



Hertford College  
OXFORD

# BYE-LAWS

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# BYE-LAW 1: GOVERNANCE

## 1. GOVERNANCE FRAMEWORK

- 1.1. The Governing Body (and individually each of its members as Trustees) is responsible for the governance of the College.
- 1.2. The Governing Body is assisted by the following groups and individuals, to whom it delegates certain functions or powers, or relies upon for advice and guidance:
  - 1.2.1 Governing Body Committees
  - 1.2.2 College Officers
  - 1.2.3 The Investment Advisory Committee
  - 1.2.4 The Governance Review Committee
- 1.3. The Governance instruments, to which the Governing Body (and all of College) are bound, comprise:
  - 1.3.1 The College Statutes, which is the primary instrument.
  - 1.3.2 The College Bye-laws, set in accordance with the provisions of the Statutes.
  - 1.3.3 College Ordinances, which are that collection of additional instruments (Policies, Codes of Conduct, Regulations, Rules etc.) that the Governing Body has determined may only be changed with the approval of a nominated Governing Body Committee, or Governing Body itself.
  - 1.3.4 Operational Regulations, which are other policies, rules, procedures, or similar, that may from time to time be established as part of the day to day operations of the College. They are set, approved, or authorised to be set, by College Officers or Fellows, in accordance with the functions or powers delegated to them, who remain responsible for their operation and enforcement.
  - 1.3.5 Decisions of Governing Body that are (or are in the process of being) recorded in the approved minutes of a Governing Body meeting, but have yet to be reflected in an appropriate instrument (by way of update, or new formation).

## 2. THE GOVERNING BODY

- 2.1. Membership of the Governing Body is provided for by the Statutes.
- 2.2. The Principal is responsible for the Governing Body agenda and papers, and for calling all meetings.
- 2.3. The standard format for a meeting of the Governing Body shall be an in-person meeting, but where this may be impractical, a meeting may be held in such other format providing that this allows for a shared exchange of views where all contributions are simultaneously available in real time to all other participants.
- 2.4. Governing Body meetings shall be held in the third and eighth weeks of each term. No further notice for these meetings shall be required.

- 2.5. Notice of any additional Governing Body meetings shall be provided no less than 21 days before the date of the meeting.
- 2.6. All matters discussed in Governing Body are confidential to the members of the Governing Body.
- 2.7. By exception, to deal with urgent matters, an emergency meeting of the Governing Body may be called with no less than forty-eight hours notice. In such circumstances, the quorum for such a meeting shall be raised to fifty percent of Governing Body members, and no resolution passed at such a meeting shall be valid unless it is supported by a simple majority of all Governing Body Fellows, rather than those present. The meeting shall only deal with the urgent matter (or matters) for which the meeting has been called, and no further business may be conducted. No such meeting may be used for the purposes of electing or re-electing Fellows. In the case that five or more Governing Body Fellows register an objection to the meeting taking place, the meeting shall not proceed.
- 2.8. No important proposal is to be introduced without a supporting paper.
- 2.9. All Governing Body papers should be circulated by the Principal's Office. All meetings shall have a draft Agenda circulated at least 3 clear working days before the meeting, with papers received up to that point. Late papers should be delivered to the Principal's Office no later than noon two 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.
- 2.10. Anonymous papers will not be considered.
- 2.11. Amendments to the minutes (apart from typing corrections) should be handed in written form to the chair before the beginning of the meeting.
- 2.12. All remarks should be addressed to the chair.
- 2.13. 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.
- 2.14. No member may speak twice on the same item of business except for purposes of reply, clarification or the correction of errors of fact.
- 2.15. Governing Body members unable to attend meetings of Governing Body are required to send apologies in writing stating the reason for their absence, and may also register a proxy vote with the (meeting) chair. In the case of proxy votes, this must state the pre-tabled resolution(s) that it may be set against, and may not be provided for any more general application or for resolutions not set out in papers circulated in advance of the meeting.
- 2.16. Should a member of Governing Body have a personal interest in a matter under discussion that might give rise to, or have the potential for, a conflict with their duty as a Trustee, they may speak and answer questions before withdrawing to allow further discussion and any vote that may be required.
- 2.17. College Officers reporting to Governing Body may be required to withdraw in order that their reports may be considered.

- 2.18. The Bursar shall provide Governing Body with an account on the discharge of their office.
- 2.19. The JCR and MCR Presidents, as well as the Registrar and the Domestic Bursar, shall be invited to attend meetings of Governing Body.
- 2.20. Governing Body shall conduct business according to three categories as follows (but may choose, at the discretion of the Chair, to dispense with one or more categories at any one meeting if there is no such business to attend to):
  - 2.20.1 Unreserved (also known as Open) Business, which all members may attend and participate in.
  - 2.20.2 Reserved Business, which shall be restricted to Governing Body and invited College staff.
  - 2.20.3 Special Reserved Business, which shall be restricted to Governing Body Members.
- 2.21. Ordinarily, voting on any matters will only take place under Reserved or Special Reserved Business.
- 2.22. The following powers are reserved to Governing Body and may not be delegated. Such powers must be exercised in accordance with any relevant provision in the Statutes or these Bye-laws.
  - 2.22.1 To elect and remove Fellows.
  - 2.22.2 To elect or remove the Principal.
  - 2.22.3 To appoint or remove College Officers.
  - 2.22.4 To approve the annual financial report and accounts, and any accounting policies upon which they are based.
  - 2.22.5 To approve any application to amend the Statutes.
  - 2.22.6 To approve changes to the Bye-laws.
  - 2.22.7 To approve any Policy, or similar, that is put in place as part of a statutory or regulatory obligation.
  - 2.22.8 To acquire, merge with or enter into any partnership or joint venture arrangement with any other body.
  - 2.22.9 To delegate to various Committees or College Officers responsibilities for the exercise of any powers not reserved to the Governing Body.
  - 2.22.10 To reverse, amend, augment or otherwise alter any decision made, or action taken, by any Committee or College Officer in the exercise of the powers delegated to them by the Governing Body.
  - 2.22.11 To alter the classification, purpose, or status of any endowment or reserved funds, or any re-distribution of value between them.
  - 2.22.12 To consider and make decisions about the level of remuneration for the Principal and Fellows provided that Governing Body shall not increase stipends, allowances and benefits in excess of any recommendation by the Governance Review Committee.

- 2.22.13 Providing that such actions are not in conflict with any Statute, the power to appoint a member of Governing Body to temporarily undertake a College Office in place of any College Officer who is deemed by the Governing Body as incapable of fulfilling their duties for a period beyond usual annual leave, such temporary cover to be subject to reconfirmation at each subsequent Governing Body during which the cover is in place.

### **3. GOVERNING BODY COMMITTEES**

- 3.1. The Governing Body shall delegate various of its functions to Governing Body Committees:
- 3.1.1 in accordance with Statute 5.2.1, to Primary Committees, which shall report directly to Governing Body.
  - 3.1.2 in accordance with Statute 5.2.2, to Supporting Committees, which shall report to an appropriate College Officer or Fellow, who shall be the Chair.
- 3.2. The Primary Committees shall be as follows:
- 3.2.1 Academic Committee
  - 3.2.2 Development Committee
  - 3.2.3 General Purposes Committee
  - 3.2.4 Honorary Fellowships Committee
  - 3.2.5 Treasury Committee
- 3.3. The Supporting Committees shall be as follows:
- 3.3.1 Chapel Committee
  - 3.3.2 College Committee
  - 3.3.3 Consultative Committee
  - 3.3.4 Health & Safety Committee
  - 3.3.5 Library Committee
  - 3.3.6 Student Catering & Accommodation Committee
  - 3.3.7 Student Support Committee
  - 3.3.8 Student Welfare Committee
  - 3.3.9 Works of Art Committee
- 3.4. The composition, terms of reference, and any (Governing Body) delegated powers for the above committees are set out as appendices to the Bye-laws.
- 3.5. College Officers may operate additional committees as and when required to support their roles, on terms they deem appropriate, outside of the governance requirements set out here. Such committees shall have no decision-making role, and shall operate solely to support the function of the relevant College Officer, who shall remain responsible for representing any matters covered to other relevant Committees or College Officers, or the Governing Body.

- 3.6. The following provisions shall apply to all Committees:
- 3.6.1 Any member of Governing Body shall be entitled to attend any meeting.
  - 3.6.2 The standard format for a meeting shall be an in-person meeting, but where this may be impractical, a meeting may be held in such other format providing that this allows for a shared exchange of views where all contributions are simultaneously available in real time to all other participants.
  - 3.6.3 All Committees must keep minutes and should also record those present and apologies for absence in their minutes.
  - 3.6.4 The designated Chair shall be responsible for approving agendas, minutes and other relevant papers and for communicating them to Governing Body, relevant Reporting Committees or College Officers as appropriate.
  - 3.6.5 The Chair shall appoint a Secretary to prepare the Committee's papers, and a minute-taker.
  - 3.6.6 Where Committee terms of reference indicate the normal frequency of meetings the Chair shall have the power to convene additional meetings as required.
  - 3.6.7 All Committees' terms or reference shall include a duty to undertake the review and approval role for any College Ordinances allocated to that Committee by Governing Body or otherwise under these Bye-laws.
  - 3.6.8 Committee members elected by Governing Body shall normally serve for a term of three years and not be eligible for immediate re-election.
  - 3.6.9 Committees shall conduct business according to three categories as follows (but may choose, at the discretion of the Chair to dispense with one or more categories at any one meeting if there is no such business to attend to):
    - a) Unreserved (also known as Open) Business, which all members may attend and participate in.
    - b) Reserved Business, which shall be restricted to Governing Body members and any members of staff who are invited (by virtue of the Bye-laws) to attend meetings of the Governing Body, only.
    - c) Special Reserved Business, which shall be restricted to Governing Body Members.
  - 3.6.10 No Committee shall take any decision to incur, or commit the College to, any expenditure beyond the budget delegated to that Committee, unless empowered to do so by its terms of reference, and should instead pass a written request for consideration to the Treasury Committee.
- 3.7. The following additional provisions shall apply to all Primary Committees:
- 3.7.1 Committees shall report to Governing Body, and submit all minutes to the next available meeting of such for ratification of decisions proposed.
  - 3.7.2 Committees shall meet as set out in their terms of reference, or at other times at the discretion of the convener, providing at least two weeks notice is given, or with less notice if at least two thirds of the voting members agree.

- 3.7.3 The convener shall also arrange for a meeting if they receive a request, in writing, from a majority of the voting members of that committee, which shall be held subject to the same notice requirements as above.
- 3.7.4 The designated Chair shall be the Principal, unless otherwise specified.
- 3.7.5 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.
- 3.7.6 Unless specified otherwise, only Governing Body members shall have a vote for any business conducted.
- 3.7.7 Committees may take decisions via email, providing that:
  - a) At least fifty percent of the members entitled to vote provide approval for the decision, AND
  - b) No objection to an email decision is received (by the Committee Chair) from any member entitled to vote.
- 3.7.8 If a Committee is divided upon a recommendation, this should be reported to Governing Body.
- 3.7.9 Except in the case of email decisions, 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.
- 3.7.10 The Principal shall have the power to suspend Committee membership in the case of members who are on leave, and appoint an alternate member for the duration of the suspension. Where an alternate is not appointed, the Committee quorum shall be reduced correspondingly for the period of suspension.
- 3.8. The following additional provisions shall apply to all Supporting Committees:
  - 3.8.1 Committee minutes shall be made available to individual members of Governing Body upon request.
  - 3.8.2 Committees shall meet as set out in their terms of reference, or at other times at the discretion of the convener, providing reasonable notice is given.
  - 3.8.3 The Chair of the Committee may choose not to proceed with scheduled meetings of the Committee where there is no significant business to address, or where matters within its scope are being managed through other mechanisms, by providing reasonable notice.
  - 3.8.4 Whenever a Committee recommends or requests expenditure, this shall be managed through the relevant College Officer or Fellow to which it reports.
  - 3.8.5 All minutes shall be available as soon as possible after the meeting.
  - 3.8.6 Voting will not apply in such Committees. It shall be the responsibility of the Committee Chair to ensure representation of the view / range of views expressed by the Committee through the recorded minutes.

#### **4. COLLEGE OFFICERS**

- 4.1. In accordance with Statute 5.2.3, the Governing Body shall appoint as College Officers:
  - 4.1.1 Principal
  - 4.1.2 Vice Principal (in the circumstances required by the Statutes)
  - 4.1.3 Pro Principal (in the circumstances set out below)
  - 4.1.4 Senior Tutor
  - 4.1.5 Fellow for Welfare
  - 4.1.6 Bursar
  - 4.1.7 Tutor for Graduates
  - 4.1.8 Investment Fellow
  - 4.1.9 Student Conduct Officer (Dean)
  - 4.1.10 Dean(s) of Degrees
  - 4.1.11 Tutor for Equality & Diversity
  - 4.1.12 Fellow Librarian & Archivist
  - 4.1.13 Development Director
  - 4.1.14 Fellow for Research
- 4.2. Governing Body may from time to time appoint a Pro-Principal, who shall be responsible for a particular matter of importance for the College, for a fixed period of time, and on the terms it shall see fit. The Pro-Principal must be appointed from the Governing Body, and shall relinquish their role if they cease to be a member of such.
- 4.3. College Officers shall be responsible to the Governing Body for the proper performance of their duties.
- 4.4. The duties and delegated authorities of College Officers are set out as appendices, with the exception of the Principal and Vice Principal, whose duties are set out in the Statutes, and any Pro-Principal, where the duties shall be set upon appointment.
- 4.5. With the exception of the Principal, Vice Principal, Bursar and Development Director, College Officers will normally serve a term of three or four years, to be agreed on appointment, and no more than two terms.
- 4.6. Where Governance Instruments require a duty be conducted by a specified College Officer, and there is a vacancy for that role, or it is not appropriate or practical for that Officer to act in the particular case owing to a conflict of interest or other limitation (declared, or accepted as such by that College Officer), their role may be undertaken for that limited purpose only by another member of Governing Body, either agreed by that College Officer as being a suitable alternate, or appointed by the Principal, or in the Principal's absence (or where the Principal is to be appointed to act) by the Bursar or the Senior Fellow.

## **5. INVESTMENT ADVISORY COMMITTEE**

- 5.1. The Governing Body shall appoint and maintain an Investment Advisory Committee.
- 5.2. The Committee shall consist of the Principal, Bursar, Investment Fellow, a further Governing Body Fellow (elected by Governing Body), and at least four external members (who should have an established connection with the College).
- 5.3. Other members and standard attendees of the Treasury Committee shall be invited to attend all meetings of the Committee and furnished with any papers.
- 5.4. The College's Investment Managers shall be invited to attend meetings, or parts thereof, at the discretion of the Committee Chair.
- 5.5. External members shall be elected by Governing Body, advised by the Treasury Committee, for a term of three years, and may be re-elected.
- 5.6. The Governing Body shall appoint one of the External members to act as the Committee Chair, for a period of three years at a time. If at the time of appointment to the Chair the external member's remaining term of office is less than three years this shall be extended to be three years from that appointment date.
- 5.7. The Investment Fellow shall arrange for the Committee to be convened at least twice annually, and for minutes to be recorded and made available to the Governing Body.
- 5.8. The Terms of Reference for the Committee shall be:
  - 5.8.1 To advise on the management of the College's investment portfolio.
  - 5.8.2 To recommend, and implement the College's investment practices and policies.
  - 5.8.3 To report to Governing Body, through Treasury Committee, on all matters relating to the investment portfolio.

## **6. GOVERNANCE REVIEW COMMITTEE**

- 6.1. The Governing Body shall appoint and maintain a Governance Review Committee.
- 6.2. The Committee shall consist of six persons, none of whom shall serve the College in any other official capacity other than as a member of its Governing Body, nor receive any form of remuneration from it beyond any minor and incidental rights associated with a Fellowship, and no more than one member at any one time may also be a member of the Governing Body.
- 6.3. Members shall be elected by Governing Body for a term of three years, and may serve two terms in succession.
- 6.4. The Governing Body shall appoint one of the Committee members as Chair.
- 6.5. The Committee shall be quorate with at least four members present, including the Chair.
- 6.6. The Principal, Bursar and Senior Fellow, shall be invited to attend all meetings of the Committee save for where the Chair, with good reason, deems it inappropriate for one or more of them to attend, and instructs otherwise.

- 6.7. Any member of Governing Body may be permitted to attend a meeting of the Committee at the discretion of the Chair, to whom all such requests should be submitted in advance, and with reasonable notice.
- 6.8. Any members of Governing Body in attendance may be required to answer questions from the Committee on any aspect of the Committee's business, and shall provide as full and accurate an account as they are able to.
- 6.9. College Officers or members of Governing Body attending a meeting shall absent themselves for any part of that meeting concerned with any discussion relating to their own remuneration (including allowances), save for presenting any recommendations to the Committee for consideration, or for any other matter where a personal conflict of interest may arise, unless expressly permitted by the Chair.
- 6.10. The Principal shall arrange, with the Committee Chair, for the Committee to be convened at least annually, and shall ensure that any report or recommendations from any meeting of the Committee are provided promptly to the Governing Body.
- 6.11. The Chair of the Committee shall be at liberty to convene the Committee at other times, in whatever form as may be necessary, to ensure that the Committee's terms of reference are best served. Notice of such meetings shall be at the discretion of the Chair, acting reasonably and with due regard as to the urgency or otherwise of the need to meet.
- 6.12. The Principal and the Bursar shall afford every assistance to the Chair as may be required to ensure meetings are convened effectively, and shall ensure that all reports, records and supporting documents required by the Committee are supplied in a timely fashion, and as directed by or agreed with the Chair.
- 6.13. The Terms of Reference for the committee shall be:
- 6.13.1 to monitor the public funds that are made available to the College to ensure that they are properly used for the purposes they were granted;
  - 6.13.2 to monitor that there are appropriate systems and processes in place to provide reasonable assurance that the resources of the College are being effectively administered, allocated and used;
  - 6.13.3 to review at least annually, and report any findings and recommendations to Governing Body, on the legality, adequacy and effectiveness of the following:
    - a) compliance with the Charity Commission guidance;
    - b) the Governance structure;
    - c) the instruments of governance (Statutes, Bye-laws, or similar)
    - d) the management of risk;
    - e) the Trustees' execution of their responsibilities;
  - 6.13.4 To undertake such reviews by reference to a consideration of the following:
    - a) the College's Risk Register, and record of any judgements made by Committees and College Officers about the key risks facing the College having regard to the College's risk management policy;

- b) minutes of Governing Body meetings, and of Primary (Governing Body) Committees;
  - c) current versions of all governance instruments, and records of any changes;
  - d) the College's annual report and accounts, and Charity Commission returns;
  - e) any correspondence, other than routine reporting, with any statutory or regulatory body;
  - f) any other records or documents that the Committee deem relevant, and request access to.
- 6.13.5 To act as an independent reviewer, arbiter, or advisor, where requested to act in such a capacity by the Governing Body.
- 6.13.6 To act as an alternate point of consultation to that provided for in Statute 11.3 or 11.4, where the conditions contemplated by those clauses are satisfied, and the Principal or Fellow(s) concerned so requests (via the Committee Chair). When acting in this capacity, the decision of the Committee will be treated by the Governing Body as if it were made by the Visitor, save that a further, and final, appeal to the Visitor shall still be available to the Principal or any aggrieved Fellow, in accordance with Statute 11.4.
- 6.13.7 To support any process or enquiry that the Visitor may wish to conduct, whether at the behest of the College or otherwise, providing such investigative, review or advisory service to the Visitor, as required.
- 6.13.8 To act as the review body for the remuneration of Fellows, as follows:
  - a) to consider proposals from Governing Body Committees or College Officers concerning remuneration, stipends, allowances and benefits provided for the Principal and for Fellows and to make recommendations concerning the same to the Governing Body;
  - b) from time to time, and not less than once a year, to consider whether the levels of remuneration, stipends, allowances and benefits provided for the Principal and the Fellows are appropriate and to make recommendations concerning the same to the Governing Body;
  - c) from time to time, and not less than once a year, to consider the terms upon which the Principal and Fellows are permitted to enter into agreements with the College which are beneficial and which shall include the use of rooms, the sale of wine, catering and other facilities and to make recommendations concerning the same to the Governing Body;
  - d) Governing Body shall make final determinations in light of these recommendations, having regard to the financial means available to the College, but shall not make any awards that exceed the recommendations made by the Committee.
- 6.13.9 When acting as the review body for the remuneration of Fellows, the Committee shall consider, non-exclusively:
  - a) the need to attract and retain the Principal and Fellows to the College;
  - b) principles of equity and fairness, including in particular the need to prevent unlawful discrimination and promote equality of opportunity between people;

- c) compatibility with University pay scales for those holding joint appointments;
  - d) the need to take account of remuneration for comparable appointments across the University and Colleges.
- 6.14. The primary role of the Committee shall be to advise Governing Body, and it shall have no delegated authority, nor any powers, unless expressly provided for in these Bye-laws. Notwithstanding this, where the Chair of the Committee deems a matter to be of the appropriate significance, they shall have the power to directly advise, or otherwise refer that matter to, the Visitor, but only where the matter has first been referred to the Governing Body and, after allowing a reasonable time for consideration, the Governing Body has not, in the opinion of the Chair, made an adequate response.

## **7. COLLEGE MEMBERS**

- 7.1. The term 'Senior Member' shall mean any person who is a member of the Senior Common Room of the College.
- 7.2. The term 'Junior Member' shall mean any person admitted to the College to pursue a course of study approved by the University.

# BYE-LAW 1 APPENDIX A: GOVERNING BODY COMMITTEES

## 1. ACADEMIC COMMITTEE

### 1.1. Composition

1.1.1 Convener: The Senior Tutor

1.1.2 Chair: The Principal

1.1.3 Voting Members: The Principal, the Senior Tutor, the Tutor for Graduates, the Fellow Librarian, Fellow for Research, and three other members of (and elected by) Governing Body.

1.1.4 In Attendance: The Registrar, the Director of Visiting Students, the Librarian, one nominated representative from each of the JCR and MCR.

### 1.2. Frequency of meetings

1.2.1 Normally twice per term.

### 1.3. Duties and delegated responsibilities

1.3.1 To receive reports from and to support the Senior Tutor, the Tutor for Graduates, the Registrar, and the Tutor for Visiting Students regarding the performance of their duties.

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

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

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

## **2. DEVELOPMENT COMMITTEE**

### **2.1. Composition**

2.1.1 Convener: The Development Director

2.1.2 Chair: The Principal

2.1.3 Voting Members: the Principal, the Bursar, the Senior Tutor, the Development Director, and three other members of (and elected by) Governing Body.

### **2.2. Frequency of meetings**

2.2.1 Normally once per term.

### **2.3. Duties and delegated responsibilities**

2.3.1 To receive reports from, and provide support to, the Principal in their role of promoting relationships with old members of the College and fund-raising for the College.

2.3.2 To receive reports from, and provide support to, the Director of Development.

2.3.3 To oversee the performance and financial management of the Development Office.

2.3.4 To identify short- and medium-term funding priorities within the framework of the College's strategic plan and in liaison with Academic Committee.

2.3.5 To present an Annual Report to Governing Body.

### **3. GENERAL PURPOSES COMMITTEE**

#### **3.1. Composition**

3.1.1 Convener: The Principal

3.1.2 Chair: The Principal

3.1.3 Members: Principal, Bursar, Senior Tutor, Fellow for Welfare, Tutor for Graduates, and two other members of (and elected by) Governing Body.

3.1.4 In Attendance: The Domestic Bursar, The Registrar

#### **3.2. Frequency of meetings**

3.2.1 Normally twice per term.

#### **3.3. Duties and delegated responsibilities**

3.3.1 To consider, review and make recommendations to Governing Body concerning:

- a) strategic opportunities, priorities, projects and plans;
- b) potential high impact risks, and possible mitigations;
- c) nominations for College Offices and membership of (Governing Body) Committees;
- d) any matters being brought before Governing Body.

3.3.2 To support and advise the Principal in relation to:

- a) representing the College's views to Conference of Colleges, the University, or beyond;
- b) the preparation of papers and proposals for Governing Body.

3.3.3 To manage the Serious Incident reporting process, including:

- a) determination of the need to submit a report;
- b) approval of that report;
- c) determining any action required to mitigate the incident;
- d) providing a full update to Governing Body.

3.3.4 To ensure that conflict of interest registers are maintained and to adjudicate upon any conflict of interest matter that is referred by any Fellow or Committee.

3.3.5 To develop, receive, consider, and report to Governing Body on any proposed revisions to Bye-laws or Statutes.

3.3.6 To have oversight of all College Ordinances, as defined by these Bye-laws in section 1.3, to include:

- a) ensuring that each Ordinance has an appropriate College Officer or Fellow to act as the lead for maintaining it, consistent with the functions and powers more generally or explicitly delegated by Governing Body from time to time;
- b) maintaining a register of Ordinances;
- c) ensuring that reviews are undertaken and recorded, according to the prescribed review periods;

- d) determining and making recommendations to Governing Body on any additions to, or removal from, the corpus of such Ordinances, or to the allocation of ownership or approval responsibilities;
  - e) act as the default approval body for any Ordinance not otherwise allocated to a Governing Body Committee.
- 3.3.7 To have oversight, and provide assurance to Governing Body, in relation to the College's compliance with:
  - a) the Statutes, Bye-laws, Ordinances and recorded Governing Body decisions;
  - b) the requirements of statutory and regulatory bodies;
  - c) the University Statutes;
  - d) any agreements or undertakings with the Conference of Colleges.
- 3.3.8 To ensure that the College has effective plans and processes in place for dealing with major incidents that may affect the day to day operations of the College, its property, or the safety and security of its members and visitors.
- 3.3.9 To provide support and advise the Bursar in relation to:
  - a) the provision of domestic services or resources to Senior Members (excluding the further operation or allocation of that provision made for the SCR, which shall remain the preserve of the SCR Steward);
  - b) any matters within the Bursar's delegated responsibilities not otherwise dealt with by another Governing Body Committee.
- 3.3.10 To provide support and advise the Fellow for Welfare in relation to:
  - a) policies concerning student welfare, and any associated matters;
  - b) any matters within the Fellow for Welfare's delegated responsibilities not otherwise dealt with by another Governing Body Committee.
- 3.3.11 To provide oversight or consideration of any matter raised by a College Officer which may not obviously or immediately be dealt with under the terms of reference of another Governing Body Committee.
- 3.3.12 To support the work of the Governance Review Committee by making available all relevant documents and records, and responding promptly to any enquiries it may make.

#### **4. HONORARY FELLOWSHIPS COMMITTEE**

##### **4.1. Composition**

4.1.1 Convener: The Principal

4.1.2 Chair: The Principal

4.1.3 Voting Members: the Principal, the Senior Fellow, and three other members of (and elected by) Governing Body.

##### **4.2. Frequency of meetings**

4.2.1 As required, and at least once per academic year.

##### **4.3. Duties and delegated responsibilities**

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

## 5. TREASURY COMMITTEE

### 5.1. Composition

5.1.1 Convener: The Bursar

5.1.2 Chair: The Principal

5.1.3 Voting Members: Principal, Bursar, Investment Fellow, and four other members of (and elected by) Governing Body.

5.1.4 In Attendance: The College Accountant

### 5.2. Frequency of meetings

5.2.1 Normally twice per term.

### 5.3. Duties and delegated responsibilities

5.3.1 The oversight of the College's finances, including:

- a) receiving reports from, and providing support and assistance to the Bursar and Investment Fellow in the performance of their duties;
- b) the monitoring of income and expenditure on a regular basis;
- c) managing the investment strategy for the College's Endowment and Investment assets;
- d) compliance with loan covenants;
- e) the preparation and setting of the College's annual budget;
- f) to review from time to time, to recommend to Governing Body, the appointment of the College Auditor and any appropriate fees;
- g) to ensure that Governing Body receives the auditor's report, the annual accounts, representation and compliance letters by no later than its final meeting of Michaelmas Term each year;
- h) to ensure that any recommendations made by the auditor are implemented, in particular focusing on any reservations, any significant adjustments made after the audit, and compliance with accounting and reporting standards;
- i) to ensure that the effectiveness of the financial control systems of the College are annually reviewed and that any recommendations are acted upon;
- j) to direct an investigation into any adverse audit or control observations and make recommendations to Governing Body;
- k) to consider and agree proposals from Committees and College Officers for expenditure outside of agreed budgets;
- l) to monitor and make decisions concerning banking and cash management arrangements;
- m) to consider proposals from the Investment Advisory Committee about the management of the College's invested assets including asset allocation, the appointment of investment managers and the review of their performance and make recommendations concerning the same;
- n) the trading enterprises of the College.

- 5.3.2 Oversight of the general terms and conditions for the employment of staff, and the compliance of any employment processes and procedures in place.
- 5.3.3 The review of non-academic salaries, and approval of annual collective pay uplifts or collective awards.
- 5.3.4 To undertake project or other internal audit reviews, about any matter, at the request of Governing Body;
- 5.3.5 To provide assurance to the Governing Body that the College's Policies, procedures and processes in respect of the following matters are fit for purpose, compliant, and followed effectively:
  - a) Risk Management
  - b) Health & Safety
  - c) IT, including Data Security
  - d) Due diligence processes for suppliers or other contracts.
- 5.3.6 To ensure that the College has in place at all times an adequate range and level of insurance cover, arranged through suitable brokers or agents.
- 5.3.7 To consider and approve proposals from Committees and College Officers and make decisions concerning the funding of major repairs and alterations to the fabric of the buildings;
- 5.3.8 To consider and approve proposals from Committees and College Officers and make decisions/recommendations concerning the purchase and sale of property and chattels;
- 5.3.9 The Treasury Committee shall not commit the College to any financial expenditure or liability outside of the agreed annual budget of more than £500k, in aggregate, before reporting the expenditure at a meeting of the Governing Body (after which, unless Governing Body determine otherwise, the aggregate count shall revert to zero). Exceptions are permitted only where:
  - a) the expenditure concerns a property acquisition, or similar, and it is impractical to wait for a duly convened meeting of Governing Body to authorise the purchase, and the total expenditure is no more than £2m;
  - b) the expenditure is necessary to avoid an imminent financial, security, health or other threat to the College that the Treasury Committee deem essential and urgent to mitigate, and it is impractical to wait for a duly convened meeting of Governing Body to authorise. In such cases the Treasury Committee shall make a full report to Governing Body members as soon as possible, via any appropriate means.

## **6. CHAPEL COMMITTEE**

### **6.1. Composition**

6.1.1 Convener: The Chaplain

6.1.2 Chair: A Designated Governing Body Fellow

6.1.3 Consists of the Principal, the Chaplain, the Bursar, the Music Tutor, Senior and Junior Organ Scholars, plus two members elected from Governing Body.

### **6.2. Frequency of meetings**

6.2.1 Once per term.

### **6.3. Duties and delegated responsibilities**

6.3.1 To receive reports from the Chaplain and the Organ Scholars on the conduct of their duties.

6.3.2 To provide the Chaplain and Organ Scholars with advice and support in relation to Chapel matters.

6.3.3 To deal with matters relating to the administration of the College's advowson rights.

## **7. COLLEGE COMMITTEE**

### **7.1. Composition**

7.1.1 Convener: The Principal

7.1.2 Chair: The Principal

7.1.3 Consists of the Principal, Bursar, Senior Tutor, Fellow for Welfare, Tutor for Equality & Diversity, Domestic Bursar, Registrar, Chaplain, the JCR and MCR Presidents, plus one additional representative from each of the JCR and MCR.

### **7.2. Frequency of meetings**

7.2.1 Normally once per term.

### **7.3. Duties and delegated responsibilities**

7.3.1 To provide a forum to discuss and debate College-wide issues between Senior and Junior Members.

7.3.2 To provide a mechanism for Junior Members to submit proposals or requests that do not have any other more appropriate forum for debate. (NB: Where a relevant forum does exist, e.g. another Committee, it is expected that such proposals will ordinarily be presented through that route.)

7.3.3 To develop agreed recommendations for Governing Body, or another Committee or College Officer, relating to any student matters within College.

## **8. CONSULTATIVE COMMITTEE**

### **8.1. Composition**

- 8.1.1 Convener: The Domestic Bursar
- 8.1.2 Chair: The Bursar
- 8.1.3 Consists of the Bursar, the Domestic Bursar and (Head of Department nominated) staff representatives from each of the College's main departments.

### **8.2. Frequency of meetings**

- 8.2.1 Normally once per term.

### **8.3. Duties and delegated responsibilities**

- 8.3.1 To identify any issues of collective concern to non-academic staff, and explore ways to respond to these.
- 8.3.2 To provide a forum for staff to ask questions concerning College policy, operations or plans.
- 8.3.3 To provide a mechanism to update staff on key changes or developments and seek their input.

## **9. HEALTH & SAFETY COMMITTEE**

### **9.1. Composition**

9.1.1 Convener: The Domestic Bursar

9.1.2 Chair: The Bursar

9.1.3 Consists of the Bursar, Fellow for Welfare, Domestic Bursar, HR Officer, Registrar, Clerk of Works, Head of Catering, and the JCR & MCR Presidents (open business only).

### **9.2. Frequency of meetings**

9.2.1 Normally once per term

### **9.3. Duties and delegated responsibilities**

9.3.1 Review all general and functional risk assessments, policies and procedures, ensuring that each are considered at least once per year.

9.3.2 Review proposed changes to H&S policies, practices or guidance, or develop their own recommendations.

9.3.3 Review reports in respect of H&S matters, including incident logs, and determine any suitable actions or recommendations that should follow.

## **10. LIBRARY COMMITTEE**

### 10.1. Composition

- 10.1.1 Convener: The Fellow Librarian & Archivist
- 10.1.2 Chair: The Fellow Librarian & Archivist
- 10.1.3 Consists of the Fellow Librarian & Archivist, Librarian, Archivist, Bursar, two elected members of Governing Body (or lead subject tutors), and up to two Junior Members nominated by the Librarian

### 10.2. Frequency of meetings

- 10.2.1 Normally once per term

### 10.3. Duties and delegated responsibilities

- 10.3.1 To receive reports from the Librarian and the Archivist on the conduct of their duties.
- 10.3.2 To review spend against budget.
- 10.3.3 To discuss any matters relating to the Library and its usage.
- 10.3.4 To provide guidance and support to the Librarian and Archivist for new initiatives or requests as appropriate.

## **11. STUDENT CATERING & ACCOMMODATION COMMITTEE**

### 11.1. Composition

- 11.1.1 Convener: The Domestic Bursar
- 11.1.2 Chair: The Bursar
- 11.1.3 Consists of the Bursar, Domestic Bursar, Domestic Operations Manager, Head of Catering, and the JCR and MCR food and housing representatives.

### 11.2. Frequency of meetings

- 11.2.1 Normally once per term.

### 11.3. Terms of reference

- 11.3.1 To discuss and consider matters concerning the provision of Catering and Accommodation services for Junior Members, to include:
  - a) reviewing current service use and any related issues;
  - b) update on, and discussions of, planned service changes;
  - c) receiving and exploring any proposals or requests from Junior Members;
  - d) matters relating to fees and charges (excluding annual price reviews, which are dealt with by a separate process).

## **12. STUDENT SUPPORT COMMITTEE**

### **12.1. Composition**

12.1.1 Convener: The Bursar

12.1.2 Chair: The Fellow for Welfare

12.1.3 Consists of the Senior Tutor, Bursar, Fellow for Welfare, Tutor for Graduates, and the Registrar.

### **12.2. Frequency of meetings**

12.2.1 Normally two times per term, but routinely considers requests via correspondence outside of this.

### **12.3. Duties and delegated responsibilities**

12.3.1 To receive and respond to financial support requests from Junior Members.

12.3.2 To administer the various student financial support funds not dealt with directly by other means, ensuring any fund-specific rules are adhered to and applied consistently.

12.3.3 To identify areas of student financial need and work with the Development Director in relation to Alumni support for these.

12.3.4 To identify, review and make recommendations in relation to student financial support policies and procedures.

### **13. STUDENT WELFARE COMMITTEE**

#### 13.1. Composition

- 13.1.1 Convener: The Fellow for Welfare
- 13.1.2 Chair: The Fellow for Welfare
- 13.1.3 Consists of: the Fellow for Welfare, Tutor for Equality & Diversity, Chaplain, Director of Visiting Students, Registrar, Domestic Bursar, Student Welfare Lead, Lodge Manager, Accommodation Officer, Junior Deans, JCR & MCR Welfare Officers, President of the Freshers' Committee (MT and TT only).

#### 13.2. Frequency of meetings

- 13.2.1 Normally once time per term.

#### 13.3. Duties and delegated responsibilities

- 13.3.1 To receive reports from Junior Deans, JCR Welfare Reps, the Director of Visiting Students, and Domestic Bursar.
- 13.3.2 Oversight of matters relating to the welfare and wellbeing of Junior Members of the College.
- 13.3.3 To act as a forum to discuss matters relating to the welfare of Junior Members of the College.
- 13.3.4 To make recommendations to Governing Body relating to welfare and wellbeing policy and relevant codes of practice.

## **14. WORKS OF ART COMMITTEE**

### 14.1. Composition

14.1.1 Convener: The Fellow Librarian & Archivist

14.1.2 Chair: The Fellow Librarian & Archivist

14.1.3 Consists of the Fellow Librarian & Archivist, plus two members elected by Governing Body.

### 14.2. Frequency of meetings

14.2.1 Ad hoc.

### 14.3. Duties and delegated responsibilities

14.3.1 To advise on the maintenance of the College's heritage assets, and artistic possessions.

# BYE-LAW 1 APPENDIX B: COLLEGE OFFICER DELEGATIONS

## **1. TUTOR FOR GRADUATES**

- 1.1. Role Purpose
  - 1.1.1 Oversight of graduate policy and administration
- 1.2. Main duties and delegated responsibilities
  - 1.2.1 Oversight of, with the Graduate Admissions Secretary, all aspects of College graduate admissions.
  - 1.2.2 Allocating College advisers and supervising the operation of the adviser system.
  - 1.2.3 Supervising the award of any Graduate Scholarships.
  - 1.2.4 Monitoring developments in University graduate policies in so far as they impinge on College interests.
  - 1.2.5 Liaising with the MCR and its Officers.
  - 1.2.6 Supervising administrative and pastoral support for individual members of the MCR.
  - 1.2.7 Organising, with the Academic Office, Graduate Freshers', Supervisors' and Leavers' dinners.
  - 1.2.8 Drafting the College's publicity material regarding provision for graduates.
  - 1.2.9 Reporting on graduate matters to the Governing Body.

## **2. SENIOR TUTOR**

- 2.1. Role Purpose
  - 2.1.1 Oversight of undergraduate teaching and learning
- 2.2. Main duties and delegated responsibilities (which are in many cases further delegated to the Registrar)
  - 2.2.1 Oversight of undergraduate learning.
  - 2.2.2 Prepare agendas and supporting papers for Academic Committee.
  - 2.2.3 Oversee the Academic Office.
  - 2.2.4 Monitor and approve reports concerning teaching records.
  - 2.2.5 Liaise with undergraduate representatives.
  - 2.2.6 Implement the academic disciplinary code.
  - 2.2.7 Troubleshoot on undergraduate academic issues including complaints, delinquency and other problems.
  - 2.2.8 Oversee, including student admission, visiting students' programmes.
  - 2.2.9 Arranging for termly Principal's collections.
  - 2.2.10 Oversight of undergraduate teaching.
  - 2.2.11 Monitor teaching quality and subject teaching provision.
  - 2.2.12 Liaise about lecturers, stint, buyouts and leave.
  - 2.2.13 Convene appointments panels for Fellowships and stipendiary lectureships.
  - 2.2.14 Prepare bids and other communication with departments and faculties.
  - 2.2.15 Quality assurance liaison and reporting to the University.
  - 2.2.16 Communication with Proctors on undergraduate and graduate examination matters.
  - 2.2.17 Liaise with Tutor for Admissions and Tutor for Graduates on admissions numbers.
  - 2.2.18 Liaison with Senior Tutors' Committee, including attending termly meetings, responding to surveys and other requests for central information, and other duties as asked.
  - 2.2.19 Discuss, formulate through consultation, and implement Academic Policy and Strategic Aims.
  - 2.2.20 Report to Governing Body on academic matters.
  - 2.2.21 Supervisory responsibility for the work of the Registrar & Director of Admissions, and Academic Office Staff.

### **3. FELLOW FOR WELFARE**

#### **3.1. Role purpose**

##### **3.1.1 Oversight of student welfare**

#### **3.2. Main duties and delegated responsibilities**

- 3.2.1 Oversight and management of all Student Welfare matters, related processes and procedures, and related work of those staff and other members of College engaged in supporting such.
- 3.2.2 Being available to students to discuss their welfare needs and concerns, including signposting to support services in College, the wider University and externally; liaison with the Senior Tutor, Registrar and subject tutors, as well as external services such as the Disability Advisory Service, Counselling Service and the College Doctors, with due regard for appropriate confidentiality.
- 3.2.3 Representing students with welfare needs, who may be involved in disciplinary cases, either in College or the wider University. In particular, this requires close liaison with the Student Conduct Officer.
- 3.2.4 Regular liaison (relationship holding) with other members of College concerned with student welfare, including the Tutor for Equality & Diversity, Tutor for Graduates, Student Conduct Officer, Director of Visiting Students, Student Welfare Lead, Domestic Manager, Domestic Bursar, Accommodation Officer, Lodge staff, Caretakers, JCR and MCR Welfare Officers.
- 3.2.5 Drafting, updating, communication and implementation (in collaboration with others where necessary) of College policies relating to student welfare.
- 3.2.6 Acting as Lead Safeguarding Officer.
- 3.2.7 Recruitment, selection and line management of Junior Deans and the Student Welfare Lead.
- 3.2.8 Maintaining appropriate records with due regard to Data Protection.
- 3.2.9 Reporting to Governing Body where necessary on these activities. Being accountable for the actions of the College with respect to student welfare provision both internally and externally.
- 3.2.10 More specific duties:
  - a) authorisation of student events involving the consumption of alcohol;
  - b) oversight of welfare induction events of Freshers Week, including the Fresher's Welcome meeting, internal and external welfare inductions and liaison with the Fresher's Committee;

## **4. BURSAR**

### **4.1. Role Purpose**

- 4.1.1 Responsible and accountable for the management and delivery of all non-academic functions and services.

### **4.2. Main duties and delegated responsibilities**

- 4.2.1 The day to day operation of the College.
- 4.2.2 Oversight and management of all financial, legal and contractual matters, including:
  - a) responsibility for the College finances;
  - b) preparing an annual budget for approval by Governing Body;
  - c) ensuring financial processes and appropriate discipline are in place and followed;
  - d) authorisation of contracts, including the application of the College seal in accordance with the Statutes.
- 4.2.3 Authorisation of all financial expenditure or commitments, and any further delegated authorities as may be appropriate and necessary on a day to day basis, that fall within agreed budgets.
- 4.2.4 Where necessary, authorisation of financial expenditure or commitments outside of the agreed budget, up to an aggregate of £100k, such expenditure to be reported to the Treasury Committee at its next meeting, and to then form part of the Committee's own limits in this regard.
- 4.2.5 Overall responsibility for human resources, to include:
  - a) maintaining fit-for-purpose and compliant processes;
  - b) being the reporting Officer, with a duty of care, for all non academic staff;
  - c) having HR responsibilities for all staff including academic staff;
  - d) Oversight of employment contracts;
  - e) Oversight of recruitment;
  - f) Engaging and motivating staff, including developing skills and training.
- 4.2.6 Oversight of the College's IT activities and formulation of IT strategy
- 4.2.7 Chief Compliance Officer for all statutory and regulatory matters not otherwise explicitly delegated to another College Officer.
- 4.2.8 Act as the College's designated Officer in relation to:
  - a) Freedom of Information;
  - b) Data Protection;
  - c) Office of the Independent Adjudicator;
  - d) University student funding and hardship processes.

- 4.2.9 Ensure continuity and resilience through thorough contingency planning, establishing processes for business continuity and the management of, and recovery from, disasters or major incidents.
- 4.2.10 Oversight of the estates of the College, and the physical security of members and visitors.
- 4.2.11 Arranging and maintaining adequate insurance cover for key risks.
- 4.2.12 Being responsible for the effective management of the business aspects of the College's activities and for its charitable status.
- 4.2.13 Formulating and overseeing risk management strategies and ensuring compliance.
- 4.2.14 Oversight over and promoting the efficiency of domestic activities, including:
  - a) allocation of space and facilities
  - b) range and availability of service provision
  - c) pricing and cost recovery
- 4.2.15 Support the College's fund-raising activities.
- 4.2.16 Setting appropriate policies or other regulations to support the effective management or oversight of duties and responsibilities undertaken.
- 4.2.17 Report to Governing Body on bursarial matters.
- 4.2.18 Represent the College at the Estates Bursar's Committee and bring any matters arising to the attention of the relevant College committee.
- 4.2.19 Such other duties as set out in the further particulars for the role or agreed from time to time.

## **5. STUDENT CONDUCT OFFICER (DEAN)**

- 5.1. NOTE: The College's day to day title for the Dean is Student Conduct Officer, and the terms shall be treated as synonymous for the purposes of College governance.
- 5.2. Role Purpose
  - 5.2.1 Oversight of student discipline.
- 5.3. Main duties and delegated responsibilities
  - 5.3.1 Implementation of the College Student Disciplinary Code, in collaboration with the Domestic Bursar, Junior Deans, and with reference to the Fellow for Welfare in the case of welfare considerations.
  - 5.3.2 Updating of the Student Disciplinary Code as necessary.
  - 5.3.3 Communication with Junior Members on disciplinary issues.
  - 5.3.4 Liaison with Disciplinary leads from other Colleges, or the Proctors, where necessary.
  - 5.3.5 Reporting to Governing Body on disciplinary issues as appropriate.
  - 5.3.6 Maintaining appropriate records with due regard to Data Protection.

## **6. DEAN OF DEGREES**

- 6.1. Role purpose
  - 6.1.1 Presenting members of the College at Matriculation and at Degree Ceremonies.
- 6.2. Main duties and delegated responsibilities
  - 6.2.1 Supervise annual Matriculation Ceremony (2 per year) for all fresher undergraduates and graduates with support from Junior Deans.
  - 6.2.2 Accompany students who are unable to attend the annual event to 8th Week Matriculation ceremonies.
  - 6.2.3 Supervise Degree Days, host drinks/lunch for candidates and their guests, ensure all are present and correct, leads the procession to the Sheldonian Theatre, completes the necessary paperwork to confirm attendance.
  - 6.2.4 Organise a rota of Fellows willing to act in place of the Dean of Degrees.
  - 6.2.5 Liaise with the University on changing Degree Day requirements.

## **7. INVESTMENT FELLOW**

### **7.1. Role Purpose**

- 7.1.1 Oversight of the College's investment portfolio.

### **7.2. Main duties and delegated responsibilities**

- 7.2.1 Develop and maintain the College's investment strategy (Statement of Investment Principles) in consultation with external advisors.
- 7.2.2 Lead the (re)selection process for the appointment of the College's Investment Manager(s), as and when required.
- 7.2.3 Monitor the performance of Investment Managers against agreed benchmarks and targets.
- 7.2.4 Convene the Investment Advisory Committee (IAC).
- 7.2.5 Develop income targets in consultation with the Bursar and the IAC.
- 7.2.6 Provide regular reports to Governing Body on the performance of the portfolio.
- 7.2.7 Maintain a detailed acquaintance with the broader finances of the College, including an in-depth knowledge of the annual accounts, and associated audit processes, to provide an enhanced contribution to the work of the Treasury Committee.

## **8. TUTOR FOR EQUALITY & DIVERSITY**

### **8.1. Role Purpose**

- 8.1.1 Leading the College's statutory and wider responsibilities for inclusion, equality and diversity.

### **8.2. Main duties and delegated responsibilities**

- 8.2.1 Keeps abreast of E&D policy issues and reports to Governing Body.
- 8.2.2 Represents or ensures representation on University fora/committees.
- 8.2.3 Ensures the academic and HR staff are meeting statutory obligations.
- 8.2.4 Communicates with appropriate student and staff representatives.
- 8.2.5 Proposes policy and operational suggestions to the College via Governing Body and appropriate committees.
- 8.2.6 Leads on College's legal responsibilities to report on its activities in this area.
- 8.2.7 Provides assurance annually to the Governing Body on the College's compliance with its obligations under the Public Sector Equality Duty regulations.

## **9. FELLOW LIBRARIAN AND ARCHIVIST**

### **9.1. Role Purpose**

9.1.1 Oversight of the College library and book collections

### **9.2. Main duties and delegated responsibilities**

9.2.1 Ensure books are kept in a safe and secure environment.

9.2.2 Recommend and monitor the Library budget.

9.2.3 Recommend improvements to the security or space provision for books and readers.

9.2.4 Liaise with tutors and Junior Members to listen to their feedback on Library matters.

9.2.5 Encourage the use of the Library's collections.

9.2.6 Review the list of serial publications in consultation with Fellows and decide on cancellations.

9.2.7 Ensure the safety and security of the archives.

9.2.8 Maintain a catalogue of archived materials.

9.2.9 Manage additions to the archives.

9.2.10 Answer archive related enquiries.

9.2.11 Report to Governing Body on Library and Archival matters.

9.2.12 Responsibilities cover both the working library, antiquarian books and other book collections.

9.2.13 Supervisory responsibility for the work of the Library staff and the Archivist.

## **10. FELLOW FOR RESEARCH**

### 10.1. Role Purpose

- 10.1.1 Promotion and coordination of College research activities

### 10.2. Main duties and delegated responsibilities

- 10.2.1 Working alongside College Officers, identify activities to promote research discussions between undergraduates, graduates, teaching and research staff, staff, and alumni.
- 10.2.2 Liaising with Fellows from across the four divisions, seek opportunities to enhance the way that we promote the research activities of College members.
- 10.2.3 Support the Principal and Senior Tutor to coordinate the appointment of Early Career Researchers.
- 10.2.4 Provide pastoral support and coordinate light-touch mentoring for Early Career Researchers.
- 10.2.5 Provide support to decisions on research allowance approvals.

## **11. DEVELOPMENT DIRECTOR**

### **11.1. Role Purpose**

- 11.1.1 To raise funds to support the College's aims and objectives and to manage the College's alumni relations.

### **11.2. Main duties and delegated responsibilities**

- 11.2.1 Work with the Principal and Fellows to develop and implement a fund-raising strategy for the College.
- 11.2.2 Develop and implement a strategy for building an effective alumni network, including the alumni database and event programme.
- 11.2.3 Work with the Principal and Fellows to identify and lead fund-raising projects.
- 11.2.4 Organise and support the solicitation of gifts from prospective donors.
- 11.2.5 Oversee all promotional material.
- 11.2.6 Manage an effective and efficient Development Office.
- 11.2.7 Manage an effective cultivation and stewardship programme for all donors.
- 11.2.8 Build constructive relationships at all levels within the College and externally.
- 11.2.9 Ensure all fundraising activities are compliant with relevant legislation and good practice.
- 11.2.10 Report to Governing Body on alumni relations and fund-raising matters.
- 11.2.11 Such other duties as set out in the further particulars for the role or agreed from time to time.

# BYE-LAW 2: THE FELLOWS

## 1. CLASSES OF FELLOWSHIP

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

- 1.1. Official Fellowships
- 1.2. Professorial Fellowships
- 1.3. Senior or Junior Research Fellowships
- 1.4. Honorary Fellowships
- 1.5. Emeritus Fellowships
- 1.6. Supernumerary Fellowships
- 1.7. Foundation Fellowships
- 1.8. Visiting Fellowships

## 2. ELECTIONS

Elections to Fellowships shall be made in the following manner 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;
  - 2.2.1 any member of Governing Body may instead vote on such an election by providing notice in writing to the Principal prior to the meeting;
  - 2.2.2 any failure to register a vote provided in writing shall not invalidate the Governing Body decision where it is received less than 6 hours ahead of such a meeting;
  - 2.2.3 an email communication from a Governing Body member's recognised College or University email account shall be treated as having been delivered in writing;
- 2.3. Re-election to a Fellowship shall be by a majority of those present and voting at a meeting of the Governing Body, and shall be subject to the same provisions for votes cast in writing as set out in clause 2.2.
- 2.4. Notice of any proposed election or re-election to a Fellowship shall be given at a Governing Body meeting that precedes the meeting at which the election takes place; except in the case of the election (but not re-election) to a Visiting Fellowship, where notice may alternatively be given through the papers preceding the Governing Body at which the election takes place, providing that the Academic Committee has also previously approved the recommendation.
- 2.5. Such a notice shall provide:

- 2.5.1 the details of the candidate, and the class of Fellowship to which it is proposed they are elected, and
- 2.5.2 all necessary particulars and other information in support of the proposal, if these have not be provided previously, and
- 2.5.3 where notice is provided under clause 2.4, the date of the Governing Body meeting at which it is proposed the election or re-election will be made.
- 2.6. A Fellow may be re-elected only to a Fellowship of the same class as that to which they were 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 their 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 3.1.1 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 their Fellowship under clause 3.1.1 of this Bye-law.

### **3. OFFICIAL FELLOWSHIPS**

- 3.1. Official Fellowships shall be tenable by those elected:
  - 3.1.1 to discharge the tutorial responsibilities of the College, or
  - 3.1.2 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. An Official Fellow's normal place of work shall be within the University during the usual College Terms, but the Governing Body may in case of sickness, sabbatical leave, or for any other sufficient cause dispense with the presence of an Official Fellow for such period as it thinks proper.
- 3.4. 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 their stipend and allowances during such dispensation as may appear to it to be reasonable.
- 3.5. An Official Fellow shall hold their Fellowship, subject to clauses 11 and 12 of this Bye-law, for as long as they hold their qualifying post.

### **4. PROFESSORIAL FELLOWSHIPS**

- 4.1. Professorial Fellowships shall be tenable by
  - 4.1.1 University Professors not otherwise qualified to be appointed as Official Fellows;

- 4.1.2 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 Fellow shall hold their Fellowship, subject to clauses 11 and 12 of this Bye-law, for as long as they hold their qualifying post.

## **5. RESEARCH FELLOWSHIPS**

- 5.1. Research Fellowships shall be of two classes:
  - 5.1.1 Senior Research Fellowships and
  - 5.1.2 Junior Research Fellowships,  
and shall be tenable by persons who are likely to undertake 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 their 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 their 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 their 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. For the purposes of clause 2.6 of this Bye-law, Senior and Junior Research Fellowships shall be treated as being of different classes.

## **6. SUPERNUMERARY FELLOWSHIPS**

- 6.1. Supernumerary Fellowships shall be tenable by:
  - 6.1.1 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;
  - 6.1.2 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.

- 6.3. Clause 2 of this Bye-law, except sub-clause 2.8 thereof, shall apply to the election and re-election of Supernumerary Fellows.

## **7. 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 an Emeritus Fellowship shall be enduring, unless expressly provided for on election, terminated in accordance with Clause 11 of the Bye-law, or otherwise determined to conclude by 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-clause 2.8 thereof, shall apply to the election and re-election of Emeritus Fellows.

## **8. HONORARY FELLOWSHIPS**

- 8.1. The Governing Body may elect distinguished persons to Honorary Fellowships in the College.
- 8.2. The tenure of an Honorary Fellowship shall be enduring, unless expressly provided for on election, terminated in accordance with Clause 11 of the Bye-law, or otherwise determined to conclude by Governing Body.
- 8.3. Unless otherwise expressly stated, references to Fellows or Fellowships in these Bye-laws shall not include Honorary Fellows or Fellowships.
- 8.4. Clause 2 of this Bye-law, except sub-clause 2.8 thereof, shall apply to the election and re-election of Honorary Fellows.

## **9. FOUNDATION FELLOWSHIPS**

- 9.1. The Governing Body may elect significant benefactors of the College to Foundation Fellowships.
- 9.2. The tenure of a Foundation Fellowship shall be enduring, unless expressly provided for on election, terminated in accordance with Clause 11 of the Bye-law, or otherwise determined to conclude by Governing Body.
- 9.3. Unless otherwise expressly stated, references to Fellows or Fellowships in these Bye-laws shall not include Foundation Fellows or Fellowships.
- 9.4. Clause 2 of this Bye-law, except sub-clause 2.8 thereof, shall apply to the election and re-election of Foundation Fellows.

## **10. VISITING FELLOWSHIPS**

- 10.1. The Governing Body may elect to Visiting Fellowships distinguished academic persons who are engaged in academic pursuits in the University of Oxford or elsewhere, for a fixed period of no more than one year at a time.

- 10.2. 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.
- 10.3. Unless otherwise expressly stated, references to Fellows or Fellowships in these Bye-laws shall not include Visiting Fellows or Fellowships.
- 10.4. Clause 2 of this Bye-law, except sub-clause 2.8 thereof, shall apply to the election and re-election of Visiting Fellows.

## **11. VACATION OF FELLOWSHIPS**

- 11.1. A Fellow shall vacate their 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.
- 11.2. 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 their Fellowship by a declaration of the votes of not less than two thirds of the total number of the Governing Body that they have failed to observe their responsibilities to the College or are guilty of conduct rendering them unfit to remain a Fellow; and an Official or Research Fellow may be deprived of their Fellowship by a similar declaration that they are engaging in an occupation likely to interfere with the proper discharge of their duties to the College, or that they have 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.
- 11.3. Where any person has been elected or last re-elected to a Fellowship under clause 3.1.2 of this Bye-law by virtue of holding a College Office, clauses 11.1 and 11.2 of this Bye-law shall apply to that Office in like manner as to their Fellowship.

## **12. REMUNERATION OF FELLOWS**

- 12.1. Every Official Fellow and Research Fellow shall be entitled to receive such annual stipend and allowances as recommended from time to time by the Governance Review Committee and approved by the Governing Body, and any Fellow may receive such additional grants, if any, as the Governing Body may think fit.
- 12.2. No stipend or allowances shall be payable in respect of their 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 a College 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.
- 12.3. The Governing Body shall:
  - 12.3.1 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 individual Fellow;

- 12.3.2 make a housing allowance to any Official Fellow who does not reside in the College;
- 12.3.3 maintain a common table of which the Principal and every Fellow of the College shall be entitled to partake without charge.
- 12.4. Except as provided for under clause 12.3.3. above, Honorary, Foundation, 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, Foundation and Emeritus Fellows as such.

### **13. SENIOR FELLOW**

- 13.1. The term 'Senior Fellow' shall be understood to refer to the most senior Fellow, by date of election, who is a member of the Governing Body.

## BYE-LAW 3: THE PRINCIPAL

### 1. PROVISIONS IN ADDITION TO THE STATUTES

- 1.1. The Principal shall reside in the Principal's Lodgings for not less than ten weeks in every term, weeks minus one to eight inclusive, and for a total of not less than nine 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 recommendations of the Governance Review Committee, the Principal shall be entitled to such annual stipend as the Governing Body shall from time to time determine.
- 1.3. The Principal shall be entitled to the use of their 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 their lodgings, as the Governing Body may think fit.

# BYE-LAW 4: 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. This Bye-law shall apply to committees, working parties and other bodies constituted by the Governing Body.
- 1.3. This Bye-law applies to the Principal as it applies to Fellows.
- 1.4. The Bye-law follows recommendations published by the Charity Commission. The following extracts are indicative of the general nature of the issue:
  - 1.4.1 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;
  - 1.4.2 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;
  - 1.4.3 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;
  - 1.4.4 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;
  - 1.4.5 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.
- 1.5. All those to whom this Bye-law applies have an obligation to be acquainted with all relevant Charity Commission guidance.
- 1.6. Conflicts of interest are managed in five main ways:
  - 1.6.1 the payment of remuneration or provision of benefits to Fellows is subject to recommendations from the Remuneration Committee;

- 1.6.2 provision of other financial benefits to Fellows is restricted;
- 1.6.3 there is a register of Fellows' material interests;
- 1.6.4 every Fellow having a material interest shall declare that at any meeting in which it relates to the business under discussion;
- 1.6.5 provision is made for Fellows to absent themselves (or not vote) where they have a material interest;
- 1.6.6 the Code applies to committee meetings in addition to College meetings.

## **2. CONFLICTS OF INTEREST STATEMENTS**

- 2.1. The following persons shall complete, annually, a Conflict of Interest Statement (CIS):
  - 2.1.1 members of Governing Body;
  - 2.1.2 voting members of Primary 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.
- 2.2. 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.
- 2.3. Those completing a CIS who are also members of the Governing Body shall additionally be required to sign a declaration, as part of the CIS process, confirming that they understand their duties and obligations as Trustees, in accordance with Charity Commission guidance for the time being, and all applicable legislation.

## **3. 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. A Fellow whose partner or close family members may benefit from any matter of business has a material interest.

## **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;
  - 7.1.4 it is an interest which arises from a general review of College stipends or benefits;

## **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.

## **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 their 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 payments or benefits authorised by the Statutes, Bye-laws, by the Fellow's contract of employment or authorised by Governing Body.

## **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 they are approved by the Governing Body; or
  - 11.1.3 the requirements of s73A of the Charities Act 2006 are otherwise satisfied.
- 11.2. Connected persons shall include family, relatives or business partners, as well as businesses in which a Fellow has an interest through ownership or influence. The term includes a Fellow's spouse or unmarried or civil partner, children, siblings, grandchildren and grandparents, as well as businesses where a trustee or family member holds at least one-fifth of the shareholding or voting rights.

# BYE-LAW 5: THE STUDENT DISCIPLINARY CODE

## 1. DEFINITIONS

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

- 1.1. the term 'Junior Member' shall mean any person other than a Fellow admitted to the College to pursue and pursuing a course of study approved by the University;
- 1.2. 'expulsion' shall mean the permanent loss of membership of the College and the University;
- 1.3. '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;
- 1.4. '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;
- 1.5. 'suspension' shall mean a withdrawal of a right of access as in 1.3 or 1.4 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;
- 1.6. 'harassment' shall have the meaning set out in the College's Harassment & Bullying Policy;
- 1.7. 'day' shall mean a full working day (Monday to Friday) and shall exclude Saturday, Sunday, a bank holiday, Good Friday or Christmas Day;
- 1.8. 'Fines and Penalties List' shall refer to the list set out from time to time by the Student Conduct Officer that provides guidance on fine and penalty tariffs.

## 2. DISCIPLINARY CODE

No Junior Member of the College shall:

- 2.1. Commit any act of misconduct. The definition of Misconduct shall variously include:
  - 2.1.1 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;
  - 2.1.2 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;
  - 2.1.3 conduct in breach of any agreement with the College (for example accommodation licenses), or such College rules or instructions as notified to Junior Members by the Governing Body or other College Officer as may be in force from time to time;
  - 2.1.4 failure to settle promptly, in accordance with published payment terms, any charges levied by the College.

- 2.2. The following paragraphs elaborate this general principle, but not so as to derogate from the generality of the above, and are acts of misconduct:
- 2.2.1 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 their duties;
  - 2.2.2 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;
  - 2.2.3 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;
  - 2.2.4 forge or falsify expressly or impliedly any College certificate or document, or make false statements concerning standing or results obtained in examinations;
  - 2.2.5 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;
  - 2.2.6 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;
  - 2.2.7 engage in any fraudulent or dishonest behaviour in relation to the College;
  - 2.2.8 refuse to disclose their 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;
  - 2.2.9 failure to attend, when requested, a meeting held as part of any disciplinary procedure;
  - 2.2.10 use or offer, sell or give to any person drugs, the possession or use of which is illegal;
  - 2.2.11 any conduct in breach of the Statutes and Regulations of the University published from time to time;
  - 2.2.12 any conduct resulting in conviction for a criminal offence or a caution for a criminal offence issued by a Police Officer;
  - 2.2.13 any other conduct which is gravely detrimental to the interests of the College.

### **3. DISCIPLINARY PROCEDURES**

#### Preliminary stages and general matters

- 3.1. 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 Student Conduct Officer or Domestic Bursar as soon as reasonably possible after the occurrence of the alleged breach, naming the Junior Member concerned and giving details of the alleged breach.

- 3.2. Where the seriousness of an alleged breach of the Disciplinary Code justifies it, the Student Conduct Officer 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 Student Conduct Officer considers appropriate. The suspension of a student shall be a neutral act and the suspension itself shall have no bearing on any later decision.
- 3.3. Breaches relating to a failure to settle charges levied by the College will be dealt with by the Bursar, in accordance with protocols and penalties agreed from time to time by the Treasury Committee.
- 3.4. When the Student Conduct Officer is absent, and the immediacy of the situation is such that it is not appropriate to wait for their return, the Principal, or the Bursar, may act with the authority of the Student Conduct Officer for the purposes of these regulations.
- 3.5. References to the Domestic Bursar shall also apply equally to the Bursar, for the purposes of these regulations.

Breaches also contravening University, other College or criminal codes

- 3.6. Where there is a possibility that a breach may also contravene University, other College or criminal codes, the matter shall be dealt with by the Student Conduct Officer.
- 3.7. Either:
  - 3.7.1 where an alleged breach of the Disciplinary Code constitutes in the opinion of the Student Conduct Officer a sufficiently serious criminal offence, the Student Conduct Officer 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 Student Conduct Officer shall not normally proceed with the case, unless the Student Conduct Officer considers there are circumstances which require the case to proceed; or
  - 3.7.2 where an alleged breach of the Disciplinary Code constitutes in the opinion of the Student Conduct Officer a sufficiently serious University offence, the Student Conduct Officer 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 Student Conduct Officer shall not normally proceed with the case unless the Student Conduct Officer considers there are circumstances which require the case to proceed;
- 3.8. Either:
  - 3.8.1 if an alleged breach of the Disciplinary Code referred to the Police under 3.7.1 above is not proceeded with as a criminal matter by the prosecuting authorities, the Student Conduct Officer shall then deal with the matter as though it had not been referred to the Police; or

- 3.8.2 if an alleged breach of the Disciplinary Code referred to the Proctors under 3.3(b) above is not proceeded with by the University authorities, the Student Conduct Officer shall then deal with the matter as though it had not been referred to the Proctors.
- 3.9. If the complaint relates to activity which falls within the College's Harassment and Bullying Policy, the Student Conduct Officer shall consider whether the complaint should more appropriately (or initially) be dealt with under the informal procedures set out in the Code. If the Student Conduct Officer takes the view that the complaint should not be so dealt with, they shall deal with the matter under the following procedure.

Disciplinary proceedings before the Student Conduct Officer or Domestic Bursar

- 3.10. Following receipt of the report of the alleged breach, the Student Conduct Officer or Domestic Bursar shall request and require the Junior Member concerned to attend for discussion of the matter at a time and place stipulated. The notification of the interview shall, where practical, give particulars of the alleged breach of the Disciplinary.
- 3.11. Attendance at an interview in relation to a disciplinary matter is compulsory, and shall take precedence over any academic, sporting or social activity.
- 3.12. At the interview, the Student Conduct Officer or Domestic Bursar shall explain to the Junior Member that they can:
- 3.12.1 admit the alleged breach, in which case the Student Conduct Officer or Domestic Bursar shall elicit only such information about the breach as is relevant to determining a penalty;
  - 3.12.2 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 Student Conduct Officer or Domestic Bursar or the Junior Member reasonably requires evidence in relation to the alleged breach to be provided by other persons.
- 3.13. At any stage of the disciplinary procedure, the Student Conduct Officer (but not the Domestic Bursar) may refer the matter to a Disciplinary Committee.
- 3.14. At any stage of the disciplinary procedure, the Domestic Bursar may refer the matter to the Student Conduct Officer.
- 3.15. At the close of the interview the Student Conduct Officer or Domestic Bursar may either:
- 3.15.1 take no further action; or
  - 3.15.2 if the breach has been established or admitted, and after hearing any mitigation, impose a penalty within the range set out in 5 below.
- 3.16. In case 3.15.2 above, the Junior Member may appeal to the Appeal Committee against a finding of breach and/or the penalty imposed.
- 3.17. The Student Conduct Officer or Domestic Bursar 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. A note-taker may be employed at the discretion of the Student Conduct Officer or Domestic Bursar.

Disciplinary proceedings before a Disciplinary Committee

- 3.18. A Disciplinary Committee shall consist of three members of the Governing Body, who shall be nominated by the Student Conduct Officer, or in their absence the Principal, or in their joint absence the Bursar. The chairman of the Committee shall be the most senior member of the Governing Body (by date of election) present, or such other member of the committee determined by them.
- 3.19. The Student Conduct Officer shall appoint an Investigating Officer. The Investigating Officer shall ordinarily be a member of the College but may be any person who the Student Conduct Officer in their sole discretion shall decide to appoint. The Investigating Officer shall:
  - 3.19.1 carry out any investigations as are considered necessary;
  - 3.19.2 collect any further documents as are considered necessary;
  - 3.19.3 prepare a written statement of the particulars of misconduct.
- 3.20. The Committee Chairman shall arrange a hearing as soon as practicable after receiving the Investigating Officer's report. At least seven 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:
  - 3.20.1 a copy of the Disciplinary Bye-law;
  - 3.20.2 any relevant documents;
  - 3.20.3 the names of any witnesses who will give written or oral evidence; and where possible copies of their written witness statements;
  - 3.20.4 a written statement of the particulars of misconduct.
- 3.21. At least five days before the hearing the Junior Member shall provide to the Committee and to the Investigating Officer:
  - 3.21.1 copies of any documents that the Junior Member intends to rely upon; and,
  - 3.21.2 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.
- 3.22. 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.
- 3.23. 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.
- 3.24. During the Hearing:
  - 3.24.1 the procedure at the hearing shall be determined at the discretion of the Committee;

- 3.24.2 the Junior Member may be assisted by one representative;
  - 3.24.3 the allegation shall be presented to the Committee by the Investigating Officer or such other person as the Investigating Officer may designate;
  - 3.24.4 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;
  - 3.24.5 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;
  - 3.24.6 the Investigating Officer may question the Junior Member;
  - 3.24.7 the Investigating Officer and the Junior Member or the Junior Member's representative may make formal submissions to the Committee;
  - 3.24.8 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.
- 3.25. After the hearing, the Committee may either
- 3.25.1 take no further action; or
  - 3.25.2 if the breach has been established or admitted, and after hearing any mitigation, impose a penalty within the range set out in 5.3 below; or
  - 3.25.3 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 5.4 below is merited, make a recommendation as to penalty for consideration by the Governing Body.
- 3.26. 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, and ordinarily within five 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.
- 3.27. Before deciding the penalty to be awarded or the recommendations to be made the Committee shall take into account the effect on the Junior Member's ability and eligibility to take an examination or complete a course of work as well as the interests of the College.
- 3.28. In fixing any financial penalties the Committee shall have regard to the Junior Member's financial means.
- 3.29. 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 Member's fitness to be professionally registered and the Committee may take advice in this regard.
- 3.30. 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. 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

- 3.31. When considering a recommendation made by a Disciplinary Committee, the Governing Body shall have reference to information considered by the Committee, and to such part or parts of the statements of evidence taken by the Committee as are relevant to penalty.
- 3.32. 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.

#### **4. SPECIAL CASES OF CONVICTION AND UNIVERSITY OFFENCES**

- 4.1. If a Junior Member is either:
  - 4.1.1 convicted of a criminal offence or receives a caution for a criminal offence issued by a Police Officer, or
  - 4.1.2 expelled, suspended or rusticated by the University for conduct which amounts to a breach of the Disciplinary Code;then the special procedures set out below shall apply in place of the disciplinary procedures in 3 above.
- 4.2. 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.
- 4.3. The Junior Member shall be given notice by the Student Conduct Officer, or in their 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.
- 4.4. 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.
- 4.5. The Governing Body shall have full discretion to impose such penalty as it shall think fit, within the range set out by this Bye-law. However, it is the agreed policy of the Governing Body to act congruently with the University in cases falling within 4.1.2 above, save in wholly exceptional circumstances.
- 4.6. The Junior Member may appeal to the Appeal Committee against the penalty imposed.

## **5. PENALTIES FOR BREACHES OF THE DISCIPLINARY CODE**

- 5.1. Penalties will not normally be imposed for minor and inadvertent breaches of the Disciplinary Code.
- 5.2. The Domestic Bursar shall have the power:
  - 5.2.1 to impose a fine in accordance with the Fines and Penalties list, which in all cases shall be payable at once unless otherwise agreed in writing; and/or
  - 5.2.2 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; and/or
  - 5.2.3 to confiscate electrical equipment or other property belonging to the Junior Member which constitutes a fire, security or health risk, or contravenes the accommodation license agreement or student contract.
- 5.3. The Student Conduct Officer, Disciplinary Committee and Appeal Committee shall have the power:
  - 5.3.1 to impose any of the penalties listed in 5.2 above (in any combination); and/or
  - 5.3.2 Where the Junior Member has caused serious or persistent disturbance to others, especially late at night, to require them to remove permanently from College premises the source of the disturbance (e.g. musical instrument, stereo, etc.); and/or
  - 5.3.3 to ban the Junior Member from specified College premises or facilities;
  - 5.3.4 to withdraw any provision of College accommodation or license to occupy;
  - 5.3.5 to impose an appropriate period of community service.
- 5.4. The Governing Body shall have the power:
  - 5.4.1 to impose any of the penalties listed in 5.3 above (in any combination); and/or
  - 5.4.2 to rusticate or expel the Junior Member; and/or
  - 5.4.3 to deprive the Junior Member of any Scholarship award.
- 5.5. The power to impose a penalty shall include the power to suspend that penalty for a specified period.

## **6. APPEALS**

- 6.1. The appeal should be made in the first instance to the Student Conduct Officer, setting out the ground(s) of appeal, within two days of receiving notification of the decision of the Student Conduct Officer, Domestic Bursar, Disciplinary Committee or Governing Body against which they are appealing.
- 6.2. The Appeal Committee shall consist of no fewer than three members of the Governing Body (inclusive of the Chair), save that no member of a Disciplinary Committee shall sit on the Appeal Committee in connection with the same matter.

- 6.3. The Appeal Committee shall ordinarily be chaired by the Principal, or in their absence another College Officer appointed by the Principal for the purpose.
- 6.4. The procedures attendant upon an appeal to the Appeal Committee shall be the same as those upon a reference to a Disciplinary Committee, with the following modifications:
  - 6.4.1 the Appeal Committee shall consider the note of the proceedings before the Student Conduct Officer or Domestic Bursar or the written reasons of the Disciplinary Committee. Any documents considered by the Student Conduct Officer, Domestic Bursar, or Disciplinary Committee shall be made available to the Appeal Committee and to the Junior Member (except where applicable privacy laws do not permit this);
  - 6.4.2 the Junior Member shall be entitled to be assisted by one person;
  - 6.4.3 the Junior Member may make oral or written representations to the Appeal Committee;
  - 6.4.4 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;
  - 6.4.5 the Appeal Committee shall give written reasons for its decision and endeavour to provide such within five full days of the completion of the appeal hearing.
- 6.5. The Appeal Committee shall have the power to confirm, modify, or reduce any penalty imposed by the Student Conduct Officer, Domestic Bursar, Disciplinary Committee or Governing Body, save that in modifying the penalty they may only impose a penalty within the range set out in 5 above.
- 6.6. In the case where it deems the original penalty imposed to have been overly lenient, or the appeal to be vexatious, it may impose further or more severe penalties, again within the range set out in 5 above.
- 6.7. The Appeal Committee shall give written reasons for its decision.

## **7. EXTERNAL APPEAL**

- 7.1. Junior Members who are dissatisfied with the outcome of an appeal heard under the College's process outlined above may, under certain circumstances, make a further appeal to the Conference of Colleges Appeal Tribunal. Following such a process, or on confirmation that the case is ineligible for referral, the College shall issue the student a *Completion of Procedures Letter*, in accordance with guidance from the Office of the Independent Adjudicator for Higher Education.
- 7.2. Where a student remains dissatisfied with the outcome of an appeal to the Conference of Colleges Appeal Tribunal, they may take the matter to the Office of the Independent Adjudicator for Higher Education.

## **8. GENERAL PROCEDURAL MATTERS**

- 8.1. 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.
- 8.2. The details of any breach of the Disciplinary Code established or admitted and/or any penalty imposed or recommended shall be recorded by the Student Conduct Officer or Domestic Bursar, or the chairman of the Disciplinary Committee, Appeal Committee or Governing Body (as appropriate). A copy of the record shall be given to the Junior Member as soon as is possible, and one shall be provided to the Student Conduct Officer. 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.
- 8.3. The Student Conduct Officer will maintain records of all disciplinary decisions and sanctions, together with associated documentation.
- 8.4. 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 two working days after it was handed in at the College Lodge for posting to an external address, or at the time that an email was sent.
- 8.5. All notices or other notifications shall be made in writing, which shall include email correspondence.
- 8.6. The Junior Member may waive at any stage all or any of their 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.
- 8.7. Any time limits contained in the foregoing procedures may be extended at the discretion of the Student Conduct Officer, Domestic Bursar, Disciplinary Committee, Appeal Committee or Governing Body (as appropriate).
- 8.8. If any person required or entitled to attend an interview, hearing or other meeting, including the Junior Member concerned, fails to appear, the Student Conduct Officer, Domestic Bursar, Disciplinary Committee or Appeal Committee (as appropriate) may either adjourn the proceedings or deal with the case in their absence, if satisfied that proper notice has been given and that it is fair to do so.
- 8.9. The College will not seek to impose non-disclosure agreements (NDAs) on students, in their capacity as a Junior Member.

## BYE-LAW 6: THE ACADEMIC DISCIPLINARY COMMITTEE

This Bye-law is made under paragraph 18 of the Statute "Employment law provisions relating to Academic Staff" (the 'Academic Staff Statute'). It sets out the procedure to be followed in respect of the preparation, hearing and determination of charges by an Academic Disciplinary Committee (ADC).

### 1. PREAMBLE

- 1.1. In this Bye-law, references to
  - 1.1.1 paragraphs are to paragraphs of the Academic Staff Statute unless otherwise stated;
  - 1.1.2 the Chairman are to the Chairman of the ADC;
  - 1.1.3 the presenter are to the solicitor or other suitable person instructed by the Governing Body under paragraph 17.
- 1.2. Under the provisions of paragraph 3 a) i), the Governing Body has determined that the persons referred to therein shall include any Fellow of the College who is also employed by the College.
- 1.3. Under the provisions of paragraph 3 a) ii), the Governing Body has determined that persons excluded under that paragraph shall include any employee of the College that is **not** also a Fellow of the College.

### 2. THE ADC

- 2.1. Subject to the provisions of the Academic Staff Statute, the ADC shall have power to regulate its own proceedings. The ADC may appoint a secretary to support it in discharging its function at any time.

### 3. MATTERS REFERRED TO AN ADC

- 3.1. No charge formulated under paragraph 17 shall be determined without an oral hearing at which the person charged is entitled to be present.
- 3.2. The ADC may direct that the charges against more than one person shall be heard together, due regard being given to the principles of justice and fairness.
- 3.3. The parties to a hearing by the ADC shall be:
  - 3.3.1 the person charged;
  - 3.3.2 the presenter; and
  - 3.3.3 any person added as a party by the ADC; reference to the person charged shall include, where the context so permits, reference to any such person.
- 3.4. Any person charged shall be entitled, at their own expense, to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing of charges. When a person charged is so represented, references in this Bye-law to the person charged shall include, where the context so permits, that person's representative.

- 3.5. The Chairman may make any direction they consider necessary for the fair conduct of the hearing, including but not limited to any directions regarding preparation and the hearing date.

#### **4. PREPARATION FOR THE HEARING**

- 4.1. After the presenter has, under paragraph 17b, forwarded the charge or charges to the ADC and person charged, the Chairman shall set (having consulted the presenter and person charged), with the intent that any charge is heard and determined as expeditiously as is reasonably practicable:
- 4.1.1 the date, time, and place for the hearing; and
  - 4.1.2 appropriate time limits for each preparatory stage detailed in paragraphs 4.2.1 to 4.2.4 below.
- 4.2. Before the hearing:
- 4.2.1 the presenter and the person charged shall provide to each other, in chronological order and indexed, copies of any documents upon which they wish the ADC to rely;
  - 4.2.2 the presenter shall prepare a consolidated, paginated and indexed set of those documents (the "bundle") and provide a copy of the bundle to the person charged;
  - 4.2.3 the presenter and the person charged shall provide to each other a list of the witnesses they intend to call and copies of statements containing the witnesses' evidence; and
  - 4.2.4 the presenter shall provide to the ADC sufficient copies of the bundle and witness statements.

#### **5. HEARING**

- 5.1. The hearing of the charge(s) before the ADC shall take place in private and, subject to the following paragraphs 5.2 to 5.3, in accordance with such procedure as the ADC determines.
- 5.2. The presenter and person charged may call witnesses and may put questions, on any relevant evidence, to any witness (including a party) who attends the hearing.
- 5.3. No new witness or documentary evidence may be introduced by the presenter without the consent of the ADC, which shall not be given save for good reason. If late introduction is allowed, the person charged shall be allowed an adjournment sufficient to allow them to consider or respond to the new evidence.
- 5.4. Without prejudice to the ADC's general power to regulate its own conduct, it shall specifically have the power to set limits on the evidence to be called for each side consistent with providing a fair opportunity for each party to present its relevant evidence whilst ensuring that the charges are heard and determined as expeditiously as is reasonably practicable.

#### **6. DETERMINATION OF THE CHARGES**

- 6.1. It is for the presenter to prove the charge or charges on the balance of probabilities.
- 6.2. If the ADC decides that any charge has been proved, it shall determine whether the conduct or performance of the person charged constitutes, whether in relation to that charge alone or cumulatively in relation to any other charge, good cause for dismissal (within the meaning of paragraph 5) or a serious complaint relating to their appointment or employment.
- 6.3. If the ADC decides that that conduct or performance of the person charged constitutes good cause for dismissal or a serious complaint relating to their appointment or employment, it shall give each party an opportunity, either orally or in writing at the option of the ADC, to address it on the question of penalty and/or mitigation prior to making any recommendations on penalty under paragraph 19.
- 6.4. For the avoidance of doubt, the penalties that the ADC may recommend under paragraph 19 are dismissal or removal from office, or any of those listed in paragraph 20b(i) to (vi).
- 6.5. The ADC shall comply with paragraph 19.

# BYE-LAW 7: ACADEMIC STAFF APPEAL PROCEDURE

## 1. GENERAL

- 1.1. This Bye-law is made under paragraph 30 of the Statute "Employment law provisions relating to Academic Staff" (the 'Academic Staff Statute'). It sets out the procedure to be followed in respect of the preparation, hearing and determination of any appeal instituted under Part V of the Academic Staff Statute. The aim is to ensure that appeals are handled fairly and expeditiously. In this Bye-law, references to paragraphs are to those of the Academic Staff Statute unless otherwise stated.

## 2. THE APPEAL BODY AND APPEAL TRIBUNAL

- 2.1. The person appointed under paragraph 29 to hear an appeal shall be called the Appeal Body. In cases where the person appointed considers that justice and fairness will best be served by sitting as an Appeal Tribunal with two other persons appointed by the Governing Body in accordance with paragraph 29(d), the Appeal Tribunal will usually be chaired by the person appointed.
- 2.2. Subject to the provisions of the Academic Staff Statute, the Appeal Body/the Chair of the Appeal Tribunal shall have power to regulate its own proceedings, including deciding on postponements, adjournments, dismissal of the appeal for want of prosecution and on the correction of accidental errors. The Appeal Body/the Chair of the Appeal Tribunal may appoint a secretary to support it in discharging its function at any time.
- 2.3. Consistent with the general aim of fairness and expeditiousness, the Appeal Body/the Chair of the Appeal Tribunal shall set out such procedures and time scales for compliance in each case as it/s/he considers appropriate having regard to the provisions of the Academic Staff Statute, in particular paragraph 30(b)(iv).

## 3. THE APPEAL

- 3.1. The parties to an appeal are the appellant, the Principal ex officio representing the College, and any other person added as a party at the direction of the Appeal Body/the Chair of the Appeal Tribunal.
- 3.2. The appellant may appoint someone at his/her own cost to represent him/her in relation to his/her appeal. The Principal may appoint someone at College expense to represent him/her as s/he considers reasonable in the interest of the College. Any party appointing a representative should inform the secretary to the Appeal Body/Appel Tribunal or in cases where no secretary has been appointed the Appeal Body/Chair of the Appeal Tribunal as soon as possible, and provide the name and contact details of the representative.
- 3.3. If for any reason the appellant has not provided detailed grounds of appeal under paragraph 27, or where any aspect of the appeal is unclear, the Appeal Body/Chair of the Appeal Tribunal will take such steps as they consider appropriate or necessary to ensure that the appellant provides his/her grounds in a timely fashion failing which the appeal will be dismissed.

#### **4. PREPARATION FOR THE HEARING**

- 4.1. No appeal shall be determined without an oral hearing, the date and time for which will be set by the Appeal Body/Chair of the Appeal Tribunal at its/his/her own discretion but after consultation with the parties. The appellant and Principal and any other party whether in person or through his/her representative shall be entitled to attend but the failure by any party to attend shall not prevent the hearing from proceeding where the Appeal Body/Appeal Tribunal considers that appropriate.
- 4.2. The Appeal Body/the Chair of the Appeal Tribunal will ensure that any documents to be considered by it shall be made available to all parties. These shall usually include any decision appealed from, the documents considered by the body making the decision appealed from and directions for witness or other evidence as the Appeal Body/the Chair of the Appeal Tribunal considers appropriate having regard to the provisions of the Academic Staff Statute, in particular paragraph 30(b)(ii).

#### **5. FRESH EVIDENCE**

- 5.1. In accordance with paragraph 26(b), no appeal shall lie against any finding of fact of an Academic Disciplinary Committee under paragraph 19(a) or any medical finding by a Board set up under paragraph 23(c) save on legal grounds or where (with the consent of the Appeal Body/Chair of the Appeal Tribunal) the appellant is permitted to call fresh evidence at the hearing. An appellant seeking such consent shall as soon as possible after sending his/her notice of appeal under paragraph 27 notify the Appeal Body/Chair of the Appeal Tribunal that s/he seeks such consent and provide a copy (in the case of documents) or written statement (in the case of witness evidence) of the evidence in question and an explanation of why it was not made available earlier. The Appeal Body/Chair of the Appeal Tribunal will not decide the issue without first providing the other party or parties with an opportunity to comment. Where the Appeal Body/the Chair of the Appeal Tribunal consents to the appellant calling fresh evidence, s/he shall make such directions as s/he considers appropriate regarding provision of the evidence to all other parties in advance of the hearing.

#### **6. DISPOSING OF THE APPEAL**

- 6.1. The powers of the Appeal Body/Appeal Tribunal in relation to disposal of the appeal are as set out in paragraph 30(c). In the case of the Appeal Tribunal the Chair shall have the casting vote.
- 6.2. The Appeal Body/Appeal Tribunal shall comply with paragraph 31 of the Academic Staff Statute and the decision of the Appeal Body/Appeal Tribunal is final.

# BYE-LAW 8: EJRA 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

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

### **2. AIMS OF THE EJRA**

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

- 2.1. safeguarding the high standards of the College in teaching and research;
- 2.2. 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;
- 2.3. 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 international standing;
- 2.4. 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;
- 2.5. 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
- 2.6. 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.

- 3.1. All members of academic staff will be deemed, from 1 October 2022, to have a retirement date of 30 September preceding their 70th birthday, which shall be the EJRA.
- 3.2. Unless agreed otherwise under a prior individual arrangement, all members of academic staff who under the College's regulations in force prior to 1 October 2022, had a retirement date on or before 30 September 2024 shall retain that retirement date.
- 3.3. 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.
- 3.4. 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).

- 4.1. 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?
- 4.2. Would the employee's contribution be very hard to replace given their 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?
- 4.3. 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)?
- 4.4. 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?
- 4.5. 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?

- 4.6. 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?
- 4.7. What is the likely impact on the promotion of diversity?
- 4.8. Is the duration of the proposed extension of employment appropriate in terms of the benefits expected to the College?
- 4.9. 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?
- 4.10. Are there relevant personal circumstances that would properly justify exceptional treatment?

### Part Two - The Process

## **5. 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.

### 5.1. Step One: Notification

- 5.1.1 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.

### 5.2. Step Two – Discussions

- 5.2.1 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.
- 5.2.2 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.

- 5.2.3 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.

## **6. SUBMISSION AND CONSIDERATION OF THE REQUEST TO CONTINUE**

### **6.1. Step Three – Request to Continue**

- 6.1.1 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.
- 6.1.2 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.
- 6.1.3 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) 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.
- 6.1.4 The member of staff should be invited to append to the submission any supporting material they may consider appropriate.
- 6.1.5 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.

### **6.2. Step Four - Consideration of Request**

- 6.2.1 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.

- 6.2.2 All requests to continue in employment by the College beyond the EJRA will be considered by a panel appointed and chaired by the Principal. The panel will consist of three members of Academic Committee.
- 6.2.3 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.
- 6.2.4 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.
- 6.2.5 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.
- 6.2.6 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.
- 6.2.7 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, and such a person shall be allowed to speak on their behalf.
- 6.3. Step Five - The panel makes a recommendation
  - 6.3.1 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.
- 6.4. Step Six - Communication
  - 6.4.1 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.
- 6.5. Step Seven - College makes decision
  - 6.5.1 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.

6.5.2 Where the request to continue working beyond the EJRA is rejected, the individual will be notified in writing of the right of appeal.

6.5.3 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.

#### 6.6. Step Eight - Appeal

6.6.1 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.

# BYE-LAW 9: ACADEMIC STANDING & HEALTH PROVISIONS

## 1. ACADEMIC STANDING

All Junior Members shall sign a contract with the College undertaking to remain in Good Academic Standing, which shall include:

- 1.1. undertaking all preparatory work set, such as reading or laboratory work;
- 1.2. completion, to the best of a student's ability, of all written work required (essays, problem sheets, etc.) by the appropriate deadline;
- 1.3. punctual attendance at classes, tutorials and other meetings arranged by academic staff;
- 1.4. responding in a timely manner (in term time, within 24 hours) to correspondence with academic staff;
- 1.5. attendance at University lectures and classes relevant to a curriculum and/or designated by academic staff;
- 1.6. sitting of University and internal College examinations ('collections'), and passing those examinations.

Junior Members who do not maintain these standards may be prevented from standing for elected office for University or College societies, or taking on other commitments which are deemed onerous and may detract from their ability to achieve the required standards.

## 2. ACADEMIC ACCOUNTABILITY

Junior Members are at all times accountable for maintaining Good Academic Standing.

The Academic Accountability process is designed to manage actions to ensure Good Academic Standing, and deal with instances where this is not maintained. It is managed as four stages, as set out below. In cases of serious academic misconduct (such as plagiarism) the first two may be dispensed with.

### 2.1. Stage 1: Report

- 2.1.1 If a student is not meeting expectations, the responsible academic staff within the College should discuss these with the student. The student should be informed that this meeting is a 'report' meeting.
- 2.1.2 A record should be kept of this meeting in which the academic member(s) of staff should explain in what ways the student is not meeting academic expectations, and the student should be invited to present mitigating factors.
- 2.1.3 The academic member(s) should alert the student to potential sources of help, including welfare support. A report of the discussion, including advice to the student and a note of mitigating factors (if the student's permission has been obtained) should be sent as a record to the student, to the Registrar and to the Senior Tutor. This report will normally be deemed 'spent' after one year.

## 2.2. Stage 2: First Formal Warning

- 2.2.1 If the student continues not to meet expectations, the responsible academic staff should refer the student to the Senior Tutor, who will invite the student to a meeting, which may also be attended by the Registrar and College staff.
- 2.2.2 The student will have at least 24 hours' notice of this meeting, and may be accompanied to the meeting by another student or other member of the College. The Senior Tutor will set out the reasons for the meeting and the ways in which the student is not meeting expectations.
- 2.2.3 The meeting will consider mitigation as above and attempt to address any problems the student has. The Senior Tutor will set out specific expectations for future performance, which may include additional academic tasks, such as sitting a collection, and the timescale in which these should be achieved.
- 2.2.4 A formal letter or email setting out the reasons for this warning and the expectations that the student must meet will be sent to the student. It will be made clear that the student may be placed on probation if those expectations are not met. This warning will normally be deemed 'spent' after one year.

## 2.3. Stage 3: Probation

- 2.3.1 If the student does not comply with the expectations set out in the First Formal Warning, then the Senior Tutor can place the student on probation.
- 2.3.2 There is no need for a further meeting, though the student and/or the Senior Tutor may request one, in which case it will follow the procedures set out in 2.2 above. In cases of serious academic misconduct where no prior meeting has taken place, the Senior Tutor will meet with the student. The fact that a student is now on probation will be communicated to the student by letter or email.
- 2.3.3 The Senior Tutor will set out in writing what is required of the student, and will explain that failure to meet those expectations may result in suspension, expulsion or retention under specified conditions. Probation will entail setting further expectations and timescales; it may also lead to the setting of appropriate levels of attainment in 'probationary collections'.
- 2.3.4 Where probationary 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.
- 2.3.5 Notice of at least 2 weeks of term or 4 weeks of vacation must be given so that the student can prepare for the probationary collection(s). If all of the notice period is in the vacation, or if the student is currently suspended, the student shall be entitled to five working days' vacation residence, without charge, in order to use Oxford facilities to prepare for the collection.
- 2.3.6 Probation will normally be deemed 'spent' after one year.

#### 2.4. Stage 4: Formal Disciplinary Hearing

- 2.4.1 If the terms of probation are not met, the final stage of the process is a formal hearing before a disciplinary panel. The disciplinary panel, established by the Senior Tutor, shall include no fewer than three members of Governing Body not previously involved in the case.
- 2.4.2 The Senior Tutor shall, not less than seven 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 panel.
- 2.4.3 If the student wishes to place any documents before the disciplinary panel then copies of such documents must be given to the Academic 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.
- 2.4.4 The student may be assisted by one member of College.
- 2.4.5 The student may call any evidence as to facts or in relation to mitigating circumstances and shall be entitled to make written submissions.
- 2.4.6 The Chair of the disciplinary panel shall prepare a report for the Governing Body setting out the grounds for action, the evidence presented, the factors taken into account and the decision made. The Chair will also send the report to the student concerned within five days.

#### 2.5. Internal appeal

- 2.5.1 If the student wishes to appeal the decision, they must do so within five days of receipt of the report by writing to the Principal setting out their grounds of appeal in detail.
- 2.5.2 An appeal panel, consisting of no less than three members of Governing Body who have not previously been involved, will be convened by the Principal, and must meet to hear the appeal within 2 weeks of receipt of the appeal.
- 2.5.3 The appeal panel shall not ordinarily hear further evidence, unless in the view of the appeal panel there is an exceptional reason, when they may exercise their discretion to allow further and new evidence to be admitted. In such circumstances the appeal panel should ensure that the student has adequate time to consider the evidence and provide an opportunity for the student to ask questions of any further witness called.

#### 2.6. External appeal

- 2.6.1 Where the student remains dissatisfied with the outcome of the appeal process, they shall be entitled to place their case before the Conference of Colleges Appeal Tribunal (CCAT).
- 2.6.2 Following such a process, or on confirmation that the case is ineligible for referral to CCAT, the College shall issue the student a *Completion of Procedures Letter*, in accordance with the guidance from the the Office of the Independent Adjudicator for Higher Education (OIAHE).

- 2.6.3 Where a student remains dissatisfied with the outcome of an appeal to the CCAT, they may take the matter to the OIAHE.

### **3. ILL-HEALTH AND TEMPORARY WITHDRAWAL FROM COURSE**

- 3.1. Procedure to be followed in cases of serious ill-health
- 3.1.1 Where it appears that a Junior Member is suffering from a serious problem arising from ill-health, the following procedures shall apply.
- 3.1.2 The Fellow for Welfare, or in their 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.
- 3.1.3 Any disciplinary proceedings may be adjourned pending investigation of the question of ill-health.
- 3.1.4 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 them to continue as a member of the College, they shall be given notice by the Fellow for Welfare, or in the Fellow for Welfare's absence the Principal, or in their joint absence the Bursar, that the Governing Body intends to consider whether they 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.
- 3.1.5 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 Academic Office not less than 1 day before the start of the meeting of the Governing Body at which the question is to be discussed.
- 3.1.6 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.
- 3.1.7 If the Governing Body decides that the state of ill-health of the Junior Member is such that it is impossible or unacceptable for them to continue as a member of the College, it may either:
- 3.1.8 where the state of ill-health is likely to be temporary, rusticate the Junior Member, subject to specified conditions as to their 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 their course on the same conditions; or

- 3.1.9 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 their course.
- 3.1.10 Regardless of whether they agreed to withdraw from their course, the Junior Member may appeal to the Appeal Committee against the decision of the Governing Body to expel or rusticate them, 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 Academic Office of their decision to appeal and of their ground(s) of appeal within 14 days of receiving notification of the decision of the Governing Body against which they are appealing.
- 3.1.11 All those concerned in implementing this section of the Bye-law shall respect the need for strict medical confidentiality.
- 3.2. Applications for temporary withdrawal from course
  - 3.2.1 Any Junior Member who wishes to withdraw temporarily from their 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.
  - 3.2.2 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.
  - 3.2.3 The Junior Member shall have no right of appeal against the decision of the Governing Body on their application.

# BYE LAW 10: COLLEGE COMMON ROOMS

## 1. GENERAL MATTERS

- 1.1. College facilities and resources afforded to Common Rooms from time to time shall be at the discretion of the Governing Body.
- 1.2. All furniture, equipment and other property in use by any of the Common Rooms remains the property of the College, and no individual right of ownership shall be acquired in any of it through being a member of a Common Room.
- 1.3. In the case of any conflict between any rules and regulations adopted from time to time by any of the Common Rooms and the College's Statutes, Bye Laws, or Ordinances, the position set out in the Statutes, Bye Laws or Ordinances shall prevail.
- 1.4. The Junior and Middle Common Rooms shall be considered Student Unions, for the purposes of the Education Act 1994.

## 2. THE SENIOR COMMON ROOM

- 2.1. The Senior Common Room (SCR) shall be regulated by its own rules and conventions, set by its Members. The Governing Body shall be able to direct a modification to any of these, as it sees fit, by an ordinary resolution.
- 2.2. Full Membership is afforded to Fellows of the College, and any other person that the Governing Body so determines. Associate Membership, or other rights of access to SCR facilities and services, may be awarded to any other person, or persons, according to such categories, or on such individual terms, as the Governing Body or the Full Members of the SCR may from time to time see fit. No Junior Members of the College may hold membership of the SCR.
- 2.3. Except as otherwise provided for in these Bye Laws, the rights and privileges of Members shall be as determined by the SCR rules and conventions from time to time.
- 2.4. The right to take meals free of charge (common table) is not conferred by SCR membership, but is granted by the Governing Body. Rights to common table are enjoyed by the Principal and all Fellows of the College in accordance with Bye Law 2, and extended here to any other Full Member of the SCR. The Governing Body may from time to time grant similar rights to individual Associate Members, categories thereof, or other persons.
- 2.5. The SCR Steward, who shall be a Fellow of the College, shall be elected by the Full Members of the SCR. The SCR Steward shall maintain and oversee the application of SCR rules and conventions, and keep a record of its members (including those granted membership directly by the Governing Body) and any individual terms of such membership.

### **3. THE JUNIOR COMMON ROOM**

- 3.1. The JCR shall maintain its own Constitution (and may determine other rules and conventions), save that any proposed change to the Constitution shall require the approval of the Governing Body before it comes into effect.
- 3.2. The membership of the Junior Common Room (JCR) shall comprise Junior Members of the College that are:
  - 3.2.1 enrolled for an undergraduate course of study at the University, or
  - 3.2.2 enrolled on a Visiting Student course of study at the University;
- 3.3. Membership shall be withdrawn during any period where a Junior Member's studies have been suspended, or in the case that they have opted out of membership.

### **4. THE MIDDLE COMMON ROOM**

- 4.1. The Middle Common Room (MCR) shall maintain its own Constitution (and may determine other rules and conventions), save that any proposed change to the Constitution shall require the approval of the Governing Body before it comes into effect.
- 4.2. Junior Members of the College who have obtained a B.A. degree of this or another university, or are of equivalent academic standing, shall be Full Members of the MCR.
- 4.3. Junior Members of the College who are following an undergraduate course of study, but who have attained the age of 25, or completed nine terms of study at the College, shall be Undergraduate Members of the MCR.
- 4.4. Membership shall be withdrawn during any period where a Junior Member's studies have been suspended, or in the case that they have opted out of membership.
- 4.5. Only Full Members of the MCR may serve as President, Treasurer or Secretary of the MCR, or cast a vote in the election for these roles, or any motion proposing changes to the MCR's Constitution.

### **5. ASSOCIATE MEMBERSHIP OF THE MIDDLE COMMON ROOM**

- 5.1. Associate Membership of the MCR may be awarded, following a nomination and approval process, to persons ordinarily resident in Oxford, who are not members of another college, meeting one of the following category criteria:
  - 5.1.1 Category A – undertaking research at the University, and sponsored for membership by a Fellow of the College who can testify to their academic background and suitability, or
  - 5.1.2 Category B –
    - a) A past Junior Member of the College (within the preceding five years), currently engaged in a programme of academic study or research within the University, or
    - b) the spouse or domestic partner of a Full Member of the MCR.

- 5.2. Nominations for Category A should be made by the sponsoring Fellow directly to the Tutor for Graduates, who shall have sole discretion for awarding Associate membership (giving notice of such to the MCR President).
- 5.3. Nominations for Category B should be made by no less than two Full Members of the MCR, in writing, to the MCR President. The MCR President and the Tutor for Graduates shall review the nominations, and select those to be put forward to a vote at a General Meeting of the MCR, according to the rules of the MCR. In making their selection, they shall seek the input of the Registrar and the Bursar regarding the academic or financial standing of candidates with the College.
- 5.4. Subject to any standard College rules and conventions in place, Associate Members may:
  - 5.4.1 Make use of MCR rooms, the College Bar, and Buttery as other MCR members;
  - 5.4.2 For those in Category A, take informal meals in Hall, when available to students, for which standard student rates will be charged;
  - 5.4.3 For those in Category B, take informal meals in Hall ONLY when attending as an accompanied guest of a Full Member of the MCR;
  - 5.4.4 Attend formal meal services ONLY as an accompanied guest of a Full Member of the MCR.
- 5.5. Associate Members may not use of any other College facilities (except as a guest of a College Member, in accordance with any relevant College rules that may apply for that purpose), nor host any guests on College premises.
- 5.6. Suitable arrangements shall be made, at the discretion of the College, to enable Associate members to exercise the rights and privileges afforded to them.
- 5.7. Associate Memberships shall expire at the end of the Academic year in which they are awarded, except for those made after the start of Trinity term, which shall expire at the end of the following academic year.
- 5.8. Those wishing to continue as Associate Members must be re-nominated (and selected), no earlier than the Trinity term immediately prior to the expiry of their membership. Associate Membership may not be held for more than three years (nine terms), in total.
- 5.9. The number of Associate Members in Category B shall be limited to twenty at any one time.
- 5.10. Those nominating Associate Members shall be responsible (collectively and individually) to the College for the good conduct, including the payment of any monies owing, of those that they nominate.
- 5.11. Associate Members shall be charged an annual subscription, payable to the MCR, at rates agreed from time to time between the Bursar and the MCR President.
- 5.12. The Tutor for Graduates may revoke an award of Associate Membership, at any time.