covers a range of problems, including but not restricted to non-attendance at specified tutorials, classes, lectures or practicals, non-completion of work, performance in tutorials or in collections or examinations at an unacceptable level, or, for holders of scholarships, below that expected of scholars. There are four stages in Hertford's academic disciplinary procedure. In what follows, where the Senior Tutor is also the student's tutor, his/her role will be undertaken by the Principal.

1. Discussion

On identifying academic difficulties, the tutor/s or Senior Tutor should discuss these with the student. Any relevant mitigating factors must be produced, considered, and taken into account at this stage, and a record kept. The student's permission is required before the detail of any mitigating factors can be communicated to a third party, including Governing Body. The tutor/s and Senior Tutor should be alert to potential sources of help, including welfare support and professional services. A written note of any discussion, including any advice to the student, must be agreed by all parties and sent as a record to the Senior Tutor.

2. First Formal Warning

If, having discussed the concerns as above, the Senior Tutor and subject tutor/s feel it necessary to initiate academic disciplinary procedures, the student will be given a formal warning at a meeting with the Senior Tutor. The student may be accompanied by another student or member of the college to this meeting. The warning must make clear the ways in which the student's performance or attendance has been unsatisfactory, and specific expectations for future performance (i.e. by specifying particular marks to be achieved, or the number of tutorials to be attended, or problem sheets to be completed, and stating a clear time period during which these conditions should be met). Again, the student must make known any mitigating circumstances, and these should be considered and recorded as in 1) above. A formal letter or email following the meeting must set out the terms of the warning and make clear that the student may be placed on probation if these expectations are not met.

3. Probation

If the student fails to comply with the conditions set out in the first formal warning, the Senior Tutor can place the student on probation by issuing a second formal warning, by letter or email. Probation will entail further expectations - attendance at tutorials or completion of work and/or attainment of appropriate levels in penal collections. The Senior Tutor must make sure that the student understands what is required of him or her, and that failure to meet these expectations may result in suspension or termination of the course of study.

- i) where penal collections are set they will be double marked, with at least one marker from outside the college. Where there is a discrepancy between the two marks, the mark most favourable to the student must be taken.
- ii) Notice of at least 2 weeks of term or 4 weeks of vacation must be given so that the student can prepare for the penal collection. If all of the notice period is in the vacation, the student shall be entitled to 5 working days' vacation residence, without charge, in order to use Oxford facilities to prepare for the collection.

4. Formal Disciplinary Hearing

- (a) If the terms of probation are not met, the final stage of the process is a formal disciplinary hearing before a disciplinary panel, which reports to Governing Body with a recommendation about the student's future. The disciplinary panel, established by the Senior Tutor, shall include three members of Governing Body not previously involved in the case.
- (b) The Senior Tutor shall not less than 5 days prior to the sitting of the disciplinary panel provide to the student (and the disciplinary panel) full written details as to the matters of complaint to be placed before the disciplinary committee.
- (c) If the student wishes to place any documents before the disciplinary panel then copies of such documents must be given to the College Office for the attention of the Senior Tutor (and the disciplinary panel) not less than two days prior to the sitting of the disciplinary panel.
- (d) The student may be assisted by one representative.
- (e) The student may call any evidence as to facts or in relation to mitigating circumstances and shall be entitled to make submissions to the Governing Body.
- (f) The Chair of the disciplinary panel shall prepare a report for the Governing Body setting out the grounds for action, the factors taken into account and the recommendation to the Governing Body.

5. Internal appeal

If Governing Body upholds the panel's recommendation to terminate a student's course of study, the student shall have the right of appeal. The student must indicate within seven days of the date of the Governing Body meeting that he or she wishes to make an appeal. A new appeal panel, excluding any member of Governing Body who has previously been involved in the disciplinary procedure, will be convened by the Principal, and must meet to hear the appeal within 2 weeks of the Governing Body's decision.

6. External appeal

Where the student remains dissatisfied with the outcome of the Appeal process, he or she is entitled to place his or her case before the Conference of Colleges Appeal Tribunal.

Complaints Procedure:

1. Any student who wishes to complain about any academic matter should normally, in the first instance, discuss the matter informally with the relevant member of the College's academic or administrative staff, or (or in addition) with the relevant JCR or MCR representatives. A student who remains dissatisfied with such discussions, or who does not wish to initiate them, may make a formal complaint, in accordance with the following procedures:
2. Complaints about tuition and other academic or pastoral matters, including academic administration, should be made to the Senior Tutor;

If they concern the Senior Tutor, they should be addressed to the Principal.

If they concern the Principal, they should be addressed to the Senior Tutor or the Bursar.

3. On receiving any complaint made under 2, the officer receiving the complaint shall record that a formal complaint has been made, investigate whether it has foundation, and propose how it may be dealt with. In so doing, the officer shall, if so requested by the complainant, preserve the complainant's anonymity unless that would make investigation impossible. The complainant may be accompanied by a friend or adviser when making the complaint. In making the investigation the officer shall inform any person against whom the complaint is made of the full nature of the complaint, and give such persons opportunity to comment on them and question the complainant.
4. In cases where the complaint is not initially made to the Principal, and where the complaint does not concern the Principal if the complainant is dissatisfied with the manner in which the officer to whom the complaint was made proposes that the complaint be dealt with, or if the officer proposes to take no action, the complainant may refer the matter to the Principal. In case of such referral, the Principal shall follow the procedures in paragraph 3, but shall, if the complainant so requests, also convene a panel of 2 members of the Governing Body and 2 students (unless the complainant objects to the latter) who have not been involved in the issue, to consider the complaint together with him. The members of the panel must be acceptable to the Principal and to the complainant. The Principal may or may not accept the advice of the panel about how the complaint should be dealt with. If the outcome is not acceptable to the complainant, then the complainant may appeal to the Conference of Colleges Appeal Tribunal.
5. In cases where the complaint is initially made to the Principal, the Principal shall follow the procedures in paragraph 3, but shall, if the complainant so requests, also convene a panel of 2 members of the Governing Body and 2 students (unless the complainant objects to the latter) who have not been involved in the issue, to consider the complaint together with him. The members of the panel must be acceptable to the Principal and to the complainant. The Principal may or may not accept the advice of the panel about how the complaint should be dealt with. If the outcome is not acceptable to the complainant, then the complainant may appeal to the Conference of Colleges Appeal Tribunal.

If the complaint concerns the Principal, the officer to whom the complaint is made shall propose how the complaint shall be dealt with, and that proposal shall be followed if acceptable to the Principal and the complainant. If it is not acceptable to the Principal then the Complainant may appeal to the Conference of Colleges appeal Tribunal.

VII ILL-HEALTH AND TEMPORARY WITHDRAWAL FROM COURSE

Procedure to be followed in cases of serious ill-health

1. Where it appears that a Junior Member is suffering from a serious problem arising from ill-health, the following procedures shall apply.
2. The Dean, or in his absence the Principal, or in their joint absence the Bursar, shall have the authority to suspend the Junior Member with immediate effect, where it appears that suspension is necessary for the welfare of the Junior Member or for the welfare or protection from harm of others. In taking the decision to suspend, the College doctor, and/or any other relevant medical practitioner, should be consulted where possible.
3. Any disciplinary proceedings may be adjourned pending investigation of the question of ill-health.
4. Where it appears that the state of ill-health of the Junior Member is such that it is impossible or unacceptable, either temporarily or permanently, for him to continue as a member of the College, he shall be given notice by the Dean, or in his absence by the chairman of the Governing Body, that the Governing Body intends to consider whether he should be expelled or rusticated at a meeting scheduled to take place not less than 7 days after the receipt of the notice by the Junior Member.
5. The Junior Member shall have the right to be present and make oral representations, including the presentation of medical evidence, for consideration by the Governing Body, or to make written representations. Such written representations must be delivered to the College Office not less than 1 day before the start of the meeting of the Governing Body at which the question is to be discussed.
6. The Governing Body may at its discretion invite the College doctor and/or any other relevant medical practitioner to be present at its meeting, and shall where possible obtain medical advice on the question prior to reaching its decision. The Junior member may be accompanied by one representative and shall be entitled to ask questions of any witness or medical practitioner who provides evidence or advice to the Governing Body.
7. If the Governing Body decides that the state of ill-health of the Junior Member is such that it is impossible or unacceptable for him to continue as a member of the College, it may either:
 - (a) where the state of ill-health is likely to be temporary, rusticate the Junior Member, subject to specified conditions as to his return, unless the Junior Member within 48 hours of receiving notification of this decision accepts, in writing, a grant of permission to withdraw temporarily from his course on the same conditions; or
 - (b) where the state of ill-health is likely to be permanent, expel the Junior Member, unless the Junior Member within 48 hours of receiving notification of the decision agrees, in writing, to withdraw permanently from his course.
8. Regardless of whether he has agreed to withdraw from his course, the Junior Member may appeal to the Appeal Committee against the decision of the Governing Body to expel or rusticate him, and/or against the conditions of rustication. A Junior Member who wishes to exercise this right of appeal shall notify the Senior Tutor and the College Office of his decision to appeal and of his ground(s) of appeal within 14 days of receiving notification of the decision of the Governing Body against which he is appealing.
9. All those concerned in implementing this section of the Bye-law shall respect the need for strict medical confidentiality.

Applications for temporary withdrawal from course

10. Any Junior Member who wishes to withdraw temporarily from his course shall make a written request to do so, such request to be addressed to the Senior Tutor for consideration by the Governing Body at its next meeting.

11. If the Governing Body grants permission subject to specified conditions as to return, the Junior Member must, within two days of receiving notification of the decision of the Governing Body, accept them in writing. If the Junior Member does not so accept the conditions, the permission to withdraw shall lapse, and the application must be brought again.
12. The Junior Member shall have no right of appeal against the decision of the Governing Body on his application.

VIII APPEALS

1. (a) The Appeal Committee shall consist of no less than three members of the Governing Body, (usually the Principal, the Senior Tutor and the Tutor for Graduates), save that no member of a Disciplinary Committee shall sit on the Appeal Committee in connection with the same matter.

(b) In a case of non-academic delinquency the Junior Member may request that junior members be represented upon the Appeal Committee. If such a request is made, the chairman of the Appeal Committee shall appoint one JCR and one MCR member to the Committee (usually the Presidents of the JCR and the MCR).
2. Save where otherwise provided, a Junior Member who wishes to exercise any right of appeal conferred by this Bye-law shall notify the Dean (in cases of non-academic delinquency) or the Senior Tutor (in cases of academic delinquency) and the College Office of his decision to appeal and of his ground(s) of appeal within two days of receiving notification of the decision of the Dean, Junior Dean, Disciplinary Committee or Governing Body against which he is appealing.
3. In a case of non-academic delinquency, the procedures attendant upon an appeal to the Appeal Committee shall be the same as those attendant upon a reference to a Disciplinary Committee, with the following modifications.

(a) The Appeal Committee shall consider the note of the proceedings before the Dean or Junior Dean or the written reasons of the Disciplinary Committee. Any documents considered by the Dean, Junior Dean, or Disciplinary Committee shall be made available to the Appeal Committee and to the Junior Member.

(b) The junior member shall be entitled to be assisted by one person.

(c) The Junior Member may make oral or written representations to the Appeal Committee.

(d) The Appeal Committee shall not ordinarily hear further evidence, unless in an exceptional case, when in their complete discretion, they decide it shall be admitted. In such circumstances the Appeal Committee shall ensure the Junior member has adequate time to consider the evidence and provide an opportunity for the junior member to ask questions of any further witnesses called.

(e) The Appeal Committee shall give written reasons for its decision and shall endeavour to provide such written reasons within five full days of the completion of the appeal hearing.
4. In a case of academic delinquency, the following procedures shall apply.

(a) Within five days of being notified of the Junior Member's intention to appeal, the Appeal Committee shall give the Junior Member notice of its intention to meet to consider his case at a time and place stipulated, and shall provide the Junior Member with at least two days notice of the meeting.

- (b) The Junior Member shall be entitled to
 - (1) attend the meeting and be assisted by one person,
 - (2) shall have the right to make oral and/or written representations to the Appeal Committee
 - (3) to ask questions of any person who provides evidence to the Appeal Committee.
 - (4) to have copies of all documents seen by the Appeal Committee unless in an exceptional case the Appeal Committee decide that a document or documents should not be shown to the junior member.
- (c) The Appeal Committee may invite the Junior Member's tutor or tutors to be present at the meeting, and shall where possible seek to ensure at least one of the Junior Member's tutors attends the hearing.
- (d) The Appeal Committee may adjourn the proceedings in order for relevant evidence (including the advice or opinion of the College doctor and/or any other relevant medical practitioner) to be provided or obtained.
- 5. (a) In a case of non-academic delinquency, the Appeal Committee shall have the power to confirm, modify, or reduce any penalty imposed by the Dean, Junior Dean, Disciplinary Committee or Governing Body, save that in modifying the penalty they may only impose a penalty within the range set out in V above.
- (b) In a case of academic delinquency, the Appeal Committee shall have the power to confirm, modify or revoke the decision of the Governing Body appealed from.
- 6. Where any Junior Member is required to fulfil specified conditions by a person or body acting under this Bye-law, the Junior Member shall have the right to appeal to the Appeal Committee against a decision that any such condition has not been fulfilled.
- 7. The decision of the Appeal Committee shall be final.
- 8. The Appeal Committee shall give written reasons for its decision

IX GENERAL PROCEDURAL MATTERS

- 1. Any finding of fact in relation to a breach of the Disciplinary Code shall be based upon an application of the civil standard of proof namely the balance of probabilities.
- 2. The details of any breach of the Disciplinary Code established or admitted and/or any penalty imposed or recommended shall be entered on an appropriate record and signed by the Dean or Junior Dean, or the chairman of the Disciplinary Committee, Appeal Committee or Governing Body (as appropriate). One copy of the record shall be given to the Junior Member as soon as is possible, one lodged with the College Office, and, in the case of decisions by the Disciplinary Committee or the Appeal Committee, and an anonymized summary circulated to the Governing Body. In the case of decisions by the Governing Body, the information contained in the record shall also be entered in the minutes of the relevant Governing Body meeting and duly circulated to the Governing Body.
- 3. (a) Receipt of any notice of an interview, disciplinary hearing or other meeting, delivery of written representations or notification of any decision shall be presumed to have occurred at the time at which the document was placed in the appropriate internal pigeon-hole or 2 days after it was handed in at the College Lodge for posting to an external address.

4. (b) All notices or other notifications shall be made in writing.
5. The Junior Member may waive at any stage all or any of his rights under the foregoing procedures; nor shall any departure from such procedure invalidate any determination purported to be made thereunder unless in all the circumstances such departure is productive of substantial unfairness to the Junior Member.
6. Any time limits contained in the foregoing procedures may be extended at the discretion of the Dean, Junior Dean, Disciplinary Committee, Appeal Committee or Governing Body (as appropriate).
7. If any person required or entitled to attend an interview, hearing or other meeting, including the Junior Member concerned, fails to appear, the Dean, Junior Dean, Disciplinary Committee or Appeal Committee (as appropriate) may either adjourn the proceedings or deal with the case in his absence, if satisfied that proper notice has been given and that it is fair to proceed in his absence.

Bye-Law on Employer Justified Retirement Age for Academic Staff

Part One – Background, rationale and scope of the Employer Justified Retirement Age (EJRA)

1. Introduction

Hertford College has agreed to maintain a retirement age for academic staff primarily to support the college's mission to sustain excellence in teaching and research and to maintain and develop its historical position as part of a world-class university. The college's EJRA procedures aim to provide a fair and inclusive process through which the college is able to manage the future of academic posts by retirement or retention. The procedures seek to balance the wishes of the individual with the needs of the college by

- a. facilitating the timely discussion of options with a view to identifying possible future arrangements which are acceptable to all parties and
- b. providing a clear decision-making and appeal process which allows account to be taken of all relevant considerations.

The EJRA will operate for an initial period of 10 years from 1 October 2011. The application and outcomes of these arrangements will be reported annually to Governing Body and will be subject to an interim review after five years. These reviews will take into account all relevant considerations, including the continued relevance of the aims set out above, the application of the EJRA and the procedure for exceptional limited continuation, as well as relevant external developments in relation, for example, to pensions and longevity.

2 Aims of the EJRA

The EJRA and its associated procedures are considered to provide a proportionate means of:

- safeguarding the high standards of the college in teaching and research;
- promoting inter-generational fairness and maintaining opportunities for career progression for those at particular stages of a career, given the importance of having available opportunities for progression across the generations, in order, in particular, to refresh the academic and research staff within the college and to enable them to maintain the collegiate university's position on the international stage;
- facilitating succession planning by maintaining predictable retirement dates, especially in relation to the collegiate University's joint appointment system, given the long lead times for making academic appointments, particularly in a university of Oxford's international standing;
- promoting equality and diversity, noting that recent recruits are more diverse than the composition of the existing workforce, especially amongst the older age groups of the existing workforce and those who have recently retired;
- minimising the impact on staff morale by using a predictable retirement date to manage the need to make efficiencies by retiring staff at the EJRA; and
- in the context of the distinctive collegial processes through which the college is governed, avoiding invidious performance management and redundancy procedures to consider the termination of employment at the end of a long career, where the performance of the individual and/or the academic needs of the college have changed.

3. Scope

The EJRA applies to all academic staff employed by Hertford College, as defined in the College Statutes (Appendix: Employment law provision relating to academic staff paragraph 3) including (in relation to their college appointments) the holders of joint academic appointments with Oxford university and Stipendiary Lecturers.

Subject to (9) below, all existing members of academic staff who have a normal retirement date of 30 September immediately preceding their 66th birthday will be deemed, from 1 October 2011, to have a retirement date of 30 September preceding their 68th birthday, which shall be the EJRA.

All existing members of academic staff who have a vested right to a normal retirement age of 67 will continue to have a retirement date of 30 September immediately preceding their 68th birthday.

In cases where, under the college's procedures applying until 30 September 2011, a member of staff has a retirement date set by individual agreement to be other than 30 September preceding the 66th birthday, the retirement date specified in the agreement will continue to apply. Where the specified date is earlier than the EJRA, any request to work beyond the specified date should be referred to the Principal under this procedure and the merits of each case will be considered in the context of the rationale for the original extension.

Unless the terms of any prior agreement to work beyond the EJRA preclude any further extension of employment, a member of staff whose retirement has been set later than the EJRA may apply for a further extension under the procedures set out below.

No provision associated with the EJRA shall affect the right of any employee of the college to retire at a date earlier than that specified under the EJRA, or the benefits to which they are entitled under the relevant pension scheme.

The procedure set out in part two is intended for the consideration of all requests to continue working beyond the EJRA, including those that entail a modification of duties or working pattern after that date.

4. Consideration of requests to work beyond the EJRA

All requests 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 section 2 above. Applications will be approved only where, having taken account of the considerations set out below, the Governing Body, having received advice from a college panel is convinced that any detriment to the furtherance of aims of the EJRA is offset by a balance of advantage arising from an extension of employment. The relevance of each consideration will depend on the post in question. The college panel and subsequently the governing body as decision-maker will weigh the advantages of continued employment (whether in the same post, or in only one part of a previous appointment, or on different terms and conditions, or on a part-time basis following partial retirement to pension) against the opportunities arising from creating a vacancy or part-vacancy, including the intention of recruiting someone else, using the vacancy for a different purpose, or leaving the post vacant for a period (whichever may apply).

- Is the individual, if extended in employment, expected to make a significant contribution to the college, for example through distinguished scholarship, and would the loss of this contribution be unacceptable to the college and collegiate University?
- Would the employee's contribution be very hard to replace given his or her particular skills set and/or the employment market? For example, does the college need, for a defined period, to retain expertise in order to complete a specific project, or to retain skills that are currently in short supply?
- How would continued employment, compared with the opportunity arising from a vacancy, fit with the future academic needs of the college over the proposed period (for example, where there is a desire to develop a new field of research or a new course)?
- What is 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, to meet research aims?

- How would any financial commitments or benefits which would accrue from continued employment over the period proposed compare with those which might accrue from the opportunity arising from a vacancy?
- What is 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?
- What is the likely impact on the promotion of diversity?
- Is the duration of the proposed extension of employment appropriate in terms of the benefits expected to the college?
- In the case of a joint appointment, what are the implications of the wishes of the applicant for the joint nature of the post: for example, where the request involves only one part of a joint appointment, has some suitable means been found of managing the future of the joint appointment so as to protect the shared educational interests of the University and college?
- Are there relevant personal circumstances that would properly justify exceptional treatment?

Part Two - The Process

(a) Notification and Discussions

The college has adopted the following procedure for considering requests from academic staff who are due to retire on or after reaching the EJRA but who wish to extend their employment and are not precluded from so doing under the terms of any individual agreement.

Step One – Notification

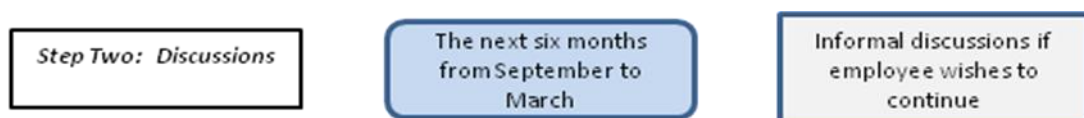


The Principal will remind academic staff in writing of their normal retirement date and of the process for requesting continuation in employment beyond that date no later than two years before their retirement date under the EJRA. In the case of joint appointments, this notification will be copied to the relevant head of division and the head of division will also send a letter to the member of staff with reference to their university employment. Where it judges it necessary, the college may decide to give earlier notification.

Transitional and special arrangements

Staff who are due to retire at or beyond the EJRA within the first two years after the introduction of these procedures will be notified in writing by the college at the earliest opportunity of their normal retirement date and of the process for requesting continuation in employment beyond that date. Staff receiving notification under this clause will be asked to pursue any application to continue working beyond the EJRA at their earliest convenience, and the deadline for applications specified in this process will be adjusted accordingly.

Step Two – Discussions



Any staff member who wishes to continue in employment beyond the EJRA should first discuss his/her situation informally and in good time with the Senior Tutor. Holders of joint appointments should also consult their head of department and/or division. Similarly, where a contract of any type is held with another body, such as an NHS trust or another college, that other body should also be consulted.

Early exploration of all options is encouraged. In the case of joint appointments, it is possible that the staff member may wish to continue working in only one part of the joint appointment, or one employer might wish to agree continued employment while the other does not. Flexibility in the continuation or variation of contracts should be encouraged, subject to the aims of the EJRA. In this context, a staff member wishing to continue to work might wish to consider a variation or a new contract issued by one employer that would be compatible with retirement from the other part(s) of the joint employment. In such cases, the employers will wish to discuss how their respective interests in the future of the substantive joint appointment should be protected. Such discussions, which could involve consideration of interim arrangements for the joint appointment, will be facilitated if agreement can be reached as to when the two parts of the joint appointment will fall vacant.

These informal discussions, which may take place at any time, will not result in a definitive decision by the college but may help inform any formal request which might subsequently be made by the individual. Such discussions are intended to provide opportunity for the formulation of a request with which all parties will be content.

(b) Submission and consideration of the request to continue

Step Three – Request to Continue



If the staff member wishes to continue in employment beyond the EJRA, they should submit their case in writing to the Senior Tutor in good time, setting out the proposed working arrangements and the length of extension requested.

The request to continue working beyond the EJRA should be submitted formally in writing, by the senior tutor to the Principal, as part of an agreed submission. Any request relating to the university part of a joint appointment should be made to the Director of Personnel and Related Services, in accordance with the university’s procedures. The submission should consist of, and set out clearly:

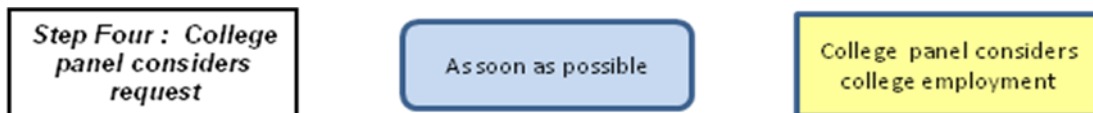
- a) the request as made by the member of staff, including the proposed working arrangements and the length of extension requested;
- b) an account, agreed where possible, of how the request relates to the considerations for extensions set out in the college’s policy;
- c) a note from the Senior Tutor setting out academic or other college circumstances and background; and
- d) in the case of joint appointments, the views of the division and any other associated employers (e.g. the NHS or another college), including, in particular, comment on any special arrangement which would result in the parts of the joint appointment being treated differently. If, in the case of a joint appointment, a decision has already been made with regard to the university employment, the outcome of this should be included.

The member of staff should be invited to append to the submission any supporting material he or she may consider appropriate.

The normal deadline for such requests to reach the Principal is 18 months before the retirement date. Later requests may be considered in exceptional circumstances but only with the agreement of the relevant employers (e.g. division, department, NHS Trust). A delayed deadline will be given in cases where, within the first two years after the introduction of these procedures, it is not possible to give a full two years’ notification of retirement.

Step Four: Consideration of request

The college will aim to complete the following steps as soon as possible with a view to making the final decision before the end of Trinity Term, a year before the EJRA retirement date.



All requests to continue in employment by the college beyond the ERJA, will be considered by a panel appointed by the Principal. The panel will consist of three members of Academic Committee including the Tutor for Graduates and Tutor for Admissions. Where the individual concerned is a member of the panel, he/she will be replaced by another member of Academic Committee. As the Senior Tutor is responsible for presenting the case for extension to the Principal, they will not be a member of the panel.

The panel will assess each request on its own merits in the context of the aims of the EJRA as set out above, and in the light of any exceptional personal circumstances.

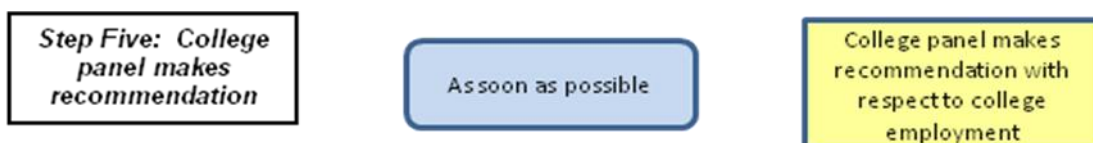
In the case of the consideration of joint appointments, the chair of the panel will liaise with the chair of the equivalent university panel over matters of process, including the relative timings of the work of the two panels and the communication between the panels of their decisions, as may best suit the individual case and allow for issues relating to the joint nature of the post to be addressed.

The panel will consider the request in the light of the considerations set out in section 4 of the policy above, taking due account of the views of the individual staff member, the college, and any others with an interest, which may include the division, department, another college or an NHS Trust, as appropriate. The panel will seek any clarification it deems necessary.

Where the college and, in the case of a joint appointment, all parties representing the employers support the request to continue beyond the EJRA, the expectation is that the panel will approve that request after having satisfied itself that the aims of the EJRA have been sufficiently addressed.

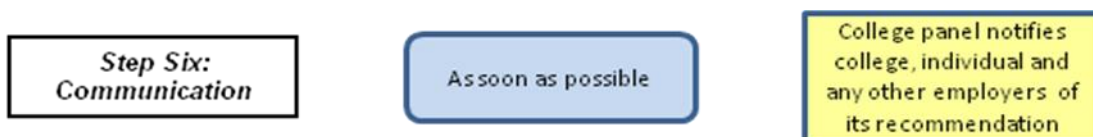
Where the college does not support the request for an extension, or, in the case of a joint appointment, where there is a difference of views between the employers, the panel will invite the staff member to a meeting to make his/her request for an extension in person, if they so choose. The college will also be able to present their case and the panel may also call upon the division, department and any other parties as appropriate. Relevant documentation will be provided to all the parties in advance of the date of any meeting of the panel arranged to address the request. The staff member will have the right to be accompanied by a trade union representative or colleague.

Step Five: The panel makes a recommendation



The panel will make a recommendation to the governing body on the request for extension of employment including the length of time of any such extension.

Step Six: Communication



The panel will inform the individual and, as relevant, the division, the department, and any other employer of its recommendation in writing. The letter will give brief reasons for the recommendation and the length of any extension proposed.

Step Seven: College makes decision



The governing body will then decide whether to accept the panel's recommendation and will notify the individual, division and department, as relevant, of its decision. Members of the appeal panel will not be included in this decision making process.

Where the request to continue working beyond the EJRA is rejected, the individual will be notified in writing of the right of appeal under the college's statutes.

Where a decision is taken to extend employment under these procedures beyond the EJRA, the employee will be issued with a fixed-term contract, to terminate at the date set by the governing body in agreeing to the extension. This contract will state the details of the specific hours, duties, salary and other terms and conditions for the extension. On any occasion when the governing body shall agree an extension to the period of employment in accordance with this procedure, it shall decide whether to permit any further application to be made under this procedure. If so, it shall decide whether any further notification is necessary equivalent to that set out in step 1 above and set an appropriate time limit in place of that set out in step 3 above by which any application shall be made for a further extension.

Step Eight: Appeal

The college shall make arrangements to hear any appeal against a decision made under step 7 in accordance with the College Statutes appeals procedures (Employment Law Provisions Relating to Academic Staff Part V). If as provided for by these procedures, a member of Governing Body may form part of the appeal panel, he/she should not be part of the earlier decision making process. The appeal panel shall inform the college, employee and any other employer, as relevant of this decision.

Appendix 1
ACADEMIC COMMITTEE – TERMS OF REFERENCE

The Academic Committee reports to Governing Body

13 COMPOSITION

The Academic Committee consists of the Principal, the Senior Tutor, the Tutor for Graduates, the Tutor for Admissions, the Tutor for Student Visitors, the Librarian and three other members elected by Governing Body. The JCR and MCR may each nominate a non-voting representative who may attend for those agenda items advertised as unreserved business.

14 FREQUENCY OF MEETINGS

Three times per term, normally in 0th, 4th and 7th Weeks.

15 TERMS OF REFERENCE

To receive reports from and to support the Senior Tutor, the Tutor for Graduates, the Tutor for Admissions, and the Tutor for Student Visitors regarding the performance of their duties.

To have oversight of the academic reputation of the college in all its aspects.

To advise, and report to, Governing Body on all matters relating to academic policy, including:

- The admission, teaching of, and pastoral care for, undergraduates, post-graduates and student visitors.
- University and College examinations and the standards attained by candidates from the College.
- The College's provision of resources for teaching and research.
- The balance of disciplines pursued within the College.
- The appointment and re-appointment of Official Fellows, Senior Research Fellows and Junior Research Fellows, and College Lecturers.
- The approval of sabbatical and other leave.

Appendix 2
DOMUS COMMITTEE – TERMS OF REFERENCE

The Domus Committee reports to Governing Body

1 COMPOSITION

The Domus Committee consists of The Principal, The Bursar, The Dean, SCR Steward, Tutor for Women, Tutor for Student Visitors, and The Chaplain plus 2 members elected by Governing Body.

2 FREQUENCY OF MEETINGS

Once per term normally in 4th Week.

3 TERMS OF REFERENCE

- To receive reports from the Bursar on the domestic management of the College and to provide support and assistance of the Bursar in the performance of his duties.
- The oversight of the domestic management of the College.
- Equal opportunities policies
- The health, safety and security of the College, staff and students
- The provision of medical facilities for students and staff.
- The provision of sports facilities and the College gardens.
- Giving advice on requests for financial support from external organizations.

Appendix 3
GENERAL PURPOSES COMMITTEE – TERMS OF REFERENCE

Reports to Governing Body

1 COMPOSITION

The General Purposes Committee consists of: the Principal, the Bursar, the Senior Tutor, the Dean, the Investments Bursar, and four members elected by Governing Body. The Admissions Tutor and the Tutor for Graduates shall receive papers and attend for matters relevant to their Offices.

2 FREQUENCY OF MEETINGS

Three times per term normally in 0th, 4th and 7th Weeks.

3 TERMS OF REFERENCE

- To assist the Principal in the preparation of papers for Governing Body.
- To advise the Principal on College business.
- To receive reports from, and provide support to, the Principal as representative of the College and its interests within the University and in the wider world and relations with external bodies.
- To receive nominations for College Offices and membership of Committees and to present these to Governing Body.
- To receive, and to consider annually, nominations for Honorary Fellowships, for which purpose it may co-opt additional members of Governing Body

Appendix 4

TREASURY COMMITTEE – TERMS OF REFERENCE

Reports to Governing Body

1 COMPOSITION

The Treasury Committee consists of The Principal, The Bursar, The Investment Bursar and four other members elected by Governing Body. The Committee will normally also be attended by the Deputy Bursar/Accountant who will not have a vote.

2 FREQUENCY OF MEETINGS

Three times per term normally in 0th, 4th and 7th Weeks

3 TERMS OF REFERENCE

- To receive reports from and provide support and assistance to the Bursar and Investment Bursar in the performance of their duties.
- To report annually to Governing Body on the effectiveness and propriety of the College's financial management.
- The oversight of the College finances and investments.
- To receive the College accounts and present them to Governing Body.
- The monitoring of income and expenditure on a regular basis.
- The preparation and setting of the College budget.
- The terms and conditions of employment of staff.
- The monitoring of good practice and economy in the College's activities.
- The annual review of non academic salaries and Fellows allowances.
- The costing of proposals for developments, staff changes etc from other committees.
- The risk management assessment of the College's financial activities.
- To be informed by the Investment Advisory Committee which will normally meet twice a year.
- To receive reports from Hertford College Programmes on the College's trading activities.

Appendix 5

COMMITTEE FOR THE DEVELOPMENT OFFICE - TERMS OF REFERENCE

Reports to Treasury Committee and annually to Governing Body

1 COMPOSITION

The Committee for the Development Office consists of: the Principal, the Bursar, the Senior Tutor, the Investments Bursar the Development Director, and three members elected by Governing Body.

2 FREQUENCY OF MEETINGS

Once per term

3 TERMS OF REFERENCE

- To receive reports from, and provide support to, the Principal in his role of promoting relationships with old members of the College and fund-raising for the College.
- To receive reports from, and provide support to, the Director of Development.
- To oversee the performance and financial management of the Development Office.
- To identify short- and medium-term funding priorities within the framework of the College's strategic plan and in liaison with Academic Committee.
- To present an Annual Report to Governing Body

Appendix 6

REMUNERATION COMMITTEE

The role of the Committee is to act as an independent body to determine levels of pay, reward, benefits and allowances for the Principal and Fellows who are members of Governing Body (and also Trustees) ensuring that these are set at a level that is appropriate for the delivery of the College's charitable objectives, taking account of the College's strategic plans and priorities and levels of comparable pay elsewhere and to make recommendations to Governing Body.

The Committee shall consist of a minimum of three persons not in receipt of remuneration from the College, of which at least one shall be a non-member of Governing Body and at least one shall be a member of Governing Body. The members of the Committee shall be elected by Governing Body for a term of three years. There is no limit to the number of terms an individual may serve on the Committee, although no member may serve for more than two terms consecutively. The Committee shall be chaired by a non-member of Governing Body. The Bursar (Convenor) and the Principal shall normally attend meetings except when items affecting them are discussed.

The Committee must hold at least one meeting each year in Trinity Term and may meet at any other time it determines and a quorum at a Committee meeting is three members. A meeting may be held either in person or by suitable electronic means agreed by the members of the Committee in which all participants may communicate with all the other participants.

The General Purposes Committee shall review the remuneration of new and existing members of Governing Body and shall make recommendations for any changes to the Treasury Committee. Any changes agreed by the Treasury Committee will then be presented to the Remuneration Committee. The Committee will consider the recommendations put forward by Treasury Committee and will make recommendations to Governing Body. Governing Body may only accept or lower but not increase the recommended changes.

The Committee may offer advice on its own motion on issues regarding remuneration on which it considers the College should bring forward proposals. It is expected that Governing Body will consider any such comments and advice and respond to the Committee concerning the issues raised.

These terms of reference may be amended by Governing Body after consultation with the Committee and in accordance with the College's statutes and bye-laws

Amended 10th October 2012

Appendix 7

HONORARY FELLOWSHIPS COMMITTEE – TERMS OF REFERENCE

Reports to Governing Body

1 COMPOSITION

The Honorary Fellowships Committee consists of: the Principal, the Senior Governing Body Fellow by date of election, and three members elected by Governing Body.

2 FREQUENCY OF MEETINGS

As required, at least once per academic year.

3 TERMS OF REFERENCE

To receive and consider nominations for Honorary Fellowships and non-Governing Body Senior Research Fellowships College Offices and to present these to Governing Body.

Appendix 8
COLLEGE OFFICER JOB DESCRIPTIONS

Job title:	Tutor for Undergraduate Admissions
Purpose:	Oversight of undergraduate admissions policy and operations
Main responsibilities:	<ul style="list-style-type: none">• Oversight of, together with the Undergraduate Admissions Secretary, the annual admissions interview process.• Provide feedback to schools/parents on reasons for de-summons or rejection in consultation with subject tutors.• Oversight of production of the admissions prospectus and communications materials such as the website.• Agree with the Senior Tutor and Tutorial Fellows the numbers of offers per subject within the context of Governing Body's decision on total undergraduate numbers.• Oversight of open days.• Lead on organisation of school visits to Hertford and to secondary schools by fellows and students and oversight of other links between the College, schools and teachers, such as teachers' conferences.• Attend the University Admissions officers meetings and feedback of relevant material to Governing Body.• Report to Governing Body and its relevant committees on admissions matters including admissions statistics and other relevant reports.
Supervise/ supported by	Undergraduate Admissions Secretary
Ex officio committee membership	Academic Committee

Job title:	Tutor for Graduates
Purpose:	Oversight of graduate policy and administration
Main responsibilities:	<ul style="list-style-type: none"> • Oversight of, with the Graduate Admissions Secretary, all aspects of college graduate admissions. • Allocate college advisers and supervise the operation of the adviser system. • Organise the election of Senior Scholars. • Conduct, with the Principal, termly Graduate Principal's Collections. • Monitor developments in university graduate policies in so far as they impinge on college interests. • Liaise with the MCR and its officers. • Part of the administrative and pastoral support for individual members of the MCR. • Organise, with the Academic Administrator, Graduate Freshers', Supervisers' and Leavers' dinners. • Contribute to and drafting the college's publicity material regarding provision for graduates. • Report on graduate matters to the Governing Body.
Supervise/ supported by	Graduate Admissions Secretary
Ex officio committee membership	Academic, Graduate Awards, Student Support

Job title: **Senior Tutor**

Purpose: Oversight of undergraduate teaching and learning

- Main responsibilities:
- Oversight of undergraduate learning:
 - Prepare agendas and supporting papers for Academic Committee.
 - Oversee the college office.
 - Monitor and approve OxCORT reports.
 - Liaise with undergraduate representatives.
 - Implement the academic disciplinary code.
 - Troubleshoot on undergraduate academic issues including complaints, delinquency and other problems.
 - Oversee, including student admission, visiting students' programmes.
 - Termly Principal's collections.
 - Oversight of undergraduate teaching:
 - Monitor teaching quality and subject teaching provision.
 - Liaise about lecturers, stint, buyouts and leave.
 - Convene appointments panels for Fellowships and stipendiary lectureships.
 - Prepare bids and other communication with departments and faculties.
 - 'quality assurance' liaison and reporting to the University.
 - Communication with Proctors on undergraduate and graduate examination matters.
 - Liaise with Tutor for Admissions and Tutor for Graduates on admissions numbers.
 - Liaison with Senior Tutors' Committee, including attending termly meetings, responding to surveys and other requests for central information, and other duties as asked (e.g. EPSC Review of Modern Languages representative, 2008).
 - Discuss, formulate through consultation, and implement Academic Policy and Strategic Aims.
 - Report to Governing Body on academic matters

Supervise/
supported by Academic Administrator and Senior Tutor's Assistant

Ex officio committee membership Academic, Development, General Purposes, Joint, Welfare

Job title:	Dean
Purpose:	Oversight of student discipline and welfare
Main responsibilities:	<ol style="list-style-type: none"> 1. Oversight of student discipline <ol style="list-style-type: none"> a. Implementation of disciplinary code b. Re-drafting of disciplinary code as necessary c. Appointment of, and liaison with, Junior Deans, including regular mentoring 2. Oversight of student welfare <ol style="list-style-type: none"> a. Liaison with core Welfare Team, consisting of Nurse, Chaplain and Junior Deans through regular meetings and ad doc case conferences b. Liaison with wider Welfare Team, consisting of the core team plus Head Porter, Domestic Manager, Tutor for Women, JCR and MCR welfare officers. Liaison with other Staff members as necessary 3. Drafting (in collaboration with others where necessary), maintenance and circulation of College Policy documents including those relating to Smoking, Alcohol, Confidentiality, Harrassment and Computer Use 4. Communication with the Proctors on undergraduate and graduate disciplinary matters 5. Communication with Junior Members on welfare and disciplinary issues 6. Liaison with University decanal committees, including attending termly meetings with the Proctors and Assessor. 7. Authorisation of room bookings and other student events. 8. Report to Governing Body on welfare and disciplinary issues
Supervise/ supported by	Junior Deans (3); College Nurse
Ex officio committee membership	General Purpose, Joint, Welfare, Domus, Equality, and Student Support Committees, and other ad hoc working parties as required. Convenor of Bar Committee.

Job title:	Investment Bursar
Purpose:	Oversight of the College's investments
Main responsibilities:	<ul style="list-style-type: none"> • Develop the College's investment strategy (Statement of Investment Principals) in consultation with external advisors • Lead the selection process for the appointment of the Colleges Investment Manager. • Monitor the performance of the Investment Manager against agreed benchmarks and targets • Convene the Investment Advisory Committee (IAC) of external advisors. • Develop income targets in consultation with the Bursar and the IAC • Provide regular reports to Governing Body on the performance of the endowment.
Ex officio committee membership	Treasury, Development and General Purposes Committees.

Job title: **Dean of Degrees**

Purpose: Presenting members of the College at Matriculation and at Degree Ceremonies.

Main responsibilities:

- Supervise annual Matriculation ceremony (2 per year) for all fresher undergraduates and graduates with support from Junior Deans.
- Accompany students who are unable to attend the annual event to 8th Week Matriculation ceremonies.
- Supervise Degree Days, hosts drinks/lunch for candidates and their guests, ensures all are present and correct, leads the procession to the Sheldonian Theatre, completes the necessary paperwork to confirm attendance.
- Organise a rota of Fellows willing to act in place of the Dean of Degrees.
- Liaise with the University on changing Degree Day requirements.

Supervise/ supported by Academic Administrator

Ex officio committee membership NA

Job title:	Tutor for Women
Purpose:	Being available in a personal tutor role for all female students and act as the college's Harassment Officer
Main responsibilities:	<p>Main Welfare Duties</p> <ul style="list-style-type: none"> • Liaise with the welfare officers in the JCR and the MCR and organise informal meetings with the welfare officers to discuss general issues that may arise. • Organise welfare sessions in response to specific difficulties – e.g. organising sexual health information, or sessions on rape and sexual harassment. • Provide support for students with specific welfare issues when required. <p>Harassment Duties</p> <ul style="list-style-type: none"> • Report harassment issues which concern students to the University. • Investigates complaints of harassment raised by students in the college. She can play both a disciplinary and a welfare role. • Liaise with the Dean, Senior Tutor and Bursar depending of the nature and source of the complaint, for further investigation or reporting to the Proctors or police • Provide supplementary support for any complaint, liaising with other members of the welfare team, particularly the Chaplain and the College Nurse.
Ex officio committee membership	Domus, Chair of the Harassment Panel,

Job title:	Fellow Librarian
Purpose:	Oversight of the College library and book collections
Main responsibilities:	<ul style="list-style-type: none"> • Ensure books are kept in a safe and secure environment • Recommend and monitor the Library budget. • Recommend improvements to the security or space provision for books and readers • Liaise with tutors and junior members to listen to their feedback on Library matters. • Encourage the use of the Library's collections. • Review the list of serial publications in consultation with fellows and decide on cancellations. • Report to Governing Body on Library matters
Supervise/ supported by	The College Librarian
Dimensions	Responsibilities cover both the working library, antiquarian books and other book collections.
Ex officio committee membership	Library (Chair), Academic

Job title: **Archivist**

Purpose: The College archives

Main responsibilities:

- Ensure the safety and security of the archives.
- Maintain a catalogue of archived materials.
- Manage additions to the archives.
- Encourage the use of the Library's collections.
- Answer archive related enquires.

Ex officio committee membership Library, Works of Art (Convenor).

Job title: **Editor of the College Magazine**

Purpose: Production of the College Magazine

Main responsibilities:

- Design and edit the annual edition of the College Magazine.
- Decide content, format and timetable.
- Manage and edit contributions.
- Liaise with the Development Office for printing and distribution.

Job title: **Secretary to Governing Body**

Purpose: Record the minutes of Governing Body meetings

Main responsibilities:

- Attend Governing Body meetings, record attendance and take minutes.
- Liaise with the Principal for circulation of minutes to members of Governing Body.

Job title:	Bursar
Purpose:	To manage the finances and the domestic economy of the college.
Main responsibilities:	<ul style="list-style-type: none"> • Being the reporting officer for all non academic staff and having a duty of care to these staff and having HR responsibilities for all staff including academic staff. • Being responsible for the college finances including the accounts and preparing an annual budget for approval by Governing Body. • Oversight of the estates of the college. • Being responsible for the effective management of the business aspects of the college's activities and for its charitable status. • Formulating and overseeing risk management strategies and ensuring legislative compliance. • Oversight over and promoting efficiency of domestic activities. • Support development of strategic plans and policies and take responsibility for their implementation. • Support the college's fund-raising activities. • Report to Governing Body on Bursarial matters. • Comply with the delegated financial authorities set from time to time by Governing Body. • Represent the College at the Estates Bursar's Committee and bring any matters arising to the attention of the relevant college committee. • Such other duties as set out in the further particulars for the role or agreed from time to time.
Supervise/supported by	Accountant, Home Bursar, IT Manager, Director of International Programmes, Academic Administrator, Librarian, College Nurse.
Ex officio committee membership	Treasury (convenor) Domus (convenor), Development, General Purposes, Joint, Library, Student Support, Chapel, Consultative (convenor).

Job title:	Director of Development
Responsible to:	Governing Body
Purpose:	To raise funds to support the college's aims and objectives and to manage the College's alumni relations.
Main responsibilities:	<ul style="list-style-type: none"> • Work with the Principal and Fellows to develop and implement a fund raising strategy for the College. • Develop and implement a strategy for building an effective alumni network, including the alumni database and event programme. • Work with the Principal and Fellows to identify and lead fund-raising projects. • Organise and support the solicitation of gifts from prospective donors. • Oversee all promotional material. • Manage an effective and efficient Members and Development Office. • Manage an effective cultivation and stewardship programme for all donors. • Build constructive relationships at all levels within the College and externally. • Ensure all fundraising activities are compliant with relevant legislation and good practice. • Report to Governing Body on alumni relations and fund-raising matters. • Such other duties as set out in the further particulars for the role or agreed from time to time.
Supervise/ supported by	Members and Development Office staff
Ex officio committee membership	Development (convenor).