



**Exeter College, Oxford**

**BYLAWS**

**Bylaws from 1<sup>st</sup> April 2025**



# BYLAWS OF EXETER COLLEGE, OXFORD

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## **INTERPRETATION**

Unless otherwise specified, or otherwise stated in individual contracts of employment, all references to members of staff shall apply only to those employees are also current Governing Body Fellows of Exeter College.

**I. PREAMBLE AND OBJECTS**

The relevant section of the Statutes applies.

**II. THE COLLEGE**

**1. Members of College**

*For the purposes of electing Proctors and Assessors*

- 1.1 For the purposes of electing Proctors and Assessors, members of the College are defined as Fellows entitled to membership of GB, Supernumerary Fellows (but not Emeritus or Honorary Fellows), Stipendiary Lecturers (but not Retained Lecturers), and student members of the College enrolled for a higher degree or diploma of the University: in every case they must also be members of congregation.

**III. POWERS OF THE COLLEGE**

The relevant section of the Statutes applies.

## IV. THE CONSTITUTION

### 1. Delegable and Non-Delegable Matters

#### *Delegable*

1.1 The following items will *normally* be decided by Governing Body. However, provisions in Bylaw IX.2 allow for these decisions to be taken other than by GB.

- a) Governance
  - (i) Approving changes, additions and deletions to the College's statutes and Bylaws, that will include a scheme for the delegation of powers to the committees and Officers;
  - (ii) Establish/review/amend terms of reference and reporting arrangements of all committees of the Governing Body, including any ad hoc committees. This includes the Remuneration and Benefits Committee.
  - (iii) Ratify urgent decisions taken by the Rector and other College Officers;
  - (iv) Approve arrangements for dealing with complaints.
- b) Appointments
  - (i) Appoint Officers and members of Committees.
- c) Strategic and Budgetary matters
  - (i) Approve/amend the College's policies and procedures for internal control and the management of risk and protection of the College's property (including insurance);
  - (ii) Approve and amend budgets;
  - (iii) Approve/reject proposals for the acquisition/ disposal of land/buildings, or change in their use, following the receipt and consideration of professional guidance;
  - (iv) Approve fundraising and income generation programmes;
  - (v) Approve and appoint the College's professional advisers and consultants and determine their remuneration.
- d) Approval of all College Policies
- e) Audit arrangements: to appoint and review the external auditors, their reappointment or removal, in line with legal and regulatory requirements and those of the College's governing document.

#### *Non-delegable*

1.2 The following items *must* be decided by the Governing Body and must not be delegated to Committees or Officers. Committees and Officers may consider the matters and make recommendations to Governing Body, but the final decision always belongs to Governing Body and cannot be taken without reference to Governing Body.

- a) Governance
  - (i) Authorise the use of Seal.
- b) Appointments
  - (i) Elect the Rector;
  - (ii) Elect Fellows of all types; (except as provided in VI.2.1)

- (iii) Consider and decide on any proposal to remunerate a trustee, subject to the restrictions of the College's governing document and the requirements of the Charities Acts.
    - c) Strategic and Budgetary matters
      - (i) Responsibility for the overall management of the College, ensuring compliance with the College's objects and relevant legislation;
      - (ii) Define and agree the strategic aims and objectives of the College;
      - (iii) Approve/amend proposals for the delivery/ cessation of delivery of programmes to further the charitable objects or changes to the College's activities;
      - (iv) Apply charitable property to the furtherance of the College's objects including making social investments. Seek, obtain and consider professional advice;
      - (v) Approve/amend proposals for capital investment or expenditure, including the spending of capital from an endowment fund and making social investments. Seeking, obtaining and considering professional advice;
      - (vi) Approve annual budget;
      - (vii) Authorise delegated powers and limitations to the Rector and other College Officers where appropriate;
      - (viii) Major decisions relating to court proceedings against or on behalf of the College.
    - d) Audit arrangements
      - (i) Receive and note the annual management letter from the external auditor and agree the proposed course of action,
    - e) Reporting arrangements
      - (i) Receive the College's annual report and accounts), and that of any subsidiary companies.
      - (ii) Approve the filing of the annual report, accounts with the appropriate regulator(s).
      - (iii) Ensure that appropriate financial reporting arrangements and records are established and maintained and approve any significant changes in accounting policies or practices.
- 1.3 The arrangements for decisions on items when the Governing Body cannot meet are set out in Bylaw IX.2.2.

## **2. Conflict of Interest**

- 2.1 The College shall have a policy and procedure that sets out how it manages actual or potential conflicts of interest on the Governing Body.
- a) There shall be a Code of Practice governing the management of conflicts of interest. The Code applies to all committees, in addition to the Governing Body. Members of committees must declare material conflicts of interest, as required by the code.
  - b) All Members of Governing Body and/or Committees must complete an annual statement of Declaration of Interests.

## V. THE RECTOR

### 1. The Election of the Rector

- 1.1 The Electoral Officer shall be the Sub-Rector unless the Sub-Rector is a candidate or otherwise unable to act as the Electoral Officer, in which case the election shall be supervised by a Fellow who shall be elected by the Governing Body from among their number but who shall not be a candidate.
- 1.2 If the Sub-Rector is Electoral Officer and demits office during the election period, then the Electoral Officer shall be transferred to the new Sub-Rector, or, if they are a candidate or otherwise unable to act as the Electoral Officer, to a Fellow who shall be elected by the Governing Body from among their number but who shall not be a candidate.
- 1.3 A Selection Committee, chaired by the Electoral Officer, will be appointed by Governing Body. The Committee may take external advice.

#### *Responsibilities of Selection Committee*

- 1.4 The Selection Committee will be responsible for setting a timetable for the process of advertisement, interview, and election, subject to the requirements of the College Statutes.
- 1.5 The Selection Committee, in consultation with the HR Officer, shall draft the advertisement and further particulars, for approval or amendment by Governing Body.
- 1.6 The Selection Committee will produce a shortlist of candidates. The Committee may choose to hold a first round of interviews before producing the shortlist.
- 1.7 Shortlisted candidates shall be interviewed by Governing Body. They shall have an opportunity to meet representatives of the wider College Community.
- 1.8 The Selection Committee is responsible for negotiating the terms of the Rector's contract to be approved by Governing Body.
- 1.9 Following Governing Body interviews, the election may be held according to the procedure laid down in the College Statutes
- 1.10 The Selection Committee will write up its own procedures and recommendations for the next election process, including changes to the Bylaws – to be completed, where possible, before the new Rector takes up their post.

### 2. Terms of Employment of Rector

- 2.1 The Rector shall have an Employment Contract and a job description consistent with the Statutes, which must include a provision for the Rector to be able to raise a grievance, and may include eligibility for a Research Support Allowance.
- 2.2 The Rector shall receive such stipend as the Governing Body shall determine, and in addition shall receive a sum for the expenses of establishment and entertainment, and shall have the use of lodgings free of all rent and exempt from all rates, levies, and charges.

## VI. FELLOWS

### 1. Generally, about Fellows

- 1.1 Statute 6 sets out that there are the following types of Fellows: Official Fellows, Professorial Fellows, Fellowships by Special Election, and Research Fellows, who comprise Governing Body; and Supernumerary Fellows, Emeritus Fellows, Honorary Fellows and Visiting Fellows, who are not members of Governing Body.
- 1.2 Where the term “Tutorial Fellows” is used in Bylaws, this is defined to mean all Official Fellows with a defined teaching stint for the College.

#### *Precedence*

- 1.3 Fellowships begin on the date stated in the letter of appointment.
- 1.4 The Order of Precedence for Governing Body Fellows, for Fellowships starting after 10<sup>th</sup> October 2021, shall be calculated as follows
  - a) The Sub-Rector, for the period that they are Sub-Rector, shall be the most Senior Fellow.
  - b) For the remaining Fellows, precedence will be established firstly, by the date that the election to the Fellowship takes effect;
  - c) Secondly, for two Fellows whose Fellowships start at the same time, the order shall be determined by the dates of their respective interviews.
- 1.5 Governing Body Fellows shall make the written declaration as soon as practical after the commencement of their Fellowship. The new Fellows will make the Oral Promise (as described in Statutes 6.4) at the next convenient Governing Body meeting.

### 2. Election to Fellowships, Tenure and Renewal

- 2.1 Decisions on appointments which relate to Professorial, Official, Research Fellowships, Fellowships by Special Election and Supernumerary Fellowships, which arise from properly-constituted Selection Committees (as described in IX.30 below), are delegated to the Rector on the advice of the Selection Committee. The decision, including the length of appointment and arrangements, if any, for renewal, must be reported to the next meeting of Governing Body. (Elections to ad hoc Supernumerary Fellowships must be made by Governing Body.)
- 2.2 All other elections to Fellowships shall be made by GB as set out in IX.1.5.
- 2.3 At the Meeting of the Governing Body at which the re-election of a Fellow is in question the Fellow shall not be present during the time when the question is taken.
- 2.4 All Official Fellows and Fellows by Special Election shall vacate their Fellowship on accepting any office whether paid or unpaid or engaging in any occupation either of which, in the opinion of the Governing Body, interferes with the satisfactory discharge of their duties to the College.

*Official Fellowships*

- 2.5 An Official Fellow may be appointed for any period, as the Governing Body may determine when agreeing to fill the post. At the time of their appointment, the Governing Body will set out the duration of the Fellowship and any conditions as to the duration and the renewal of the Fellowship.
- 2.6 The Bylaws setting out the entitlement of an Official Fellow to Leave of Absence are set out in Bylaw XIX.

*Fellowships by Special Election*

- 2.7 A Fellow by Special Election may be appointed for any period, as the Governing Body may determine when agreeing to fill the post. At the time of their first appointment, the Governing Body will set out the duration of the Fellowship and any conditions as to the duration and the renewal of the Fellowship.

*Research Fellowships*

- 2.8 A Senior Research Fellow shall be elected for a fixed period, and shall be eligible for re-election.
- 2.9 A Junior Research Fellow shall be elected for a period of three or four years, subject only to the successful completion of a probationary period, which will normally terminate after four terms. The Governing Body shall have the power to extend this where leave has been granted. Junior Research Fellows will not normally be eligible for re-election.
- 2.10 A Research Fellow shall vacate their Fellowship on accepting any office whether paid or unpaid or engaging in any occupation either of which, in the opinion of the Governing Body, interferes with the satisfactory discharge of their duties to the College.
- 2.11 The Staines Medical Research Fellowship, as set out in Statute 6 (d) (iii) can be held for three years. Holders will be awarded an annual prize of an amount set by Governing Body. This Fellowship cannot be renewed.
- 2.12 There will be a Senior Research Fellowship called the Monsanto Fellowship held for five years. Holders will be awarded an annual prize of an amount set by Governing Body. This Fellowship cannot be renewed.

*Professorial Fellowships*

- 2.13 Every Professorial Fellow shall continue to hold their Fellowship until they resign or otherwise vacates their qualifying office.
- 2.14 A Professorial Fellow, whose Professorship is not permanently attached to the College or allocated to the College by any University Statute is elected *ad hominem*, and may resign from their Fellowship at any time.
- 2.15 A Professorial Fellow, whose Professorship is permanently attached to the College or allocated to the College by any University Statute and whose election is made by an Electoral Board, shall become *ex officio* a member of the Governing Body if and when

the College has the right to be represented on the Board of Electors to that Professorship.

*Emeritus Fellowships*

- 2.16 Any Governing Body Fellow with ten or more years' service to the Governing Body is eligible to be elected as an Emeritus Fellow for life.
- 2.17 An Emeritus Fellow shall not be a member of the Governing Body.

*Honorary Fellowships*

- 2.18 An Honorary Fellow shall be elected for life by Governing Body.
- 2.19 An Honorary Fellow shall not be a member of the Governing Body.

*Visiting Fellowships*

- 2.20 Recommendations to Governing Body for election of Visiting Fellows would normally be made by the Fellowships Committee, either at the suggestion of individual members of Governing Body, or on application in response to an annual advertisement.
- 2.21 A Visiting Fellow shall be elected for a period not exceeding one year and shall not be eligible for re-election. Each Visiting Fellow shall be elected upon the condition of the Fellow undertaking during the term of the Fellowship to engage in academic activity which in the opinion of the Governing Body is likely to produce valuable results.
- 2.22 Governing Body delegates to the Fellowships Committee authority to vary the length and timing of any Visiting Fellowship that has previously been agreed by Governing Body, providing that the total period of any Visiting Fellowships held by an individual does not exceed one year.
- 2.23 A Visiting Fellow shall not be a member of the Governing Body.

*Supernumerary Fellow*

- 2.24 Recommendations to Governing Body for election of Supernumerary Fellows would normally be made by the Fellowships Committee, either at the suggestion of individual members of Governing Body, or after an annual competition for up to four Supernumerary Fellowships per year.
- 2.25 The Governing Body may elect such Supernumerary Fellows as it sees fit, provided that the election does not bring the total number of Supernumerary Fellows to be greater than one third of the number of members of Governing Body.
- 2.26 A Supernumerary Fellow may be elected for up to five years, as the Governing Body may at the time of the Fellow's first election determine.
- 2.27 At the time of a Supernumerary Fellow's first election the Governing Body will set out the duration of the Fellowship and any conditions as to the duration and the renewal of the Fellowship.
- 2.28 A Supernumerary Fellow is not a member of Governing Body.

2.29 At the invitation of the relevant Official Fellow and Lecturer or the Rector, Supernumerary Fellows may, but are not required to,

- Teach the College's undergraduates (at the usual hourly rate),
- Serve as interviewers for undergraduate admissions
- Act as advisers to the College's graduate students
- Serve as members of College committees, in any place identified for a Fellow. where they will have the rights (including a vote) and responsibilities (to act as a trustee of the College) of a Governing Body.

### **3. Initial Periods of Office (IPO)**

3.1 The Fellowships Committee has delegated authority from the Governing Body to review the performance of Associate Professors in their IPO

3.2 The Senior Tutor, acting on the instruction of the Fellowships Committee, is responsible for input to the University's review.

3.3 The Senior Tutor is responsible, with the relevant faculty/ department for supporting the post holder through their IPO. The College also offers informal mentorship to Associate Professors in their IPO, and the

3.4 The Governing Body will formally sign off the completion of the IPO after the relevant Division has signed off, and the Fellowships Committee has had the opportunity to make comments and any recommendation, but reserves the right to take a contrary view from that of the Division, where the facts require it to do so;

3.5 The decision of the Governing Body will be taken in the absence of the Fellow concerned, and may, but need not be, taken by a secret vote.

### **4. Rights, Responsibilities and Benefits of Fellowships**

#### *Stipends*

4.1 No stipend shall be payable in respect of their Fellowship to any Professorial, Emeritus, Honorary, Visiting, Supernumerary Fellow or Fellow by Special Election.

4.2 An Official Fellow or Research Fellow, shall, in respect of their Fellowship, receive such annual stipend as the Governing Body may determine.

#### *Academic Support Allowances*

4.3 Tutorial Fellows are entitled to an Academic Support Allowance, whose value will be set at the last GB meeting of Trinity term each year.

4.4 Supernumerary Fellows, Fellows by Special Election, Professorial Fellows and the Monsanto and Staines Fellows will be entitled to an Academic Support Allowance at 50% the above rate, unless the Governing Body determines when the post is created that they shall receive the full Allowance.

4.5 Fixed-Term Fellows can carry forward unspent Academic Support Allowances to be spent by the date on which they vacate their Fellowship, and can apply to draw down an allowance and spend it in advance of entitlement if there is a compelling reason that supports the development of their academic career.

- 4.6 Other Fellows, and all Lecturers, can roll forward unspent Academic Support Allowances from one financial year to the next, to a maximum value of 100% of their annual Allowance, but they cannot claim expenses against such an allowance for costs incurred after they have left their College post.

#### *Induction*

- 4.7 All Governing Body Fellows shall receive, on their appointment: a copy of the College's current Statutes and a copy of the College's current Bylaws, the College's code of conduct for Committee members, as well as a copy of the Charity Commission's guidance document "The Essential Trustee".<sup>1</sup>
- 4.8 All new Governing Body Fellows shall be invited / participate in induction training covering: the organisation of the College and the responsibilities of trustees. Participation will be recorded at the next meeting of Governing Body.

#### *Accommodation*

- 4.9 Governing Body may, if it is considered in the best interests of the College, assign rooms in College, or accommodation outside the College, whether furnished or unfurnished, at market rates, to any Fellow who declares that they intend to make use of such rooms for residence.

#### *Teaching rooms*

- 4.10 Governing Body may, if it is considered in the best interests of the College, assign rooms in College, to any Fellow for teaching or other work approved by the College.

#### *Meals*

- 4.11 Governing Body Fellows are entitled to take lunch and dinner free of charge at the Common Table each day for which the Governing Body makes such provision. This entitlement must be used within each week in which it arises, and is not transferable to subsequent weeks.
- 4.12 The rights of Lecturers and non-academic staff to meals will be set out in their contracts of employment.
- 4.13 The rights of other types of Fellows to meals and other privileges are set out in paragraph XVIII.3.3.

#### *Membership of SCR*

- 4.14 Honorary, Emeritus, Visiting and Supernumerary Fellows are eligible for membership of the SCR.

#### *Responsibilities*

- 4.15 No Fellow or Lecturer shall act in any way as would bring the College in to disrepute.
- 4.16 All Fellows and Lecturers must adhere to College policies.

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<sup>1</sup> <https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3> on 18th March 2024

- 4.17 The Governing Body shall have the power to end the Fellowship of any Honorary, Emeritus, Supernumerary, or Visiting Fellow.

The Governing Body Fellows are excused attendance at Committee meetings and meetings of Governing Body while they are taking sabbatical leave, or any type of family leave, and apologies will be recorded against their name at any meeting which takes place while they are on such leave. They remain entitled to receive papers for meetings and to attend, should they wish.

- 4.18 Any Governing Body member who is unable to attend a Governing Body meeting (excluding those on sabbatical leave, or any type of family leave), should provide their apologies to the Rector or College Secretary, and confirm that they have read the papers, and provide any comments they may have from reading these papers.

## **5. Non-Statutory Fellows**

(It the intention of the Governing Body to transfer this provision to Statutes at the next update of Statutes.)

- 5.1 These are not Fellowships within the meaning of Statutes 6.2.
- 5.2 The Governing Body may elect to Prideaux Fellowships, persons who have made a significant contribution to the welfare of the College, whether personally or with or through other natural or legal persons, Foundations or Trusts. Prideaux Fellows will normally be elected for life.
- 5.3 No stipend or Academic Allowance is payable to a Prideaux Fellow. A Prideaux Fellow is not entitled to accommodation or teaching rooms.
- 5.4 Prideaux Fellows are entitled to dine at High Table free of charge, and to wear gowns at High Table meals.

## VII. THE OFFICERS OF THE COLLEGE

### 1. Concerning Officers

1.1 An Officer is a Fellow of the College who takes on responsibility for some aspect of the College's operations.

1.2 The Full time, directly employed Officers of the College are

the Finance and Estates Bursar,  
the Domestic Bursar,  
the Senior Tutor,  
the Director of Development and Alumni Relations and  
the Chaplain (Statutory).

They will be employed in accordance with the College's Recruitment, Selection and Employment Policies, and they will have employment contracts setting out their duties.

1.3 The additional Officers of the College shall be

Sub-Rector (Statutory)  
Chattels Officer  
Dean of Degrees  
Prevent Lead  
Safeguarding, Protection & Harassment Lead  
Deputy Safeguarding and Harassment Lead  
Keeper of the Archives  
Fellow Librarian  
Boat Club Senior Member  
IT Fellow  
Equality and Diversity Lead  
Disability Lead  
Harassment Officers.

The duties of these Officers are set out below.

1.4 All Additional Officers (as listed in 1.3) shall be appointed annually by the Governing Body at a General Meeting as hereinafter defined, and shall be such persons as in the judgement of the Governing Body are qualified to fulfil the duties of their respective offices. The same person shall be eligible to hold more than one Office at the same time at the discretion of the Governing Body.

1.5 The statutory position of Bursar shall be held by the Finance and Estates Bursar.

1.6 If a Fellow so wishes, they may hold an Officer post while on Sabbatical Leave.

1.7 The Governing Body shall, from time to time and on the advice of the Remuneration and Benefits Committee, set out the principles for determining the pay and benefits of College Officers.

1.8 The Governing Body, by a majority of two-thirds of those present and voting at a Meeting specially called for the purpose, shall have the power at any time to deprive any additional College Officer (as listed in 1.3 above) of their Office. Not less than one week's notice of such meeting shall be given. Provided that, subject to the provisions of Appendix to the Statutes, nothing in this sub-clause shall apply to the removal of any member of the academic staff as set out in Statute 13.

## **2. Sub-Rector**

2.1 The Sub-Rector shall be a Fellow of the College, and shall always rank next in precedence to the Rector. The Sub-Rector shall assist the Rector when present, and act as their representative in their absence, or during illness, and shall be competent to act for the Rector at such times, provided that no Vice-Rector has been appointed, and provided that in all matters relating to College property, and in all other matters which shall appear to the Governing Body of great moment, the Sub-Rector shall, so far as is practicable, consult with the Rector.

2.2 In these Bylaws wherever the context so admits the expression "the Sub-Rector" shall, in case the Sub-Rector is unwilling or unable to discharge the functions thereby conferred upon them, be taken to refer to the Senior member of the Governing Body able and willing to perform such functions.

2.3 At all College Meetings and Committees of which the Sub-Rector is a member, in case of an equality of votes, the Sub-Rector shall, in the absence of the Rector and Vice-Rector, have a second or casting vote. But this clause shall not be construed to give the Sub-Rector a second or casting vote in case of an equality of votes in the election of a Rector otherwise than is provided by Statute 5 paragraph 5.3.

2.4 The Sub-Rector shall be physically present in or near the College for significant parts of the year, especially in Full Term;

2.5 The Sub-Rector shall have overall responsibility for discipline of the undergraduate and graduate members of College, including, but not limited to: overseeing disciplinary processes instigated against students of the College, including investigation, suspension, and implementation of disciplinary sanctions (as appropriate); overseeing, directing and selecting (in conjunction with the Welfare Co-ordinator) the Junior Deans, in relation to disciplinary matters and serving as their line manager; liaising with the Senior Tutor and other members of the welfare team in those cases where discipline issues are interrelated either with academic conduct and/or welfare issues; ensuring that difficult student cases are dealt with in a humane and joined-up way; taking complex disciplinary cases to the Cases Committee and overseeing follow-up from that committee; liaising with the University Proctors and the Deans of other Colleges on matters relating to student conduct;

2.6 The Sub-Rector shall incorporate in the "Red Book" of rules and regulations all College Orders and other regulations affecting undergraduates, and submit at the General Meeting in June each year for approval amendment or rejection any revisions which are recommended by the Education, Research and Welfare Committee;

2.7 The Sub-Rector shall arrange the assignment of accommodation to Students in accordance with agreed protocols;

- 2.8 The Sub-Rector shall grant, at their discretion, permission for the non-academic and non-residential student use of rooms (including student-organised parties and meetings) as appropriate, except in the instance of invitations to external speakers, which must be approved by the Prevent Lead;
- 2.9 The Sub-Rector shall arrange for the award of non-academic grants to student members;
- 2.10 The Sub-Rector shall deputise for the Rector when required;
- 2.11 The Sub-Rector shall receive complaints from any Senior or Junior member or employee of the College about the Rector, and determine how within the Statutes and Bylaws of the College to proceed with them.
- 2.12 The Sub-Rector shall discharge such other disciplinary and administrative duties and have such other powers as Governing Body shall from time to time determine.

### **3. Chattels Officer**

- 3.1 The Chattels Officer is responsible for maintaining a list of the College portraits and historic objects owned by the College.
- 3.2 GB delegates to the Chattels Officer responsibility for day to day decisions concerning the storage, display and repair of portraits and historical objects owned by the College.
- 3.3 GB delegates to the Chattels Officer, Rector and the Finance and Estates Bursar jointly, responsibility for decisions about the use of Chattels outside the College, including the reproduction of pictures or the loan of objects.
- 3.4 The Chattels Officer is responsible for supervision of the Chattels Assistant.

### **4. Dean of Degrees**

- 4.1 The Dean of Degrees shall present candidates for Degrees or make such other arrangements for their presentation in their absence as may be approved by the Governing Body. This includes liaising with the Academic office, running the degree days, presenting at the Sheldonian, and hosting hospitality afterwards. The Dean of Degrees is also responsible for organising matriculations both in October and ad hoc during term.

### **5. Prevent Lead**

- 5.1 The Prevent Lead assists with the formulation of Prevent and Freedom of Speech policies and provides guidance to students, staff and Fellows on their interpretation.
- 5.2 GB delegates to the Prevent Lead responsibility for making decisions about External Speakers (as set out in the relevant policies).
- 5.3 GB delegates to the Prevent Lead and Rector, responsibility for making the annual Prevent return to the Office for Students and reporting that this has been done to the Governing Body. If however there is anything significant to report, this should be brought to the attention of Governing Body, prior to submission of the report.

**6. Safeguarding and Harassment Lead**

- 6.1 The Safeguarding and Harassment Lead assists with the formulation of safeguarding, harassment and other related policies, and is responsible for co-ordinating the response to safeguarding complaints.
- 6.2 The Safeguarding, Protection & Harassment Lead and / or Welfare Lead shall bring the more complex welfare cases to the attention of the College's Cases Committee, and oversee follow-up action from that committee in relation to individual cases or to policy recommendations;
- 6.3 The Safeguarding, Protection & Harassment Lead and / or Welfare Lead shall bring matters of policy, regulatory change, and best practice relating to student welfare to the attention of the College, through the relevant channels, by preparing committee papers recommending revisions to current policy and practice.

**7. Deputy Safeguarding Lead**

- 7.1 The Deputy Safeguarding Lead assists with the formulation of safeguarding, harassment and other related policies, and deputises for the Safeguarding and Harassment Lead where they are not available.

**8. Keeper of the Archives**

- 8.1 The Keeper of the Archives shall have oversight of the care, maintenance and conservation of the College Archives, and shall have authority to supervise their use. This may include taking a larger part in specific development projects, and some supervision of the College Archivist.

**9. Fellow Librarian**

- 9.1 The Fellow Librarian shall have oversight of the Library of the College; in particular, contributing to planning, helping to develop the collections, devising policy on the use of collections, and liaising with the Bodleian, in particular in relation to book storage, collection management and digitisation.

**10. IT Fellow**

- 10.1 The IT Fellow is responsible for helping develop policy on the use and acquisition of IT equipment including some interaction with external contractors. From time to time, and in consultation with Finance and Estates Bursar, the IT Fellow may take a larger part in specific IT related development projects (e.g. cybersecurity).

**11. Equality and Diversity Lead**

- 11.1 The Equality and Diversity Lead assists with the development and monitoring of equality and diversity and related policies and for ensuring equality and diversity implications of decisions are represented in the College decision making process. From time to time the Equality and Diversity Lead may take part in specific projects to develop the equality and diversity of the College.

**12. Disability Lead**

- 12.1 The Disability Lead assists with the development and monitoring of policies concerned with disability.

**13. Harassment Officers**

- 13.1 The Harassment Officers assist with the development of harassment and related policies. They are a contact for Fellows, staff and students who may be victims of harassment and can give advice on the implementation of the harassment policy in particular cases.

**14. Boat Club Senior Member**

- 14.1 The Boat Club Senior Member has oversight of the College Boat Club and the College Boat House, and line manages the staff at the Boat House.

**15. The Senior Treasurer of Amalgamated Clubs**

- 15.1 The Senior Treasurer of Amalgamated Clubs has oversight of the financial and commercial aspects of College sports and other clubs. GB delegates to the Senior Treasurer of Amalgamated Clubs responsibility for agreeing minor expenditures.

*Other Roles in the College***16. College Advisors to Graduate students**

- 16.1 A College Advisor shall be assigned by the Senior Tutor to each student of the College who is reading for a higher degree or diploma of the University;
- 16.2 Graduate Advisors shall be drawn from among the Professorial Fellows, Official Fellows, Fellows by Special Election, Research Fellows, Supernumerary Fellows, and Stipendiary Lecturers of the College;
- 16.3 No person shall act as a graduate College Advisor to a student for whom they are the University Supervisor.

**17. Panel of Undergraduate Advisors**

- 17.1 There will be Panel of Undergraduate advisors, elected annually by Governing Body.

**18. Stipendiary and Retained Lecturers**

- 18.1 Other Lecturers shall be appointed by the Education, Research and Welfare Committee (under Bylaw IX.13.7f), which will report such decisions to Governing Body. Appointments which need to be made urgently may be made under the Rector, as Chair of that Committee, under Chair's Action.
- 18.2 The Lecturers shall perform such duties of tuition and of lecturing as may be assigned to them on their appointment or re-appointment by ERWC.
- 18.3 The Governing Body may at their discretion assign to any Lecturer who is not a Fellow of the College such privileges in respect of rooms and meals as may, under the provisions of these Statutes, be granted to a Fellow.

**VIII. STUDENTS****1. Scholars and Exhibitioners**

- 1.1 Elections to undergraduate Scholarships and Exhibitions shall be made by the Governing Body.
- 1.2 The emoluments of Scholars and Exhibitioners shall be as follows:
  - a) Undergraduate Scholarship: £200 per annum;
  - b) Undergraduate Exhibition: £150 per annum;
  - c) Senior Scholarship: £200 per annum;
  - d) Organ Scholarship: £320provided that the emoluments of a Scholar or Exhibitioner who holds their Scholarship or Exhibition for less than one year shall be reduced *pro rata*.

**2. Admission of Students**

- 2.1 The Senior Tutor acting as the Tutor for Undergraduate Admissions shall conduct all correspondence respecting candidates for admission to the College who will receive College tuition and shall have the power to reject such applications as they think unworthy of further consideration.
- 2.2 The Senior Tutor acting as the Tutor for Graduates shall conduct all correspondence respecting candidates for admission to the College as graduates who will not receive College tuition and shall have authority to reject such applications as they think unworthy of further consideration.
- 2.3 Subject to paragraph 2.1 and 2.2 the Cases Committee shall control the admission of Students and shall have authority to grant or refuse admission.
- 2.4 Visiting students admitted through the Williams–Exeter Programme in Oxford, are permitted to take such courses as are sanctioned by the Director of that programme, acting in their capacity as the College’s Tutor for Visiting Students.
- 2.5 All other students, apart from those in 2.4 above, or admitted to study for an advanced degree of the University, shall admitted for the purpose of pursuing a specified course of study and shall not pursue any other course of study without the permission of the Cases Committee (see Bylaw IX.14), such permission being normally restricted to courses of study which the College usually provides.

**3. Prizes**

- 3.1 A list of prizes is in Bylaw XV.

**4. Academic Work by Undergraduates**

- 4.1 Undergraduates are required to keep the College Rule on Academic Work, which obliges them:
  - a) To attend, at the agreed times, tutorials and such classes or other instruction as their Tutors arrange or prescribe, except where permission on adequate grounds is obtained, in advance, from the Tutor(s) concerned;

- b) To provide, punctually, written work of a quality and quantity to satisfy their Tutors;
  - c) To take such collection papers and University examinations as their Tutors require;
  - d) To submit in tutorials, in any and all collections, and in University examinations only work which is solely their own work, and so to adhere to college and University rules against plagiarism;
  - e) To meet with their Tutors during 0th week, ascertaining the times either from the notice board in the Lodge or via an email from their Tutor;
  - f) To attend Rector's Collections, and/or Report Reading with their Tutors, when required to do so at the end of a term;
  - g) To devote a substantial part of every vacation to study;
  - h) To discuss regularly with their Tutors their programme of extra-curricular activities, especially if they plan to run for a major JCR office, or take on heavy sporting commitments;
  - i) Unless they have Senior Status, to pass the First Public Examination before the start of the academic year after their matriculation (or at the end of their second Hilary Term in the case of those reading Classics).
- 4.2 An undergraduate who does not keep any element of the College Rule on Academic Work shall be subject to academic disciplinary procedures. These procedures relating to instances of unsatisfactory academic work will be set out in the College's Red Book.
- 4.3 Each undergraduate student (unless granted Senior Status) is required to pass the First Public Examination in order to continue with their degree and be admitted by the University to the Final Honour School. A student who has failed the First Public Examination after all the re-sits permitted by the University shall as a consequence automatically be Sent Down by the College: i.e. their course of study will be terminated and they will be sent out of residence permanently; the Student's name remains on the books of the College and University (i.e. they become an Old Member of the College). There is no right of appeal within the college to being Sent Down for failing to pass the First Public Examination; rather the student should, if they wish, appeal their failure in the First Public Examination to the University.
- 5. Suspension of student status on grounds of ill-health, or for personal or welfare reasons**
- 5.1 Students may apply to suspend their studies, or may be required by the College to suspend their studies, where continuing with their studies without a suspension of status is impossible on grounds of health or for personal or welfare reasons.
- 5.2 *Suspension of Status* is defined as a period in which the College "stops the clock" for all elements of a Student's degree studies, including residence and fees. A student whose status is suspended is not (unless explicitly allowed to do so) permitted to use College facilities by their own right, to occupy College accommodation, to be in receipt of grants or loans or awards from College, or to receive tuition.
- 5.3 In relation to students reading for undergraduate degrees, a Fitness to Study Policy (for Undergraduates), will be published in the Red Book. This Policy will set out the

procedure to be followed by the College, and the authority under which suspension of status may be granted or refused by the College.

- 5.4 In relation to students reading for higher degrees or diplomas, suspension of status is in the gift of the University. The Tutor for Graduates shall have the power to handle all such applications on behalf of the College. The College's Complaints Procedure for use by Student Members shall apply to the actions of the Tutor for Graduate in respect of suspension of status applications.

## 6. College Discipline: Non-Academic Misconduct

### *Definitions*

- 6.1 In the rest of Bylaw VIII, the following definitions apply
- a) *Suspension of Status*: this is a period in which the College "stops the clock" for all elements of a student's degree studies, including residence and fees. A student whose status is suspended is not (unless explicitly allowed to do so) permitted to use College facilities by their own right, to occupy College accommodation, to be in receipt of grants or loans or awards from College, or to receive tuition.
  - b) *Sent out of Residence*: suspension of status imposed by the College as an outcome of a panel hearing under academic disciplinary procedure. The College will, at the time of sending a student out of residence, specify which, if any, College facilities the student can access during their period of suspension of status.
  - c) *Rustication*: suspension of status imposed by the College for non-academic reasons. A student who is rusticated will have all access to College premises and facilities withdrawn, subject to any exceptions agreed by the Sub-Rector.
  - d) *Sent Down*: to be sent out of residence permanently. A Student who is sent down has their course of study terminated by the College (and therefore by the University). The Student's name remains on the books of the College and University (i.e. they become an Old Member of the College).
  - e) *Expulsion*: the termination of the membership of the College, and therefore the irrevocable termination of any degree course, or other studies, for which the person is at that time engaged. Someone who has been expelled from membership of the College is not considered an Old Member, and does not receive any of the rights and privileges of an Old Member. The College may rule that a Student who has been expelled from the College has access to the College restricted for a set period or until further notice.

### *Responsibility for Discipline*

- 6.2 The Governing Body is responsible for maintaining and regularly reviewing policies, codes and processes relating to discipline, harassment and the appeals process. For the avoidance of doubt, it may delegate such responsibilities to one or more committees from time to time.
- 6.3 College discipline is the responsibility of the Cases Committee, but its day-to-day administration is the duty of the Sub-Rector assisted by the Junior Deans.

*Conduct of Student Members*

- 6.4 Student Members of the College shall observe a standard of conduct appropriate to the purpose of the College as an academic and residential community.
- 6.5 In particular, Student Members of the College shall observe the rules included in the current Handbook for Students (the Red Book), and shall observe the Disciplinary Code (Bylaw VIII.8).

*General Principles*

- 6.6 In this Procedure the person making a report is referred to as the “reporter” and the person who is alleged to have breached the Disciplinary Code or other College Rules is referred to as the “subject”.
- 6.7 Reports will usually be dealt with confidentially by all parties involved and details will not be disclosed except where it is necessary to do so to carry out a fair investigation, to effect a precautionary measure or the outcome, to protect members of the College, and/or to comply with the College’s legal obligations. The identity of the reporter will usually be disclosable to the subject; relevant members of staff, including tutors, will be informed when a student is rusticated, sent down, or expelled, and the HR manager may be informed where a report is made by a member of staff.
- 6.8 In cases of alleged bullying or harassment, students making a report of an alleged breach may, depending on the seriousness of the alleged behaviour, be encouraged to follow the initial stages of the College’s harassment code in the first instance. The Safeguarding and Harassment Lead and the Harassment Advisers can advise students on the operation of the harassment code. Reporters of alleged bullying or harassment may also be directed to the College’s No Contact Arrangement policy.
- 6.9 All College staff involved in this procedure will act with impartiality and discretion.
- 6.10 All students and staff involved in this procedure are required to act reasonably and fairly towards each other and to respect the College’s procedures.
- 6.11 Time limits, as set out in the rest of this bylaw, should usually be met by all parties. Time limits may only be extended by the relevant decision-maker where it is necessary to do so in order to ensure a fair outcome. It will usually be necessary to extend time limits for complex cases and/or where external specialists are required. Where time limits are extended, the subject (and the reporter, where appropriate) should be kept updated about the progress of the case.
- 6.12 Throughout any disciplinary procedure the College will bear in mind its obligations towards both the subject and the reporter. Students will be directed to College and University welfare services where appropriate.
- 6.13 Anonymous allegations will only be considered under this procedure in exceptional circumstances where there are compelling reasons to do so. While some investigation may be possible in certain cases, it will usually be very difficult to proceed with disciplinary action because of the need to allow the subject to respond to the allegation. If a witness to alleged misconduct does not agree to the subject knowing their identity, it may not be appropriate to rely on their evidence.

- 6.14 Malicious or vexatious allegations may result in disciplinary action against the reporter.
- 6.15 Students involved in procedures under this Bylaw are not normally allowed to have legal representation. In disciplinary cases heard by a Disciplinary Panel, and appeals heard by the Major Appeals Committee, reasoned requests for such representation may be made, and will be considered.
- 6.16 If a case falls across more than one College procedure, the College will deal with the matter as flexibly, fairly and proportionately as possible.
- 6.17 Where an allegation of a breach of College discipline is made against more than one student, the College will seek to deal with the case consistently and fairly.
- 6.18 The standard of proof is “on the balance of probabilities”. This means that the Sub-Rector and/or the Disciplinary Panel will conclude that there has been a breach of the Disciplinary Code or other College Rules if they are satisfied that it is more likely than not that the conduct which is alleged to be a breach of the Disciplinary Code or other College Rules occurred. In determining whether or not a breach of the Disciplinary Code or other College Rules has occurred, the burden of proof will be on the College. In determining a penalty, the burden of proof for the setting out of any mitigating factors will be on the subject.
- 6.19 Non-compliance with a penalty imposed under this procedure will constitute a disciplinary offence in its own right, and may attract further penalties accordingly, up to and including rustication and expulsion. Cases of alleged non-compliance may be dealt with by the Sub-Rector under Section 7.2, or referred by the Sub-Rector to the Rector to be heard by a Disciplinary Panel under Section 7.5.
- 6.20 In determining a penalty under this Bylaw, the Sub-Rector or Disciplinary Panel may consider any mitigating and/or aggravating factors (including where there is a hate element related to a protected characteristic<sup>2</sup>) when determining the appropriate penalty. When the Sub-Rector or Disciplinary Panel find that a hate element related to a protected characteristic was present in the breach, they will, on announcing penalty, be obliged to specify an uplift that has been given to the penalty to mark that finding of hate.
- 6.21 Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for misconduct, and may be considered an aggravating factor.
- 6.22 No member of College staff involved in this procedure should have any conflict of interest in the matter or should act if there is any reasonable perception of bias. If the Sub-Rector is unavailable to act, the Rector will appoint an appropriate substitute.
- 6.23 Any decision to be made or action to be performed by the Rector may be made or performed by a fellow of the College appointed by the Cases Committee, in the event that the Rector is absent, has a conflict of interest, or is otherwise unable to undertake the action within a reasonable time.

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<sup>2</sup> Protected characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race including ethnic or national origin, religion or belief, sex and sexual orientation.

- 6.24 Any Student Member who has been rusticated by the University will be rusticated for the same period by the Cases Committee; and the Cases Committee will advise the Governing Body to expel any Student Member who has been expelled by the University. In these cases, the Student Member will not be given a hearing.
- 6.25 A student who is subject to rustication as a result of this disciplinary procedure, or who is suspended as a precautionary measure (under Paragraph 7.1b may not access College properties, facilities, or events (including those taking place outside Oxford) without the express written permission of the Sub-Rector.
- 6.26 Where a Student Member has been found to have breached the Disciplinary Code or other College rules, an official record will be kept. Where this was a decision taken by the Sub-Rector or by the Rector following appeal, this record shall remain on file for six months. Where this was a decision taken by a Disciplinary Panel or by the Major Appeals Committee, this record shall remain on file for 18 months after the expiry of any punishment.
- 6.27 Previous breaches held on file shall not be considered during the disciplinary proceedings except in the case of determining the penalty, if any, to be imposed.
- 6.28 This Procedure makes provision for the subject to appeal from adverse disciplinary decisions taken by the Sub-Rector or Disciplinary Panel. The reporter is not a party to disciplinary proceedings and does not have a right of appeal from the outcome of a disciplinary decision. If the reporter is a student and is dissatisfied with the action taken under this Procedure they may make a complaint under the College's Student Complaints procedure. Any complaint will be addressed by individuals who have not previously been involved in the report.
- 6.29 Students reporting a complaint of sexual misconduct against another student can access support from the University's Sexual Harassment and Violence Support Service. This may involve a specialist advisor offering support at each stage throughout the disciplinary process, including accompanying the relevant student to interviews and hearings, if appropriate. Support for students who are the subjects of such reports is available from Student Welfare and Support Services or the Oxford SU Student Advice Service.

*University Authorities and the Police.*

- 6.30 The College and the University are separate entities and have separate codes of discipline and separate contractual and non-contractual relationships with students. If alleged misconduct reported to the College falls under the disciplinary codes of both the College and the University, the College will decide whether or not to take action under its own procedures. If the University is better placed to carry out an investigation, then a matter may be referred by the Sub-Rector to the University. In circumstances in which a Report is made to both the University and the College, the Proctors' Office and the College will decide how to proceed. The Reporter and the Subject will normally be consulted by the College before a decision is made as to whether the University or College should take the matter forward.

6.31

- a) Where this Procedure applies and the subject's situation also constitutes a proper basis for disciplinary steps to be taken by the University Proctors, and such steps have been proposed or initiated, any steps proposed or initiated under this procedure may be stayed until the conclusion of Proctorial proceedings. Disciplinary steps may subsequently be taken under this Procedure notwithstanding that Proctorial proceedings have been discontinued or that Proctorial charges have been dismissed, and no finding of fact by the Proctors or absence of any such finding will bind the College.
- b) Where this Procedure applies and the subject's situation also constitutes a proper basis for investigation by the police or by any other public authority, or for any other steps to be taken towards prosecution in the criminal courts, and such steps have been proposed or initiated (or their imminent proposal or initiation can reasonably be foreseen), any steps proposed or initiated under this Procedure will usually be stayed until the conclusion or abandonment of the investigation or prosecution.
- c) The Sub-Rector may refer a matter to the police or seek guidance from the police or other public safety agencies where the report concerns criminal conduct and/or where there is a significant imminent risk of harm to students or staff. In deciding whether to do so, the Sub-Rector should take into account the wishes of the reporter.
- d) Where the alleged victim of an alleged criminal offence is a member of the College, the College will provide that person with necessary support, including supporting them in their decision about reporting the matter to police.
- e) Disciplinary steps may subsequently be taken under this Procedure notwithstanding that criminal proceedings have not been commenced or have been discontinued or that criminal charges have been dismissed. The College will not treat discontinuance or dismissal of such proceedings as evidence that the subject did not breach the Code of Discipline in the manner alleged.
- f) The fact that proceedings under this Procedure are stayed pending the outcome of criminal investigation or prosecution will not prevent the Sub-Rector from taking safeguarding and/or precautionary measures referred to in Paragraph 7.1b of this Procedure.
- g) Where a student is found guilty of a breach of University regulations or a criminal offence, the College may subsequently pursue the same matter under this procedure and attach its own penalty to the same breach or offence, making due allowance for any penalty or other measure already imposed by the Proctors or by the courts. The College also retains the right, following any Proctorial finding against or criminal conviction of the Student as well as in any other circumstances, to take steps to ensure the peace of the College and the safety of its members, which are not regulated by this Procedure.
- h) If a student member accepts a caution for, is charged with, or is convicted of an alleged offence for which the statutory maximum penalty on conviction is imprisonment, they shall promptly inform the Sub-Rector in writing.
- i) If a student member has accepted a caution for or has been convicted of a criminal offence for which the statutory maximum penalty on conviction is imprisonment (and whether or not such a sentence was in fact imposed on the student member) the Sub-Rector will refer the matter to the Cases Committee,

which may impose such penalty or other conditions as it thinks fit, up to and including a recommendation to Governing Body of expulsion. The Committee may, if it chooses, invite the student to make written representations to it before it determines a penalty.

## 7. Disciplinary Procedure

### 7.1 Preliminary stages of the disciplinary procedure

- a) Alleged breaches of College discipline may be reported by any member, employee or agent of the College, acting on their own behalf or following a complaint made by any other person, who has good reason to believe that a Student Member has breached the Disciplinary Code or other College Rules. This person shall refer the matter to the Sub-Rector as soon as reasonably possible, naming the Student member and giving details of the alleged breach.
- b) The Sub-Rector may at any time impose temporary precautionary measures on the subject (and, where appropriate, the reporter) for as long as disciplinary proceedings remain in operation. Such precautionary measures do not indicate any finding of misconduct and are not penal in nature. Precautionary measures should only be made following a risk assessment, and may include (without limitation):
  - (i) a temporary No Contact Order (which may also be imposed on the reporter)
  - (ii) a ban from, or time constraints on, accessing particular College buildings or services,
  - (iii) recommending a ban from, or time constraints on, accessing particular University buildings or services (subject to endorsement by the University),
  - (iv) alternative teaching arrangements,
  - (v) moving the subject to alternative College accommodation, and
  - (vi) where no other option is appropriate, a temporary suspension of status, to be reviewed periodically.

Precautionary measures are particularly likely to be appropriate in cases involving a risk to any individual's mental or physical health, issues of a highly sensitive or confidential nature and/or where there is a threat of significant disruption to academic study or other College activities.

The Sub-Rector will promptly provide the subject and, where appropriate, the reporter, with written reasons for any precautionary measures imposed. Any student upon whom precautionary measures are imposed may ask the Sub-Rector to review them, and, if the request is refused, may apply to the Rector at any time for the precautionary measures to be reviewed.

- c) Upon receipt of a report of an alleged breach of College discipline the Sub-Rector will determine whether to initiate the College's disciplinary procedure. The Sub-Rector will not normally initiate the College's disciplinary procedure (but retains discretion to do so in exceptional circumstances) in cases where:
  - (i) the alleged breach does not fall under the scope of this bylaw.
  - (ii) the allegation is vexatious and/or frivolous.

- (iii) the alleged misbehaviour, except in cases of alleged sexual misconduct, occurred more than six months previously
  - (iv) there are ongoing criminal, regulatory or other proceedings in relation to the same matter
  - (v) there are ongoing disciplinary or other proceedings within the University in relation to the same matter
  - (vi) the allegation has already been decided under this procedure.
- d) Following a decision to initiate disciplinary proceedings, the Sub-Rector will determine whether to hear the matter under Section 7.2 (Disciplinary Proceedings before the Sub-Rector), or to proceed to Formal Investigation (Section 7.3). Disciplinary Proceedings before the Sub-Rector will be appropriate in cases in which the Sub-Rector considers that, if established, the alleged breach of discipline would appropriately be addressed by the penalties set out in Paragraph 7.2e) below. Formal Investigation will be appropriate in cases in which the Sub-Rector considers that, if established, the alleged breach of discipline may appropriately be addressed by a penalty of rustication or expulsion. Formal Investigation may also be appropriate in other cases, at the discretion of the Sub-Rector. This determination will usually be made within ten working days of receiving the report. If necessary, in order to make this determination the Sub-Rector may undertake preliminary inquiries as appropriate.

## 7.2 Disciplinary Proceedings before the Sub-Rector

- a) The Sub-Rector may take any step reasonably and proportionately required to investigate and to assemble relevant evidence.
- b) The Sub-Rector shall summon the subject to an interview, giving at least 24 hours' notice. The summons shall give particulars of the alleged breach of the Disciplinary Code and/or other College rules. Failure to attend such an interview without giving good reason shall constitute a disciplinary offence in its own right.
- c) At the interview the Sub-Rector shall inform the student of the alleged breach of the Disciplinary Code or other College rules, and provide them with an opportunity to answer the case against them.
- d) If the Sub-Rector finds the charge proved, they may impose such penalty, if any, as they think fit, short of rustication or recommendation of expulsion
- e) Disciplinary penalties that may be imposed by the Sub-Rector include any one or more of:
  - (i) A written warning
  - (ii) A requirement to write a letter of apology
  - (iii) Written work and/or other written assignment
  - (iv) Community service
  - (v) A requirement to attend a programme of education or training
  - (vi) A fine, not to exceed £300 (not including any compensation order)
  - (vii) A compensation/reparation order
  - (viii) A no contact order
  - (ix) A restriction from entering certain parts of the College estate, or from accessing or attending certain College facilities or events

- (x) Moving the subject to alternative College accommodation
- (xi) Removal of the right to occupy College accommodation in future years
- (xii) A requirement that the subject is to report to the Sub-Rector at such intervals and for such period as the Sub-Rector may determine with a view to keeping the subject's conduct under review

The Sub-Rector will consider the range of available penalties and impose a penalty that is appropriate and proportionate in all the circumstances.

- f) At any time after the initiation of disciplinary proceedings before the Sub-Rector, and before a determination is reached, the Sub-Rector may pause proceedings and proceed to a Formal Investigation under Section 7.3. Following the conclusion of such an investigation, the Sub-Rector may adopt any of the routes permitted at Paragraph 7.3o).
- g) The Sub-Rector shall in all cases take an adequate written note of the proceedings at the interview and any evidence presented. Another member of College staff may sit in on the interview to take notes.
- h) Should a student who is summoned to an interview with the Sub-Rector fail to attend without providing good reason, the Sub-Rector may make a determination in their absence
- i) If, as a result of this procedure, a student is found to have breached the disciplinary code or other College Rules, the Sub-Rector will write to the student within one week setting out (i) which provisions of the Disciplinary Code or other College Rules have been broken, (ii) details of the penalties imposed, if any, and (iii) information regarding the right to appeal.
- j) If appropriate, the reporter will be informed of the outcome.

### 7.3 Formal Investigation of Alleged Breaches of College Discipline

- a) A Formal Investigation may be initiated by the Sub-Rector under the terms of Paragraphs 7.1d) or 7.2f) of this Bylaw.
- b) Any investigation undertaken under these regulations shall be carried out with all reasonable expedition and in a manner which is just, fair, and proportionate in the light of all the circumstances.
- c) The Investigator will be either the Sub-Rector, or a person appointed by them, who may or may not be a member of the College, at the Sub-Rector's discretion.
- d) Once a formal investigation is initiated, the Sub-Rector or appointed investigator will write to the subject setting out the details of the allegation.
- e) The Investigator may take any step to investigate and to assemble relevant evidence. This will usually include interviewing the reporter, and interviewing the subject, as well as interviewing any witnesses. The Investigator shall have the power to summon any member of the College to help in their inquiries.
- f) The subject will be informed of the interview time and location of an interview at least two days before it is due to take place.
- g) The subject may be accompanied to an interview by any other member of the College.
- h) Before interviewing the subject, the Investigator will explain that the subject does not have to answer questions and that any responses or documents provided may be used in evidence against them. If the subject refuses to

answer questions this may be taken into account in subsequent disciplinary proceedings, with the proviso that it would not be appropriate to draw negative inferences from a subject exercising the right to silence in cases where the reported conduct could constitute a criminal offence. If the reported conduct could constitute a criminal offence, the Investigator will explain that the police might be able to obtain any records from the disciplinary process in a future investigation.

- i) The Investigator will give the subject the opportunity to respond to the case against them, including an opportunity to put forward oral and/or written or documentary evidence, and to make representations. Representations may include, but are not limited to, representations regarding any response to the allegation, justification, or excuse for the breach of discipline under investigation, and mitigating factors that may bear on disposal of the case.
- j) Interviews may be recorded, and notes may be taken. Following an interview, a statement will be written up, and the person interviewed will be sent a copy and will be invited to amend or agree it.
- k) A member of College staff may sit in on the meeting to take notes.
- l) Interviews may take place in-person or online, at the discretion of the Investigator.
- m) Once the reporter and the subject have both been interviewed and have reviewed and agreed their statements, each will usually be given the opportunity to comment on the other person's account. Confidential information which is not about the disputed facts may be redacted.
- n) On completion of their investigation, the Investigator will make a written report including any written or documentary evidence, notes of meetings, and usually including a conclusion as to whether on the evidence a finding that the subject committed the breach(es) of discipline could be justified.
- o) Following the completion of a formal investigation, the Sub-Rector shall decide to either:
  - (i) Take no further action; or
  - (ii) Initiate, or return to, Disciplinary Proceedings before the Sub-Rector (7.2); or
  - (iii) Refer the Investigation Report to the Rector for consideration by a Disciplinary Panel. This will usually be appropriate in cases in which the Sub-Rector considers that, if established, the alleged breach of discipline may appropriately be addressed by a penalty of rustication or expulsion. Such a referral may also be appropriate in other cases, including where there are substantial questions of fact to be decided.

The subject and the reporter will be informed of the Sub-Rector's decision.

- 7.4 Special considerations for formal investigations into allegations of sexual misconduct
- a) A specially trained and/or experienced investigator may be appointed for carrying out such investigations.
  - b) Any investigator considering allegations of lack of consent should enquire as to the steps taken to obtain consent, including how the subject knew or believed the reporter of the allegation was (i) consenting to the sexual behaviour and (ii) continued to consent.

- c) Decision-makers and support staff at all stages of the procedure in such cases should be mindful that:
  - (i) Reports of sexual misconduct and/or violence are more likely to exceed the six-month timeframe, than other types of misconduct.
  - (ii) Delays in reporting, or reluctance to involve the Police, should have no bearing on determining the veracity of the report.
  - (iii) The College does not have the legal investigatory powers of the Police and cannot make a determination on criminal guilt. A College investigation can determine only whether a breach of the Disciplinary code or other College Rules has occurred.
- d) Appropriate welfare support will be offered to both parties in such an investigation.

#### 7.5 Disciplinary hearing before a Disciplinary Panel

- a) This procedure is initiated by the Sub-Rector referring an investigation report to the Rector for consideration by a Disciplinary Panel (7.3o)(iii) or by the Rector under paragraph 9.8.
- b) A Disciplinary Panel will consist of three people appointed by the Rector for the purposes of considering the investigation report. Panel members must either be members of the College Governing Body or be people who have been approved by the Governing Body as being suitable Disciplinary Panel members. The Rector will appoint one of the members as Chair of the Disciplinary Panel. The panel will not include the Rector, the tutor(s) of either party, or anyone previously involved in the case.
- c) A Disciplinary Panel may be appointed to consider a single case or a group of cases. Where more than one case involving the same subject has been referred to the Disciplinary Panel, the Disciplinary Panel may decide to consolidate the cases.
- d) The Rector will write to the subject and the reporter informing them of the identities of proposed Disciplinary Panel members and stating that if they have any objection to the appointment of any of the members, they must set out the reasons for their objections in an email to the Rector within two working days. If the Rector considers that the grounds for objecting are valid, they will aim to appoint an alternative panel member within three working days of the objection being made.
- e) A member of College staff shall act as secretary to the Panel.
- f) The report will be considered by the Disciplinary Panel at a meeting which will normally be attended by the subject and the Investigator.
- g) It is expected that all relevant witness evidence will have been obtained by the Investigator and will be contained in the Investigation report. In many cases it will not be necessary for the Disciplinary Panel to hear directly from witnesses in order to reach a decision. On receipt of the Investigation Report the Panel Chair will consider whether it would be appropriate to invite any witness, including the reporter, to attend the meeting.
- h) The Chair will write to the subject informing them of the proposed date of the Disciplinary hearing which will be no less than 14 days after the date of the email. The Chair will: set out the allegation against the subject, referring to the

relevant provision(s) of the Disciplinary Code or other College rules; provide a copy of the Investigator's Report and any other evidence which will be considered by the Disciplinary Panel; set out the names of the members of the Disciplinary Panel and anyone else who will be present for some or all of the meeting, identifying the capacity in which they will be attending; inform the subject of the right to be accompanied by a member of the College acting as supporter; and inform the subject that they can expect the members of the Disciplinary Panel to ask them questions. The Chair will ask the subject to confirm their attendance at the meeting and whether they wish to call any witnesses. In the event that the subject is unable to attend the Disciplinary hearing on the proposed date or chooses not attend they should write to the Chair promptly, providing reasons for their inability to attend and/or decision not to attend. The Chair may either propose an alternative date for the Disciplinary hearing or may confirm that the Disciplinary hearing will proceed on the proposed date and may proceed in the absence of the subject.

- i) If the subject wishes to call witnesses to the Disciplinary hearing, they must write to the Chair within seven days identifying the witnesses and explaining the reasons why they consider attendance to be necessary. The Chair will consider whether it is appropriate for those witnesses to attend the Disciplinary hearing to give evidence.
- j) If the Chair decides that it would be appropriate to invite witnesses to the Disciplinary hearing, they will consider whether any particular arrangements are required to safeguard the interests of the witnesses. Such arrangements may be put in place at the discretion of the Chair but may include: separate waiting areas for the reporter and the subject; the reporter bringing a supporter to sit with them while addressing the Panel and answering questions; the reporter addressing the Panel from behind a screen; the reporter responding to questions via online-link from a different location. Such measures are likely to be required in sexual misconduct cases. Appropriate welfare support will be offered to both reporter and subject in such cases.
- k) The Chair will determine the procedure for the hearing, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the case, informal and flexible. The subject may make oral and/or written representations to the Disciplinary Panel, and the Panel may ask questions of the subject, the Investigator and any witnesses.
- l) The subject will not be permitted to ask questions directly, but will be provided with the opportunity to put questions to witnesses through the Chair. Where the reporter attends the hearing, the Chair will ensure that the reporter and the subject have an appropriate opportunity to comment on any evidence the other has provided.
- m) The Secretary to the Disciplinary Panel will attend and take notes of the meeting, and/or the meeting may be recorded.
- n) After the Disciplinary hearing the Disciplinary Panel will deliberate in the absence of any other person, apart from the Secretary to the Panel. Before determining whether a breach of discipline has been established it will satisfy itself that reasonable and proportionate efforts have been made by the Investigator to obtain the relevant evidence which is necessary to determine

the issues in the case from the subject and from others, whether orally or in writing; assess the relevance, reliability and credibility of the evidence; satisfy itself that the subject has had a fair opportunity to answer the case against them; satisfy itself from the evidence obtained that, on the balance of probabilities, it has been shown that the breach of discipline was committed by the subject; and identify the form of disposal which it is minded to adopt, subject to further representations by the subject.

- o) Decisions of the Disciplinary Panel shall be made by a simple majority vote.
- p) If the Disciplinary Panel determines that a breach of discipline has been established, it will notify the subject promptly, and in any event within seven days of that determination, the reasons for it, and the disposal it is minded to adopt. It will invite the subject to make representations to the Disciplinary Panel within three working days of notification of the determination, regarding the appropriate disposal. Such representations may be made orally or in writing, at the choice of the subject. The Disciplinary Panel may also request the provision of a written statement of the impact of the subject's conduct from the reporter or any other person.
- q) Disciplinary penalties that may be imposed by a Disciplinary Panel include any one or more of:
  - (i) A written warning
  - (ii) A requirement to write a letter of apology
  - (iii) Written work and/or other written assignment
  - (iv) Community service
  - (v) A requirement to attend a programme of education or training
  - (vi) A fine
  - (vii) A compensation/reparation order
  - (viii) A no-contact order
  - (ix) A restriction from entering certain parts of the College estate, or from accessing or attending certain College facilities or events
  - (x) Moving the subject to alternative College accommodation
  - (xi) Temporary or permanent removal from College accommodation
  - (xii) Removal of the right to occupy College accommodation in future years
  - (xiii) A requirement that the subject is to report to the Sub-Rector at such intervals and for such period as the Disciplinary Panel may determine with a view to keeping the subject's conduct under review
  - (xiv) Rustication
  - (xv) Recommendation to Governing Body of expulsion

The Disciplinary Panel will consider the range of available penalties and impose a penalty that is appropriate and proportionate in all the circumstances.
- r) The Panel shall report its determination and disposal to the Rector as soon as possible, supported by written reasons. Notice of the Panel's determination and disposal will be given in writing to the subject by the Rector within three working days of receipt of the Panel's report, supported by a copy of the Panel's report. The decision letter will inform the subject of their right of appeal and refer them to the relevant parts of this procedure. The reporter will be informed of the outcome of the proceedings.

- s) Should the subject fail to attend the Disciplinary Meeting without offering good reason, the Meeting may proceed in their absence. Should a witness fail to attend without explanation, the Disciplinary Panel will determine whether to adjourn and reschedule or to proceed in the absence of the witness.

#### 7.6 Disciplinary proceedings before the Governing Body

- a) The Governing Body may expel a Student Member from membership of the College, on the advice of the Cases Committee (under Paragraph 6.31i), a Disciplinary Panel, or the Major Appeals Committee.
- b) The subject shall have no right to make further representations (whether oral or written) to the Governing Body.

### **8. Disciplinary Code**

#### 8.1 No student member of the College shall intentionally, negligently or recklessly:

- a) disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social or other activities of the College;
- b) disrupt or attempt to disrupt the lawful exercise of freedom of speech by members or employees of the College, by visiting speakers, or by any others who have protected freedom of speech;
- c) obstruct or attempt to disrupt any employee or agent of the College in the performance of their duties;
- d) damage, deface or destroy any property of, or in the custody of, the College or of any member, officer or employee of the College, or knowingly misappropriate such property;
- e) occupy or use or attempt to occupy or use any property of the College except as may be authorised by the University or College authorities concerned;
- f) forge or falsify expressly or impliedly any University certificate or document or knowingly make false statements concerning standing or results obtained in examination;
- g) engage in any activity likely to cause injury or to impair safety;
- h) engage in violent, indecent, disorderly or threatening or offensive behaviour or language;
- i) engage in any fraudulent or dishonest behaviour in relation to the College or the holding of any College office;
- j) disobey a reasonable instruction given within their authority by an officer or an employee or an agent of the College;
- k) refuse to disclose their name and other relevant details to an officer or an employee or an agent of the College in circumstances where it is reasonable to require such information to be given;
- l) possess, use, offer or sell or give drugs to any person, the possession or use of which is illegal;
- m) engage in the harassment of or sexual misconduct towards any member, visitor, employee or agent of the College;
- n) engage in verbal abuse, physical abuse and/or disorderly behaviour not amounting to harassment that is significantly distressing to any member, student, visitor, employee or agent of the College;

- o) engage in conduct in breach of the Statutes and Regulations of the University published from time to time;
  - p) engage in conduct in breach of any College Rules governing student conduct published in the Red Book;
  - q) engage in conduct in breach of any College regulations regarding the use of the College Library;
  - r) engage in any other conduct which is detrimental to the interests of the College;
- 8.2 An alleged breach of the Disciplinary Code or other College rules may be the subject of disciplinary steps under the Procedure only if the subject is alleged to have committed the alleged breach in their capacity as a member of the College. A breach of discipline will be treated as having been committed in that capacity if:
- a) it was committed on or near College premises; or
  - b) it was committed on or near the premises of another college or on or near University premises and a reasonable request is received from the Dean or other competent official of that other college, or from the University Proctors or the Head of a University Department or the Chair of a University Faculty Board as the case may be, to deal with the matter as an offence against College discipline; or
  - c) it was committed during College activities away from College premises; or
  - d) it was committed during activity associated with post-examination celebrations; or
  - e) it was committed during activity identifiable with the College; or
  - f) it was committed when studying at a partner organisation; or
  - g) it was committed on social media against any other member of the College; or
  - h) it threatens to bring the College into disrepute among reasonable people; or
  - i) it was committed by the use of College facilities (such as computer networks) or privileges (such as intercollegiate internal mail); or
  - j) it was committed by the use of University facilities (such as computer networks) or privileges (such as a University Card) and a reasonable request is received from the University Proctors to deal with the matter as an offence against College discipline; or
  - k) it was committed against the College or any other member of the College.
- 8.3 'Sexual misconduct' means any behaviour of a sexual nature, or which is sexually motivated, which takes place without consent where the individual alleged to have carried out the misconduct has no reasonable belief in consent. This may include behaviour carried out over any medium, including online. Sexual misconduct includes but is not limited to:
- a) Sexual intercourse or engaging in a sexual act without consent
  - b) Attempting to engage in sexual intercourse or engaging in a sexual act without consent
  - c) Sharing private and personal sexual images or video footage belonging or relating to another person without consent
  - d) Touching inappropriately through clothes without consent
  - e) Inappropriately showing sexual organs to another person
  - f) Making unwanted remarks of a sexual nature

- 8.4 Consent is defined as the free agreement by choice to participate in a sexual act where the individual has both the freedom and the capacity to make that choice. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, or from the absence of objection. Consent may be withdrawn at any time.

## 9. Appeals

### *Appeals generally*

- 9.1 Student Members have rights of appeal to the Rector against disciplinary decisions of the Sub-Rector, and to the Major Appeals Committee against the disciplinary decisions of a Disciplinary Panel or its advice to the Governing Body to expel a Student Member. There is no right of appeal against a decision to suspend or send down a Student Member for failure to pay fees that are due, or for failure to pass the First Public Examination in the time allowed by the College.

### *Appeal to the Rector*

- 9.2 The subject may appeal to the Rector against a disciplinary decision made by the Sub-Rector under Paragraph 7.2i) above.
- 9.3 The appeal is a review of the Sub-Rector's decision and is limited to the grounds set out in Paragraph 9.4 below.
- 9.4 The grounds upon which the subject may appeal are that:
- a) There was bias, or a reasonable perception of bias, on the part of the Sub-Rector;
  - b) The Sub-Rector acted unfairly or failed to follow this Procedure;
  - c) The subject has new material that it was not reasonably practicable for them to provide earlier in the process, which would be likely materially to have affected the outcome;
  - d) The decision that a breach of discipline was established was one which no reasonable decision-maker could have made;
  - e) The penalty imposed was disproportionate.
- 9.5 Any appeal must be made by sending a notice of appeal to the Sub-Rector within seven days of notification of the Sub-Rector's decision. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground of appeal is established. At the same time the subject should provide a copy of the Sub-Rector's decision under Paragraph 7.2i) above and any other documentary evidence which is relevant to their grounds of appeal. The Sub-Rector will refer the appeal to the Rector.
- 9.6 The subject should state in their notice of appeal whether they are requesting an oral appeal meeting with the Rector.
- 9.7 The Rector may invite the subject to an appeal meeting, and will normally do so when the subject has requested it.
- 9.8 The Rector may: confirm the Sub-Rector's determination; confirm the Sub-Rector's determination as to breach of discipline but vary the penalty imposed by reducing or increasing it (provided that the Rector will not impose a penalty of rustication or

expulsion); require the Sub-Rector to reconsider their determination as to breach of discipline; reverse the determination of the Sub-Rector as to breach of discipline; or refer the report to a Disciplinary Panel under Section 7.5.

- 9.9 The Rector will determine the appeal as soon as reasonably practicable and will normally inform the subject of their decision, and the reasons for it, in writing within seven days of the determination. Where appropriate, the reporter will be informed of the decision.

*The Major Appeals Committee*

- 9.10 The subject may appeal to the Major Appeals Committee against any determination of a Disciplinary Panel that involves the imposition of a penalty and against any penalty imposed and against a recommendation to Governing Body of expulsion
- 9.11 The appeal is a review of the Disciplinary Panel decision and is limited to the grounds set out in Paragraph 9.13 below.
- 9.12 Any disciplinary measures appealed against do not come into effect pending determination of the appeal. Precautionary measures may continue to apply pending the determination of an appeal.
- 9.13 The grounds upon which a subject may appeal are that:
- a) There was bias, or a reasonable perception of bias, during the procedure;
  - b) There was unfairness or a failure to follow this Procedure;
  - c) The subject has new material that it was not reasonably practicable for them to provide earlier in the process, that would have been likely to make a material difference to the outcome;
  - d) There was an error of interpretation of any of the provisions of this procedure;
  - e) The decision that a breach of discipline was established was one which no reasonable decision-maker could have made; and/or
  - f) The penalty imposed was disproportionate.
- 9.14 Any appeal must be made by sending a notice of appeal to the Rector within seven days of notification of the Disciplinary Panel's determination. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground of appeal is established. At the same time the subject should provide a copy of the Disciplinary Panel's reasoned determination and any other documentary evidence which is relevant to their grounds of appeal.
- 9.15 The Major Appeals Committee shall consist of three people appointed by the Rector for the purposes of considering the appeal, who shall either be fellows of the College, fellows of another College or other Colleges of the University of Oxford, or other persons approved by Governing Body for such a purpose. The Rector shall appoint as chair one of the three members of the Committee. The panel will not include the tutor(s) of either party, or anyone previously involved in the case.
- 9.16 The Rector will write to the subject and the reporter informing them of the identities of proposed Major Appeals Committee members and stating that if they have any objection to the appointment of any of the members they must set out the reasons for their objections in an email to the Rector within two working days. If the Rector

considers that the grounds for objecting are reasonable they will aim to appoint an alternative panel member within three working days of the objection being made.

- 9.17 The Committee will be assisted by a member of College staff who will act as Secretary to the Committee ('the Secretary').

*Consideration of the Appeal by the Major Appeals Committee*

- 9.18 The Rector will nominate a person ('the College Representative') to make a case before the Major Appeals Committee in support of the implementation of the disciplinary measure. Within three working days of their appointment, the College Representative will provide to the subject and the Secretary a written response to the grounds of appeal. The response must state whether the College Representative is requesting an oral hearing. Any request must be supported by reasons. The reporter will be notified that an appeal has been commenced.
- 9.19 Within two working days of the College response the subject must confirm in writing whether they are requesting an oral hearing. Any request must be supported by reasons.
- 9.20 The Major Appeals Committee Chair will determine whether an oral hearing is appropriate and, if it is, the Secretary will fix a date for a hearing. The hearing will normally take place no later than 14 days after the appointment of the Major Appeals Committee. The date should be fixed in consultation with the subject, the College Representative, and the members of the Major Appeals Committee.
- 9.21 At least seven days before the hearing the Secretary will
- a) write to the Major Appeals Committee members, the subject, and the College Representative to confirm the date, time, and location of the hearing;
  - b) provide the Major Appeals Committee members, the subject, and the College Representative with a bundle containing all documents relevant to the appeal.
- 9.22 If the subject or the College Representative wishes the Major Appeals Committee to take account of any additional material or written submissions, copies must be provided to the Secretary at least five days before the hearing. The Secretary will ensure that it is circulated to the Major Appeals Committee and the other party as soon as possible. Any documentation submitted after this time will not be considered by the Committee unless the Chair decides that exceptional circumstances warrant its inclusion.
- 9.23 The Major Appeals Committee Chair will determine the procedure for the hearing of the appeal, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the case, informal and flexible. If (exceptionally) any witnesses are heard, questions will be asked of them by the members of the Major Appeals Committee.
- 9.24 The Major Appeals Committee members will deliberate on their decision following any hearing. Where the appeal is considered without a hearing the Major Appeals Committee members will meet to deliberate and will be provided by the Secretary with the documents set out in Paragraph 9.22 above. The Secretary will provide the subject and the College Representative with at least seven days' notice of the date on

which the Major Appeals Committee will meet and any additional material must be submitted in accordance with Paragraph 9.23 above.

- 9.25 The appeal will be determined by a simple majority vote.
- 9.26 The decision of the Major Appeals Committee shall be provided in writing to the Rector, the subject, and the College Representative within seven days of the conclusion of any hearing. The Major Appeals Committee will produce a written report setting out its conclusions and the reasons for them. In case of a majority decision, the decision and the reasons will be those of the majority. The reporter will be notified of the outcome.
- 9.27 The Major Appeals Committee may uphold the implementation of the disciplinary penalty, set aside the penalty and remit the matter to the Disciplinary Panel, or substitute any alternative disposal which was open to the Disciplinary Panel. A Major Appeals Committee may impose a more severe disciplinary measure than that which was imposed by the Disciplinary Panel.
- 9.28 The decision of the Major Appeals Committee is final and not open to further appeal within the College.

#### *Further appeals*

- 9.29 This section applies to Further Appeals beyond the Rector, the Major Appeals Committee, or following a disciplinary decision by Governing Body.
- 9.30 A determination by either the Rector following an appeal against a decision of the Sub-Rector, or the Major Appeals Committee following an appeal against a decision of a Disciplinary Panel, represents the completion of procedures within the College. Following such a determination, a Completion of Procedures Letter will be sent to the student within 28 days. Where advice is tendered to the Governing Body, completion of procedures occurs once the Governing Body has made its decision. On completion of procedures within the College, a student member may appeal to the Conference of Colleges' Appeals Tribunal (CCAT), of which Exeter is a member. The student should file such an appeal with the Secretariat of the Conference of Colleges within five days of the ad hoc Committee's determination. Information on the procedure for applying to the Tribunal is available from the Exeter College Academic Office. On completing consideration of a complaint, the Tribunal will issue its decision and this concludes the College procedures for the formal examination of a complaint.

#### *Office of the Independent Adjudicator*

- 9.31 If a complaint remains unresolved after the CCAT procedures have been exhausted a student may ask for the complaint to be reviewed by the Office of the Independent Adjudicator for Higher Education (OIAHE; see [www.oiahe.org.uk](http://www.oiahe.org.uk) for further information). Application forms and guidance notes are available from Exeter College's Academic Office. Please note that complaints relating to student discipline and academic matters are also within the scope of the OIAHE. However, complaints relating to matters of academic judgement (i.e. about academic performance) or admissions cannot be dealt with by the OIAHE.

## IX. THE GOVERNANCE OF THE COLLEGE

## 1. College Meetings

- 1.1 A College Meeting is a meeting of the Governing Body of the College as defined in Statute 9. Such meetings are:
- (i) General Meetings
  - (ii) Special Meetings
  - (iii) Extraordinary General Meetings
- 1.2 There shall be a **General Meeting** on the Wednesday afternoon of the 4<sup>th</sup> and 8<sup>th</sup> Week of each term, and on such other days as the Governing Body may from time to time resolve. A General Meeting may also be held on the Wednesday before the start of Michaelmas Term (Week 0) if the Rector, or in their absence the Sub-Rector, certifies that there is sufficient business to merit this and gives notice at least three days in advance of the business to be transacted thereat.
- 1.3 The Agenda for each General Meeting will be circulated before 5pm on the Wednesday of the previous week.
- 1.4 The following standing items are to be approved by the Governing Body at its meetings:
- a) Week 0, MT, which may be by circulation
    - (i) elections to Scholarships and Exhibitions for the present academic year;
    - (ii) the award of prizes relating to academic performance and other achievements during the previous academic year
    - (iii) the names of Fellows participating in induction training
    - (iv) In addition, there will be annual trustee refresher training at this meeting of GB (or if it does not take place, at the week 4 meeting.)
  - b) Week 8, Trinity Term, a Year Book containing at least
    - (i) the Officers of the College for the forthcoming academic year;
    - (ii) memberships of each College Committee for the forthcoming academic year;
    - (iii) College Allowances and Stipends for the forthcoming academic year.
- 1.5 Voting at GB: The Rector, or in the absence of the Rector, the Sub-Rector, shall preside at all College Meetings, and shall, in case of an equality of votes, have a second or casting vote. Subject to the provisions of these Statutes, the Chair of the meeting shall decide on every occasion at their discretion whether voting shall be by show of hands or by ballot, provided that in the election of any Fellow or College Officer where more than one name has been proposed and seconded, the votes shall always be taken by ballot.
- 1.6 The **Minutes** of each meeting shall be circulated and shall be considered at the next meeting. If confirmed, the Minutes shall be signed by the Rector (or, in their absence, by the Sub-Rector).
- 1.7 **Leave of absence** from General Meetings may be granted by the Governing Body on any grounds which it deems sufficient. Applications for leave shall state the grounds

on which leave is sought, and shall whenever practicable be delivered in writing to the Rector in advance of the Meeting.

- 1.8 The Governing Body may invite the attendance at a College Meeting of any person who in its opinion may be able to assist it in coming to a decision on any matter. Such a person shall not have the right of voting.
- 1.9 The Governing Body shall invite the President and Secretary of the Junior Common Room and the President and Vice President of the Middle Common Room to attend such portions of each General and Special Meeting as the Rector (or in their absence the Sub-Rector) shall on each occasion decide. Such persons shall not have the right of voting.

## **2. Decisions of the Governing Body between Meetings**

- 2.1 The Governing Body may, subject to the provisions of Bylaw IV.1, delegate to Officer(s) or Committee(s) the responsibility for certain decisions. The minute should record which Officer(s), Committee(s) or other individual is being given authority; what the authority is and any boundaries on those decisions (e.g. financial authority limits). It is to be expected that Governing Body will subsequently receive a report of how this power has been exercised.
- 2.2 Where a decision is urgently needed between meetings, and the matter is something that is not considered delegable (as set out in Bylaw IV.1), then a decision may be agreed by email, subject to the following rules
  - a) Sufficient information must be provided to allow GB Fellows to consider the matter, including the proposed wording of the resolution or minute.
  - b) During the time of Full term, GB Fellows must be allowed at least one whole day (not counting Saturdays, Sundays or English Bank Holidays) to consider the matter: outside of Full term, this must be three whole days (not counting Saturdays, Sundays or English Bank Holidays). By a day is meant any period of 24 hours.
  - c) Any Fellow may request that the matter should be considered at a formal meeting of Governing Body.
  - d) A simple majority of Fellows replying is required.
  - e) Any decision made by email will be reported to the next meeting of Governing Body and recorded in the minutes.
- 2.3 Where a decision is urgently needed between meetings, and the matter is something that is considered delegable (see Bylaw IV.1.1) but delegation arrangements are not in place, then it is expected that the process described above will be followed, but it may be appropriate to consult only with a committee of Governing Body, or at a minimum, three Fellows.

### *Special Meetings of Governing Body*

- 2.4 (See Statute 9.3) When a Special College Meeting is called at the request of Fellows, the normal period of reasonable notice is one whole day (not counting Saturdays, Sundays or English Bank Holidays) during the time of Full Term: outside of Full Term, this must be three whole days (not counting Saturdays, Sundays or English Bank Holidays). By a day is meant any period of 24 hours. The Rector (in their absence, the

Sub Rector:) may, at their discretion, vary this requirement if, in their opinion, the business to be transacted is exceptionally urgent.

### 3. Miscellaneous Provisions

- 3.1 Unless other specific provision is made under these Bylaws, every matter concerning the administration, policy, and interests of the College shall be determined by the Governing Body at a College Meeting by order of that Meeting or by Bylaw. And all College Orders and Bylaws, which shall have been duly passed at such Meeting, shall bind the Rector and all Fellows of the College individually, students of the College; provided that no College Order or Bylaw which affects the Rector shall be passed in the absence of the Rector, until the Sub-Rector shall have consulted the Rector on the subject by letter.

### 4. The College Seal

- 4.1 The Common Seal and its keys shall be in the charge of the Finance & Estates Bursar. Save in exceptional circumstances, and with the specific authority of the Governing Body, the Seal shall remain securely attached to a part of the Bursary. The keys, when not in use, shall be kept in a safe.
- 4.2 A record of the use of the Seal must be kept.

### 5. Conduct of Committee Meetings

- 5.1 ***Duties of the Convener:*** The Convener of each of the College Committees shall:
- a) notify members of the time and place of meetings that have been arranged;
  - b) summon any extra meetings which the Rector, or the convener in consultation with the Rector, shall deem necessary;
  - c) circulate any papers that may be necessary;
  - d) submit the proceedings of the Committee to the Governing Body at the College Meeting next after a meeting of the Committee, or to the next meeting of the Finance and General Purposes Committee or Education, Research and Welfare Committee, if the Committee reports through one of these two Major Committees, such part of the Committee's proceedings as requires consent and recommend in advance to the Rector which parts of the Committee's business, concerning an individual or otherwise requiring a high level of confidentiality, should be considered in the absence of Students;
  - e) keep Minutes of the Committee's proceedings, which will be submitted to the next General meeting of Governing Body.

#### *Committee Chair*

- 5.2 The Chair of each Committee, apart from the Remunerations and Benefits Committee, will be the Rector. Where permitted below, the Rector may delegate to a Fellow the chairing of a Committee for an academic year: such proposals will be reported to and confirmed by Governing Body in the last meeting of the previous Trinity term. The Rector will not normally delegate chairing of the Committee to its convener.
- 5.3 Where the Rector has delegated chairing of a committee to another Fellow, the Rector remains a member of that Committee, and may receive papers, attend and vote.

- 5.4 The responsibility of the Chair of the Committee is to:
- a) Determine, with the assistance of the convenor, the Agenda for any meetings
  - b) To arrange for clear proposals and sufficient information to be presented to members of the Committee to enable proper consideration of its business
  - c) To manage the meeting itself
  - d) To arrange for any urgent business to be transacted between meetings.

- 5.5 In the absence of a Committee Chair, meetings will be chaired by the Sub-Rector or, in their absence, the senior Fellow attending.

*Committee Members*

- 5.6 Election to Committees (apart from Fellowship selection committees and the Committee to Search for a new Rector). A list of the Committees showing their composition and which members are due to retire shall be provided to members of the Governing Body at the last College Meeting of Trinity Term and the elected members of these committees shall be elected annually at that meeting to serve from the first day of September following. At any Meeting the Governing Body may fill up vacancies as they occur, but members so appointed shall serve only until the last day of August following the next annual election of Committees.

- 5.7 Committees will normally have a majority of Governing Body members. (Exceptions are: The Investment Committee, the Health and Safety Committee.) In general, unless where stated in the composition of committees following, only Fellows are voting members of committees.

- 5.8 *Quorum*

The quorum shall be defined as three members including the chair. If there is no quorum, business may still be transacted but in order to have effect it must be confirmed by a subsequent meeting of the committee, or the committee to which it reports, or the Governing Body.

*Reserved and Unreserved business*

- 5.9 The business of the Governing Body, or a committee on which there is provision for student members of the College to be present, shall be divided into reserved and unreserved sections. Business shall ordinarily be unreserved, save where:

- a) the Governing Body, or committee as the case may be, determines that it shall be reserved; or:
- b) it concerns investments, financial strategy, the election, appointment or continuing appointment of specific individuals, individual terms and conditions of employment including salaries, pensions and benefits, the award of prizes to junior members, the election of junior members to scholarships and exhibitions, and other matters of a confidential personal nature, in which case it shall ordinarily be reserved unless the Governing Body, or committee as the case may be, determines that it shall be unreserved.

Prior to any meeting of the Governing Body, the Rector shall determine into which category each item of business shall initially be placed. Prior to any meeting of a committee, the convenor of that committee shall determine into which category each item of business shall initially be placed. In each case, the Governing Body, or

committee as the case may be, will be notified if a matter falling into (b) is categorised as unreserved or a matter not falling into (b) is categorised as reserved.

#### 5.10 *Decisions*

The decision of every Committee shall be that of a majority of its members present and voting; provided that in the case of an equality of votes the Rector (or in their absence the Sub-Rector if they are member of the Committee or in the absence of the Rector and Sub-Rector the senior Fellow present) shall have a casting vote. Unless otherwise stated, persons in attendance at a Committee meeting shall not have a vote.

#### 5.11 Administration

- a) Scheduled meetings of Committees shall be cancelled if there is no significant business and no business that requires a decision.
- b) Such cancellation shall be communicated forthwith to all the members of the Committee and shall be ineffective if any member of the Committee requests that the meeting be held.
- c) Urgent business arising between scheduled meetings may be transacted by email.
- d) Routine and non-controversial business may be transacted by email.
- e) Any business transacted by email shall be reported as such at the next scheduled meeting of the Committee.
- f) Papers shall ordinarily be circulated in hard copy at least two week-days in advance of each meeting of a Committee. Later circulation of information for a meeting shall not preclude the discussion of, or the taking of a vote on, an item.

5.12 The delegated financial authority of Committees is set out in X.8.

### **6. Finance and General Purposes Committee (F&GP)**

6.1 The membership of the Committee shall be the Rector, the Sub-Rector, the Finance & Estates Bursar, the Domestic Bursar, the Senior Tutor, the Deputy Bursar, the Development Director and between five and seven other Fellows of the College.

6.2 Two representatives each from the MCR and JCR shall be in attendance on the Committee, for unreserved items of business, but shall have no voting rights.

6.3 The Chair of the Committee will be the Rector. The convener shall be the Finance & Estates Bursar.

6.4 The Committee shall:

- a) recommend and review the criteria for expenditure set out in Statute 10;
- b) exercise a general supervision over the finances of the College and advise the Governing Body on resource strategy and financial policy;
- c) approve the budget for the forthcoming year for recommendation to the Governing Body during Trinity Term;
- d) review periodic (termly) management accounts; review progress against budget and investigate and report on any anomalies;
- e) supervise the appointment and work of professional advisers to the College including investment managers, land agents, legal advisers including the authority to determine their remuneration

- f) Decide on the number, purpose and mandates of bank accounts and other depot media (noting that many banks require the approval of signatories to be carried out by Governing Body);
- g) review major contracts relating to the business of the College and, where appropriate, approve contractual terms or refer them to the Governing Body for approval;
- h) supervise College trading subsidiaries;
- i) Agree the remuneration of the College's auditors
- j) review procedures and policies in the College, which do not fall within the scope of other committees;
- k) where required, determine whether statutory exemptions apply to specific Freedom of Information requests;
- l) establish and maintain the Standing Orders of the College.
- m) Oversight of Prevent reporting, which is delegated to the Prevent Lead.

6.5 The Committee shall report to the Governing Body.

## **7. The Investment Committee**

7.1 The membership of the Committee shall be the Rector, the Finance & Estates Bursar, the Deputy Bursar, between three and four other Fellows of the College, and up to eight persons who are not members of the College.

7.2 The Chair of the Committee will be the Rector. The convener shall be the Finance & Estates Bursar.

7.3 The Committee shall:

- a) recommend to the College, through the Finance & General Purposes Committee, an Investment Policy Statement for the investment of the endowment and any other assets;
- b) periodically review the Investment Policy Statement and recommend to the College, through the Finance & General Purposes Committee, any changes;
- c) oversee the management of these assets in a manner consistent with the approved policy, including the appointment of one or more investment managers to manage the investments;
- d) periodically review the investment managers based on performance and suitability and on an ad hoc basis in relation to any one-off events (e.g. change of control or material loss of business)
- e) periodically review the sustainability of investment returns and the appropriate level of spend under Statute 10.

7.4 The Committee may invite persons to visit the Committee to help it interpret and understand the proper advice it has received and to frame its Terms of Reference to its Investment Manager. Such individuals shall be in attendance on the Committee but shall have no voting rights.

7.5 The Committee shall report to the Finance and General Purposes Committee.

**8. Buildings and Gardens Committee**

- 8.1 The membership of the Committee shall be the Rector, the Sub-Rector, the Finance & Estates Bursar, the Domestic Bursar, Senior Tutor, the Deputy Bursar, the Buildings Manager, the Chaplain, the Director of Development, between three and four other Fellows and two non-academic staff representatives (these appointed for two years at a time). The Sustainability Officer will be in attendance.
- 8.2 Two representatives each from the MCR and JCR shall be in attendance on the Committee, for unreserved items of business, but shall have no voting rights.
- 8.3 The Chair of the Committee will be the Rector. The convener shall be the Domestic Bursar.
- 8.4 The Committee shall:
- a) recommend to the College, through the Finance & General Purposes Committee, proposals for major refurbishment of existing College buildings and plans for new College buildings;
  - b) propose and oversee matters connected with structural alterations, redecoration and furnishing of the College;
  - c) make recommendations upon matters affecting the College gardens.
- 8.5 The Committee may invite external persons with relevant expertise (e.g. architect, lawyer, alumnus) to attend meetings to provide informal advice or guidance to the Committee in its decision making. Such individuals shall be in attendance on the Committee but shall have no voting rights.
- 8.6 The Committee shall report to the Finance and General Purposes Committee.

**9. Health and Safety Committee**

- 9.1 The membership of the Committee shall be the Rector, the Domestic Bursar, between one and two other Fellows of the College, the Health & Safety Administrator, the Welfare Officer, the Catering Services Manager, the Head Chef, the Steward, the Head Porter, the Buildings Manager, the Hostels Supervisor, the Cohen Quad Operations Manager, the Accommodation Manager and two members of non-academic staff (these two be appointed for two years at a time).
- 9.2 A representative from each of the JCR and the MCR shall be in attendance on the Committee but shall have no voting rights.
- 9.3 The Chair of the Committee will be the Rector, or a Fellow appointed by the Rector, as described in 5.2 above. The convener shall be the Domestic Bursar.
- 9.4 The Committee shall:
- a) regularly review and develop, and draw to the attention of all employees and members of the College, a Statement of the College's Health and Safety Policy, and ensure that this policy is implemented;
  - b) oversee the arrangements for the safety of College premises and in particular the safety of Fellows, Students and employees of the College and visitors to College premises;

- c) report at least once a year to the College, through the Finance & General Purposes Committee, on health and safety arrangements as required under Bylaw IX.9.4c).

9.5 The Committee shall report to the Finance and General Purposes Committee.

#### **10. IT Committee**

10.1 The membership of the Committee shall be the Rector, the Finance & Estates Bursar, the IT Fellow, the Development Director and between four and six other Fellows including, if possible, one from the Sciences and one from the Arts.

10.2 The Academic Registrar, Deputy Bursar, IT Manager, and a representative each from the MCR and JCR shall be in attendance on the Committee but shall have no voting rights.

10.3 The Chair of the Committee will be the Rector, or a Fellow appointed by the Rector, as described in 5.2 above. The convener shall be the IT Manager.

10.4 The Committee shall:

- a) provide IT policy advice to Governing Body, through the Finance & General Purposes Committee, and consider long-term strategic developments in College IT;
- b) review and advise the Finance & General Purposes Committee on the annual IT budget and any significant capital items;
- c) monitor progress of all IT projects within College;
- d) monitor computing activities and endorse any changes to the College Rules regarding IT;
- e) agree equipment and resource allocation priorities.

10.5 The Committee shall report to the Finance and General Purposes Committee.

#### **11. Development Committee**

11.1 The membership of the Committee shall be the Rector, Finance & Estates Bursar, Senior Tutor, the Deputy Bursar, the Development Director, the Campaign Director and between four and six other Fellows. The Chair of the Campaign Committee or Development Board (whichever of the two are in existence at any time) shall also be members of the Committee.

11.2 The Chair of the Committee will be the Rector. The convener shall be the Development Director.

11.3 The Committee shall:

- a) oversee the activities of the Development Office with regard to fundraising and relations with Alumni;
- b) keep under review and make recommendations regarding fundraising objectives, ensuring alignment between Development Office goals and activities and those of the Fellowship;
- c) consider and keep under review fundraising strategies;
- d) examine resources available for meeting those goals and make recommendations to the Finance & General Purposes Committee;

- e) report at least once a year to the Governing Body, through the Finance & General Purposes Committee on the operation of the Development Office, fundraising objectives and sums pledged and received.

11.4 The Committee shall report to the Finance and General Purposes Committee.

## **12. Staff Committee**

12.1 The membership of the Committee shall be the Rector, the Sub-Rector, the Finance & Estates Bursar, the Domestic Bursar, and between four and six other Fellows of the College, with the HR Manager in attendance.

12.2 The Chair of the Committee will be the Rector, or a Fellow appointed by the Rector, as described in 5.2 above. The convener shall be the Domestic Bursar.

12.3 The Committee shall:

- a) ensure the College operates in compliance with employment law, and incorporates best employment practice by developing and implementing personnel policies in accordance with statutory requirements;
- b) review employment terms and conditions, and employee benefits that are provided in addition to salary for staff;
- c) make recommendations to the relevant committee or Head of Department and supervise the implementation of arrangements for effective and economical employment of staff through staff planning, training, and development;
- d) consider proposals for new non-academic posts, for the abolition of non-academic posts, and for changes to the terms and conditions of existing or vacant non-academic posts and refer them to the Finance & General Purposes Committee if there are significant cost implications;
- e) keep under review and monitor employee welfare, and disciplinary and grievance issues, ensuring effective communication and consultation with appropriate staff;
- f) ensure the College complies with legal obligations in providing equality of opportunity and access to employment for Fellows, staff; and take responsibility for the management of duties under all equality of opportunity legislation;
- g) provide reports, and ensure that Governing Body, through the Strategy Committee, is made aware of equal opportunities monitoring results;
- h) review changes in salary or pay as recommended by the Finance and Estates Bursar, Domestic Bursar or any Head of Department if these fall outside normal cost of living increases provided such changes fall within the Committee's spending authorisation limits in Bylaw X.8.
- i) review any proposals to re-grade staff as recommended by the Finance & Estates Bursar, Domestic Bursar, or any Head of Department and to submit its recommendations to the Finance & General Purposes Committee.

12.4 The Committee shall report to the Finance and General Purposes Committee.

**13. Education, Research and Welfare Committee (ERWC)**

- 13.1 The membership of the Committee shall be the Rector, the Sub-Rector, the Senior Tutor, the Welfare Lead, the Finance & Estates Bursar, one Official Fellow representing each subject area taught by the College. In addition, four other Fellows (Professorial, Fellow by Special Election or Supernumerary Fellow) (one each from Humanities, Social Sciences, Mathematical, Physical Sciences and Engineering, and Medical and Life Sciences) shall be full voting members of the Committee. Notwithstanding the above, any Governing Body Fellow of the College may attend and vote at a meeting of the Committee.
- 13.2 The Academic Registrar and Deputy Academic Registrar will be in attendance.
- 13.3 Two representatives each from the MCR and JCR shall be in attendance on the Committee, for unreserved items of business, but shall have no voting rights. In addition, the Equality representative of the MCR and JCR shall be invited to attend for item 8.4.iii below.
- 13.4 The Chair of the Committee will be the Rector. The convener shall be the Senior Tutor.
- 13.5 The Committee may at its discretion invite to its meetings any Lecturer of the College who is not a Fellow in the circumstance that no Fellow in that subject is available to attend, but no such Lecturer shall have a vote on any question under consideration by the Committee.
- 13.6 For the purposes of paragraph 13.1, the term “Professorial Fellows” shall be taken to include any member of Governing Body who is also a member of a Faculty or Department within the University of Oxford but who is not a Lecturer of the College.
- 13.7 The Committee shall:
- a) advise the Governing Body on all questions of educational policy;
  - b) provide for the admission and instruction and the general regulation of the discipline of Students of the College;
  - c) ensure the College complies with legal obligations in providing equality of opportunity and access for students; and take responsibility for the management of duties under all equality of opportunity legislation, be responsible for the development, implementation, monitoring, prioritisation and review of policies, procedures and practice to support the College’s Equality Policy and Public Sector Equality Duty in relation to students;
  - d) consider all vacancies in “entitled” University posts and to recommend to the Governing Body those with which the College should seek association;
  - e) report to the Governing Body on any proposal by the University to allocate a new Professorship to the College or to vary the existing allocation of Professorships;
  - f) ÷ Confirm contractually entitled sabbatical, maternity, paternity, shared and adoption leave, and variations in Teaching hours, reporting these to Governing Body. Approve arrangements for teaching cover for all leave, reporting these to Governing Body.
  - g) appoint and remove Stipendiary Lecturers and Retained Lecturers and report such decisions to the Governing Body;

- h) make recommendations to the Governing Body as to which Students of the College are meritorious of election to Scholarships or Exhibitions;
  - i) make recommendations to the Governing Body as to which Students of the College are meritorious of the award of Studentships or other emoluments which are offered for competition among members of the College and certain prizes established by Trust;
  - j) award Collections Prizes to undergraduates in recognition of excellent work;
  - k) award graduate studentships apart from those in the gift of the Amelia Jackson Awards;
  - l) make recommendations to the Governing Body's General Meeting in Week 8 of Trinity Term concerning changes to the rules and regulations to be included in the Red Book;
  - m) be responsible for the development, implementation, monitoring, prioritisation and review of welfare policies including those arising from matters relating to the Cases Committee.
  - n) oversee the work of the College to diversify the pool of applicants to the College for both undergraduate and graduate degrees, and to evaluate the effectiveness of such work.
- 13.8 Governing Body delegates to ERWC the authority to make arrangements for teaching cover for sabbatical leave. These arrangements will be reported to GB for information.
- 13.9 The Committee shall report to the Governing Body.
- 14. Cases Committee**
- 14.1 The membership of the Committee shall be the Rector, the Sub-Rector, the Senior Tutor, the Safeguarding and Harassment Lead, the Chaplain and Welfare Lead, and between three and five Official Fellows who are Lecturers of the College (to serve a period of 3 years each, and not immediately re-eligible except by express resolution of the Governing Body). The Welfare Officer (College Nurse), and the Academic Registrar will be in attendance.
- 14.2 The Chair of the Committee will be the Rector, or a Fellow appointed by the Rector, as described in 5.2 above. The convener shall be the Academic Registrar.
- 14.3 The Committee shall
- a) consider specific matters relating to the welfare of Students, including individual welfare cases brought to its attention by the Safeguarding, Protection & Harassment Lead.
  - b) report on any implications for College policy arising from these welfare matters.
  - c) consider specific matters relating to the non-academic conduct of Students, including individual disciplinary matters brought to its attention by the Sub-Rector.
  - d) report on any implications for College policy arising from conduct matters.
  - e) consider specific matters relating to unsatisfactory academic work on the part of individual undergraduate students brought to its attention by the Senior Tutor
  - f) report on any implications for College policy arising from instances of unsatisfactory academic work by undergraduates.
  - g) control the admission of Students, subject to Bylaw VIII–2

- h) decide requests for Students to change their course of study
- i) make grants to Students to alleviate Hardship, to aid them in their course of study, or for other purposes, under schemes established by the College
- j) award College graduate funding (scholarships and studentships) where these are not otherwise in the gift of the Amelia Jackson Awards Committee.
- k) the Committee shall be empowered to delegate any of its powers to an officer or to a panel. Any decision made under such an arrangement shall be treated as a decision of the Committee itself.

14.4 The Committee shall report to the Education, Research and Welfare Committee.

#### **15. Library, Archives and Special Collections Committee**

15.1 The membership of the Committee shall be the Rector, the Fellow-Librarian, the Keeper of the Archives, the Finance & Estates Bursar, the Domestic Bursar, the Chattels Fellow, the College Librarian and between two and four other Fellows of the College. The College Archivist, Library Assistant, MCR Representative and JCR Representative will attend, but do not have voting rights.

15.2 The Chair of the Committee will be the Rector, or a Fellow appointed by the Rector, as described in 5.2 above. The convener shall be the College Librarian.

15.3 The Committee shall:

- a) generally, oversee and review the management of the Library, Archives and Special Collections, including the services, activities, collections as well as the physical spaces used by them; make recommendations to the Governing Body in relation to all these matters; and make recommendations for policies for the development and management of the collections and any other policies for the Library and the Archives that may be expedient;
- b) have power from time to time to make, alter, and revoke such regulations for the use and management of the Library, Archives and Special Collections as they shall deem fit;

15.4 The Committee shall report to the Education, Research and Welfare Committee.

#### **16. Fellowships Committee**

16.1 The membership of the Committee shall be the Rector, Sub-Rector, the Senior Tutor, the Finance & Estates Bursar, the President of the SCR and between eight and ten other Fellows of the College, with the HR Manager in attendance.

16.2 The Chair of the Committee will be the Rector. The convener shall be the Rector.

16.3 The Committee shall advise the Governing Body on all matters connected with Fellowships of the College except those in the jurisdiction of the Remuneration and Staff Committees, and shall, in particular, make recommendations on:

- a) the election of Fellows by Special Election under Statute 6 paragraph 6.2(c);
- b) the election of Senior and Junior Research Fellows under Statute 6 paragraph 6.2(d);
- c) the election of Supernumerary Fellows under Statute 6, paragraph 6.2(e);
- d) the election of Emeritus Fellows under Statute 6, paragraph 6.2(f);

- e) the election of Honorary Fellows under Statute 6, paragraph 6.2(g);
  - f) the election of Visiting Fellows under Statute 6, paragraph 6.2(h);
  - g) the re-election of any Fellow, who is not a Tutorial Fellow whose tenure is about to end and is eligible for and seeks re-election;
  - h) the election and re-election of Official Fellows, and of any other Fellow if they are a Lecturer of the College or if it is proposed that they should become one;
  - i) vacancies in University posts ("entitled" or otherwise) which are offered for association with a College fellowship where there are no tutorial implications.
- 16.4 The Committee shall, on behalf of the College, determine the membership of selection committees for appointment to Fellowships in line with norms laid down within these Bylaws and report names of appointees to the Governing Body.
- 16.5 Governing Body delegates to the Fellowships Committee the authority to decide about granting or deferring sabbatical leave other than as set out in Bylaws. These arrangements will be reported to GB for information.
- 16.6 The Committee shall report to the Governing Body.

## **17. Remuneration and Benefits Committee**

- 17.1 The membership of the Committee shall be a minimum of seven members proposed by the Rector and approved by Governing Body. They will consist of five Fellows, who must be Professorial Fellows, Fellows by Special election or Supernumerary Fellows, and none of whom receive any remuneration from the College. In addition, there will be up to two external members who have no formal connection with the College (but may, and indeed normally will, be alumni of the College.) External members will serve for four years, and must then stand down for a year before being eligible for re-joining.
- 17.2 , The Human Resources Manager will be in attendance, provided that the HR Manager not be present for any discussion of their own remuneration.
- 17.3 The Rector, the Finance and Estates Bursar and one Tutorial Fellow may be asked to attend or to provide material for consideration by the Committee, provided that none of these parties be present for discussion of their own remuneration.
- 17.4 The Committee Chair, who shall be appointed by the Governing Body, will be the Convener.
- 17.5 The Committee shall:
- a) advise the Governing Body on the remuneration of the Rector, Fellows, College Officers and other such staff of the College as the Governing Body may specify from time to time;
  - b) have responsibility for keeping under review the College's policy for the remuneration of academic staff and senior non-academic staff (including pension arrangements, termination payments and other compensation arrangements) and for making recommendations to the Governing Body for any modification of that policy with a comment on how these policies support the College's objectives;
  - c) keep under review, and advise the Governing Body, on the financial benefits provided to Governing Body Fellows.

- 17.6 To ensure that the operation of the Remuneration Committee preserves conflict-free decision making within the Governing Body, the Governing Body may accept or reduce the levels of remuneration or benefit recommended by the Remuneration Committee but may not increase them.
- 17.7 In making recommendations, the matters considered by the Remuneration Committee shall include (but not be restricted to):
- a) the need to ensure compatibility with University pay scales for those holding joint appointments
  - b) the need to attract and retain Fellows to the College
  - c) the impact of existing pay scales throughout the College and University
  - d) the restrictions of freedoms allowed under existing employment contracts
  - e) principle of equity and fairness among Fellows of the College, including in particular the need to prevent unlawful discrimination and promote equality of opportunity between people of different groups.
- 17.8 The Committee shall report to the Governing Body.

## **18. The Chapel Committee**

- 18.1 The membership of the Committee shall be the Rector, the Sub-Rector, the Chaplain (if a Fellow of the College), and between two and four other Fellows of the College. If the Chaplain is not a Fellow of the College, the Governing Body may place them upon the Committee for so long as they hold the office of Chaplain.
- 18.2 The Chair of the Committee will be the Rector, or a Fellow appointed by the Rector, as described in 5.2 above. The convener shall be the Chaplain (if a member) otherwise, the Sub-Rector.
- 18.3 The Committee (subject to the Universities Tests Act 1871) shall have general control of the Chapel services, and have the supervision of all matters connected with the Choir, the organ, and furniture and fittings of the Chapel, provided that without express authority of the Governing Body there shall be no expenditure other than the income of the Amelia Jackson Chapel Fund and the Dr Henderson Choir Fund.
- 18.4 The Chaplain shall be responsible to the Chapel Committee for the conduct of Chapel services, for the appointment of preachers (other than the Catechist and the Preacher at the Annual Commemoration of Benefactors Service), and for the allocation of all alms, and shall require the express authority of the Committee for any change in the forms of the services.
- 18.5 Whenever the College receives notice of a vacancy in a benefice of which the College is a registered patron, the Chapel Committee shall appoint a representative to discharge in the place of the College the functions of a registered patron, such a representative being either one who is in Holy Orders in the Church of England or one who is able and willing to make a written declaration of communicant membership of the Church of England or of a Church in communion with that Church.
- 18.6 The Committee shall delegate to the Rector, Sub-Rector and Chaplain acting together, the power to permit the Chapel to be used for purposes other than the customary College services: no non-customary use of the Chapel shall be permitted without the express prior permission of these three persons.

18.7 The Committee shall report to the Governing Body.

**19. The Fellows' Rooms Committee**

19.1 The membership of the Committee shall be the Rector, Sub-Rector, the Domestic Bursar and between two and four other Fellows of the College, with the Senior Tutor in attendance.

19.2 The Chair of the Committee will be the Rector. The convener shall be the Domestic Bursar.

19.3 The Governing Body delegates to the Committee annual decisions on the assignment of rooms to Fellows.

19.4 The Committee will report annually to Governing Body on the allocation of rooms made.

**20. The Audit, Risk and Governance Committee**

20.1 The membership of the Committee shall be

- a) Ex Officio: the Rector, the Sub-Rector, the Finance & Estates Bursar.
- b) Five Governing Body Fellows, to include at least one unremunerated Fellow
- c) Three non-trustees, to include no more than one Supernumerary Fellow
- d) The Deputy Bursar. for meetings at which the financial audit is discussed.

20.2 The Chair of the Committee will be the Rector. The convener shall be the Rector.

20.3 The Committee shall:

- a) review College Statutes and Bylaws from time to time
- b) be responsible for guiding the College on matters of University and Charity regulation
- c) Review the governance of the College as a whole, and report to Governing Body on its findings.
- d) approve the audit process and review the final statutory accounts (including subsidiaries) and final management accounts with the auditors by the middle of Michaelmas Term so that the accounts can be submitted to the University by 30 November;
- e) annually recommend to the College the appointment or re-appointment of Auditors to the College;
- f) review risk management procedures and report annually thereon to College;

20.4 The Committee shall report to the Governing Body.

**21. The Gift Acceptance Committee**

21.1 The membership of the Committee shall be the Rector, the Finance & Estates Bursar, and between two and four other Fellows. The Development Director shall be in attendance, but not have voting rights.

21.2 The Chair of the Committee will be the Rector. The convenor shall be the Rector.

21.3 The Committee shall review all gifts to the College over £100,000. Any Fellow of the College shall be free to ask the Committee to examine any gift that causes concern to them. Members of the Committee shall sign a non-disclosure agreement, undertaking that matters raised in the Committee shall not be discussed elsewhere, unless by agreement of the whole Committee.

## **22. Board for the Exeter College Summer Programme**

22.1 The membership of the Board shall be the Rector, the Finance & Estates Bursar, the Deputy Bursar, and between five and seven other Fellows of the College (whose terms should be staggered to allow rotation of membership without all the Fellows retiring from the Board at once). The Academic Director of the ECSP and the Programme Manager of ECSP shall be in attendance.

22.2 The Chair of the Committee will be the Rector, or a Fellow appointed by the Rector, as described in 5.2 above. The convenor will be the Finance and Estates Bursar.

22.3 The Board shall

- a) Establish a strategy for the development of the ECSP and ECOTP (Exeter College Online Tutorial Programme), consistent with the overall Exeter College strategy, and recommend it to GB;
- b) Monitor the implementation of the strategy and report on their findings at least annually to GB;
- c) Be responsible for setting overall guidelines for the operation of the ECSP and ECOTP, ensuring that legal and financial obligations are met, and monitoring adherence to guidelines;
- d) Suggest to GB ways in which the academic contacts forged through the Summer Programmes may be used to benefit the College more generally.

22.4 The Board shall report to Governing Body.

## **23. Amelia Jackson Awards Committee**

23.1 The membership of the Committee shall be the Rector (chair, ex officio), Senior Tutor (ex officio), three Fellows from the Arts (i.e. Humanities or Social Sciences) and two Fellows from the Sciences (i.e. Mathematics, Sciences, Medicine).

23.2 The Chair of the Committee will be the Rector, or a Fellow appointed by the Rector, as described in 5.2 above. The Senior Tutor will be the Convenor.

23.3 The purpose of this committee is to make decisions about the award of Amelia Jackson Senior studentships. It will report its decisions to Governing Body.

23.4 The Committee shall report to the Education, Research and Welfare Committee.

## **24. Strategy Committee**

24.1 The membership of the Committee shall be the Rector, the Sub-Rector, the Finance and Estates Bursar, the Development Director, the Senior Tutor, the Diversity Lead, the Deputy Bursar, between five and seven other Fellows of the College, two non-academic staff representatives (appointed for two years at a time), a representative of the MCR and a representative of the JCR. In addition, the Equality representative of

the MCR and JCR shall be invited to attend for items relevant to them. Members of the Communications Team can also attend.

24.2 The Chair of the Committee will be the Rector. The Rector shall be the Convenor.

24.3 The purpose of the Committee is:

- a) to recommend to GB periodic renewals of the College strategy, and changes to the current strategy, for example, in the light of changing circumstances;
- b) to monitor the progress of the implementation of the strategy and report on this to GB;
- c) to agree how the strategy should be presented within and outside the College;
- d) review, at least annually, progress towards the College's Equality Objectives
- e) the development, implementation, monitoring, prioritisation and review of policies, procedures and practice to support the College's Equality Policy and Public Sector Equality Duty.

24.4 The Committee shall report to Governing Body.

**25. Safeguarding, Protection and Harassment Committee**

25.1 The membership of the Safeguarding, Protection and Harassment Committee shall be the Rector, the Safeguarding, Protection & Harassment Lead, the Deputy Safeguarding and Harassment Lead; the Equality and Diversity Lead, the College Welfare Officer, and the two Harassment Officers, the HR Manager, the Access & Admissions Lead and between two and four Fellows.

25.2 The Chair of the Committee will be the Rector, or a Fellow appointed by the Rector, as described in 5.2 above.

25.3 The Safeguarding, Protection & Harassment Lead shall be the Convenor.

25.4 The purpose of the committee is to

- a) develop policies for Safeguarding, Protection and Harassment;
- b) Advise on their implementation in specific cases;
- c) monitor the implementation and effectiveness of the College's Safeguarding and Protection Policy.

25.5 The Committee shall report to the Governing Body.

**26. Freedom of Speech Committee**

26.1 The membership of the Freedom of Speech Committee shall be the Rector, the Sub Rector, the Prevent Lead, and between two and four Fellows. The Prevent Lead shall be the Convenor.

26.2 The Chair of the Committee will be the Rector, or a Fellow appointed by the Rector, as described in 5.2 above. The Prevent Lead shall be its Convenor.

26.3 The purpose of the committee is to monitor the implementation and effectiveness of the College's Freedom of Speech Policy and to update it from time to time as required. In particular, the Governing Body delegates to it the power to make decisions concerning the cancellation of third-party bookings in the case of breaches of the Freedom of Speech policy.

26.4 The Committee shall report to the Governing Body.

### **27. Pensions Committee**

27.1 The membership of the Pensions Committee shall be the Rector, the Finance and Estates Bursar, the Deputy Bursar, and between six and nine additional Fellows.

27.2 The Chair of the Committee will be the Rector, or a Fellow appointed by the Rector, as described in 5.2 above. The Finance and Estates Bursar shall be its Convenor

27.3 The purpose of the committee is to consider implications of changes in pension arrangements for the College. In particular, Governing Body explicitly delegates to the Pensions Committee the responsibility to respond to any consultations on changed arrangements on behalf of Governing Body.

27.4 The Committee shall report to the Governing Body.

### **28. Sustainability Committee**

28.1 The membership of the Sustainability Committee shall be the Rector, the Domestic Bursar, the Finance and Estates Bursar, the Sustainability Officer, between four and six Fellows, three non-academic staff representatives (appointed for two years at a time), and up to two representatives each from the JCR and MCR (normally the President, or Vice President and the Environment representative). Members of the Communications Team can also attend.

28.2 The Chair of the Committee will be the Rector, or a Fellow appointed by the Rector, as described in 5.2 above. The Sustainability Officer shall be the Convenor.

28.3 The purpose of the committee is to

- a) to recommend to the Strategy Committee a strategy for reducing the adverse effect of the College's operations on the environment, and determine the priorities for action
- b) to carry out periodic reviews of this strategy, in the light of changing circumstances;
- c) to monitor the progress of the implementation of the strategy and report on this to the Strategy Committee and GB;
- d) to agree how the strategy should be presented within and outside the College.

28.4 The Committee shall report to the Strategy Committee.

### **29. Appeals Committee**

For the Appeals Committees see Bylaw XXIII.

### **30. Selection Committees in Relation to Fellowships**

30.1 It shall be the duty of a selection committee appointed in relation to a vacancy for a Fellowship to advertise the Fellowship, and issue further particulars; to draw up a short list of candidates and to interview these; and to make a report to the Governing Body with a firm recommendation on the candidate who should be elected by the Governing Body. The membership of these Committees will be as set out in paragraphs VII.18.2–18.8:

- 30.2 For Fellowships in association with University Statutory Chairs (two College places, of seven)
- a) Rector (ex officio) or delegate, (Convener for the College);
  - b) a Fellow of the College, selected by the Fellowships Committee.
- 30.3 For Associate Professorships with Tutorial Fellowships – College (four College places, of seven):
- a) Rector (ex officio), or delegate (Chair);
  - b) Senior Tutor (ex officio), or delegate (Convener);
  - c) a Fellow of the College, selected by the Fellowships Committee;
  - d) a second Fellow of the College, selected by the Fellowships Committee.
- 30.4 For Associate Professorships with Tutorial Fellowship – University (two College places of seven):
- a) Senior Tutor (ex officio), or delegate (Convener for the College);
  - b) a Fellow of the College, selected by the Fellowships Committee.
- 30.5 For Associate Professorships – non-Tutorial Fellowships (two College places of seven):
- a) Rector or Senior Tutor, by agreement between them (ex officio), or delegate (Convener for the College);
  - b) a Fellow of the College, selected by the Fellowships Committee.
- 30.6 Where the Associate Professorship is joint with another College, the Fellowships Committee may agree, in line with the norms for such posts, that one or more of the College places will be given over to the College which is the minor employer. Where the College is the minor employer of an Associate Professorship joint with another College, the Fellowships Committee shall be responsible for selecting the College’s member(s) of that selection committee.
- 30.7 For Fellowships which are associated with Lectureships of the College but not associated with University posts:
- a) Rector (ex officio), or delegate (Chair);
  - b) Senior Tutor (ex officio), or delegate (Convener);
  - c) a Fellow of the College, selected by the Fellowships Committee;
  - d) a second Fellow of the College, selected by the Fellowships Committee;
  - e) either [for posts which have a teaching obligation to Williams College] the Director of the Williams–Exeter Programme in Oxford (ex officio), or delegate; or [for Exeter-only posts] a third Fellow of the College, selected by the Fellowships Committee;
  - f) an expert in the subject area to which the post is to be recruited, and who is external to the College.
- 30.8 For Research Fellowships not associated with University posts:
- a) Rector (ex officio), or delegate (Chair and Convener);
  - b) a Fellow of the College, selected by the Fellowships Committee;
  - c) a second Fellow of the College, selected by the Fellowships Committee;
  - d) a third Fellow of the College, selected by the Fellowships Committee;

- e) [if the Selection Committee itself deems it necessary for an effective appointment] one or more expert(s) in the subject area to which the post is to be recruited, and who are external to the College.
- 30.9 For Supernumerary Fellowships offered in the annual competition, , the Selection Committee will be
- a) Rector (ex officio), or delegate (Chair and Convener);
  - b) a Fellow of the College, selected by the Fellowships Committee;
  - c) a second Fellow of the College, selected by the Fellowships Committee;
  - d) [if the Selection Committee itself deems it necessary for an effective appointment] one or more expert(s) in the subject area to which the post is to be recruited, who may be external to the College.
- 30.10 The Fellowships Committee will report to the Governing Body the composition of selection committees convened under paragraphs 30.2 to 30.9 above, and reports to Governing Body on the size and composition of a selection committee based on the above norms, including those for non-academic posts for cases in which the type of appointment does not come within those anticipated in the preceding paragraphs, including those for non-academic posts.

## X. FINANCIAL POWERS AND RESPONSIBILITIES

### 1. Expenditure of College

- 1.1 University Contribution. The application of the revenues of the College under the provisions and to the purposes of these Bylaws shall be subject to any Statute or Statutes made for the University under the powers of the Universities of Oxford and Cambridge Act, 1877, and the Universities of Oxford and Cambridge Act, 1923, for enabling or requiring the College to make contributions out of their revenues to University purposes, and to the payment of the charges imposed thereby.
- 1.2 The lawful expenditure of the College shall comprise the payment of charges for University purposes made for the University as aforesaid; the application of revenue to the purposes of the Statutes and these Bylaws; reasonable and customary expenditure (not inconsistent with them) for College purposes; extraordinary expenditure (when required) on estates; any reasonable donations for literary or scientific objects in the promotion of which the College, as a place of learning and education, is concerned; contributions to charitable or other purposes to which the College as owners of property may deem it expedient to contribute; and in particular it shall include such grants as the Governing Body shall think reasonable to any Fellow or other member of the College for the furtherance of research, or for the publication of the results of such research.

### 2. Expenditure Powers in relation to Endowment

- 2.1 This Bylaw shall apply to the following funds, namely
- a) All funds and endowments of the College which are not held on any specific trust.
  - b) Any endowment, benefaction or trust for purposes connected with the College.
    - (i) which was created by an instrument which came into operation not less than 60 years before 1 January 2003 or
    - (ii) of which the Rector and Fellows are the Trustees or governing body and have consented to the provisions of this clause; or
    - (iii) which does not fall within sub-paragraph (i) above but of which the Rector and Fellows are not the trustees or governing body and such trustees or governing body have consented to the provisions of this clause.
- 2.2 In this Bylaw:
- a) “fair value” means the amount at which an asset could be exchanged in an arm’s length transaction between informed and willing parties, other than in a forced or liquidation sale
  - b) “total return” means return in terms of both income, whether received or accrued, and capital appreciation, whether realised or unrealised.
- 2.3 The Rector and Fellows may appropriate for expenditure for the purposes of a fund to which this Bylaw applies and for purposes within paragraph 2.1 above so much of the fair value of the particular fund as is prudent in all the circumstances having regard to

the total return achieved and reasonably to be expected in the long term of the funds of the College to which this Bylaw applies.

- 2.4 Any reference in these Bylaw to the revenue or revenues of the College shall include the total sums appropriated in accordance with paragraph 2.3 above of this Bylaw.

### **3. Accounts**

- 3.1 Records of Account. The Governing Body shall cause such Records of Account to be kept as it shall from time to time determine.

- 3.2 Appointment of Auditors. The College Accounts shall be audited at least annually. The Governing Body shall appoint for that purpose a professional Auditor or Auditors who shall report in writing to the Governing Body.

- 3.3 Publication of Accounts. The Governing Body shall in every year cause to be prepared and delivered to the Registrar of the University for publication such information relating to the accounts of the College as may be prescribed from time to time by any Statute of the University made or to be made under the powers of the Universities of Oxford and Cambridge Act, 1923. The date on or before which such information shall be delivered to the Registrar, the forms of the statements in which it shall be shown, and the certificate accompanying such forms shall be as prescribed from time to time in the Statutes of the University made or to be made under the like authority; and the certificate shall be signed by the Auditor or Auditors aforesaid.

- 3.4 College Contribution. The Governing Body shall, on or before a date prescribed as aforesaid, furnish to the Curators of the University Chest such information as may be required for determining the amount to be paid by the College to the Curators as a contribution for University purposes under any Statute of the University made or to be made under the powers of the Universities of Oxford and Cambridge Act, 1923.

### **4. Investments**

- 4.1 All moneys which are held for the general purposes of the College and not on more restricted trusts may be invested or applied in the purchase of such securities, shares, stocks, funds or other investments including land or property of whatsoever nature and wheresoever situate and whether involving liability or not, or upon such personal credit with or without security, as the Governing Body may from time to time in its discretion think fit so that the Governing Body shall have the same powers of investing, varying and managing investments as if the Governing Body was absolutely and beneficially entitled thereto).

- 4.2 Any such investment shall stand either in the name of the College or in the name of a body corporate selected from time to time by the College as its nominee or custodian for that purpose.

- 4.3 In the case of Trusts administered by or for the benefit of the College the Governing Body, in pursuance of the Universities and Colleges (Trusts) Act, 1943, shall be empowered to invest moneys in accordance with the Scheme approved by His Majesty in Council on 27 April 1948 or with any subsequent amendments thereof.

**5. Investment Managers**

The College may from time to time appoint one or more suitably qualified persons as Investment Manager to carry out on behalf of the College the duties prescribed by this Clause on such terms as (subject to and in accordance with this Clause) the College shall think fit.

5.1 The College may pay reasonable and proper remuneration to an Investment Manager appointed and acting in accordance with this Clause.

5.2 The College may delegate to an Investment Manager appointed and acting in accordance with this Bylaw power at their discretion (but always in accordance with this Bylaw and the terms of their appointment) to buy and sell investments held on behalf of the College; and such delegation may permit those investments to be held by a nominee or custodian.

5.3 The College shall take reasonable steps (and if necessary shall take appropriate advice) to satisfy itself when making any such appointment that its terms are in accordance with best practice at the relevant time. In particular (to ensure that the College always has adequate information as to and appropriate control over the investments, funds or other assets of whatever nature to which the appointment relates) the Investment Manager shall be required:

- a) to review and report in writing to the Investment Committee at least once each calendar year on the College's investment policy and the performance of and the future prospects for the College's investments, and to give any relevant advice; and
- b) to report to the Investment Committee at once on any significant change since the last such review and report which may in their view require early attention by the College.

**6. Borrowing and indebtedness**

6.1 The College shall have the power to borrow as it sees fit from time to time.

6.2 The Governing Body shall monitor and manage the College's financial indebtedness with due prudence having regard to (i) the totality of the assets in its care; (ii) any restrictions or implications of indebtedness e.g. its commitments and obligations as an employer of the USS Pension Scheme; and (iii) how any debt will be repaid.

**7. Trusts**

7.1 This clause shall apply to each of the trusts, endowments, foundations and gifts set out below.

King Charles I (1636)	Loscombe Richards (1856)
Mitchell (1641) and Symes (1710)	Carter (1882)
Shortridge (Library) (1715)	Hasker (1883)
Gifford (1827)	Dr Skeat Prize (1900)
How (1831)	Waugh (1910)
Dr Richards Prize (1836)	Assistance Fund (1920)
Dr Richards Exhibition (1836)	Bedwell Prize (1920)

Hubert Parry and Thomas Wood Organ Scholarship (1921 and 1952)  
 War Memorial Exhibition (1926)  
 Ashworth Parkinson Scholarship (1927)  
 Science Prize (1928)  
 Dr Henderson Choir Fund (1929)  
 The Henderson Memorial Prize (1931)  
 Amelia Jackson (1932)  
 Quarrell Read Award (1932)  
 France (1933)  
 Amelia Jackson Chapel Fund (1933)  
 Farnell Memorial Fund (1934)  
 Alan Coltart Scholarship (1937)  
 James Moxham Exhibition (1946)  
 R.R.Marett Memorial Fund (1946)  
 Besse Fellowship Trust (1951)  
 Besse Scholarship Trust (1951)  
 Dawkins Trust (1956)  
 Cartwright Trust Fund (1961)  
 Engineering Prize (1963)  
 Fluchere Essay (1963)  
 Emery Physiology (1965)  
 Patrick Mathematics Prize (1966)  
 C.T.Atkinson Military History Fund (1966)

The Hinshelwood Fund (1968)  
 The Elsie Beck Memorial Prize (1968)  
 The Eyres Trust (1969)  
 The Walter Higgs Trust (1969)  
 The Ashby English Literature Trust (1972)  
 The Rossiter Fund (1973)  
 The Don Salvador de Madariaga Fund (1973)  
 E.O.James Fund (1974)  
 Peter Street Memorial Prize (1975)  
 Willmot Jenkins Fund (1975)  
 Whitfield Prize (1976)  
 Philip Toeg Fund (1982)  
 C.J.Hunt Fund (1982)  
 Bertha Wickham Trust (1983)  
 C.B.Hawkins Trust (1983)  
 Nevinson Travel Fund (1988)  
 Nevinson Education and Research Fund (1988)  
 Fitzgerald Fund (1988)  
 McNeil Fund (1988)  
 Pengilley Fund (1988)  
 Stephen Edmund East Memorial Fund (1989)

7.2 The Governing Body may from time to time use for the general educational purposes of the College any surplus income of the Trusts above.

7.3 “Surplus Income” means income unexpended in any year after the purposes of a particular Trust have been provided for in that year (whether wholly by income from the Trust or partly by income from the Trust and partly by other means) in so far (if at all) as, in the opinion of the Governing Body, it is possible to provide for the purposes of the Trust in that year.

**8. Delegation of Financial Decision Making**

8.1 Requests to College Committees to approve expenditure should be categorised as either:

- a) new items of a repeat or ongoing nature i.e. expenditure that would be expected to recur periodically; and
- b) new items that are one-off in nature.

New items (i.e. items not in the previous year’s budget or not already approved) can relate to expenditure on entirely new items, initiatives or projects, or higher incremental expenditure needed to maintain existing items, initiatives or projects.

There may also be new items in the current year's budget that nevertheless still need committee approval

The authorisation levels for Heads of Department, and College Officers are covered in the College's Delegation of Financial Authority Policy

- 8.2 Governing Body has authorised the following expenditure limits for repeat or on-going expenditure:
- a) F&GP - up to £30,000 per annum for each individual item or request;
  - b) Investment Committee, ERWC, Exeter College Summer Programme Board, IT Committee, Building and Gardens Committee - up to £10,000 per annum for each individual item or request.
  - c) Cases Committee, Staff Committee, Library Archives and Special Collections Committee, Governance and Policy Committee, Chapel Committee, Fellowships Committee, the Fellows Rooms Committee, Development Committee, and Health and Safety Committee – up to £5,000 per annum for each individual item or request.
- 8.3 Governing Body has authorised the following expenditure limits for one-off expenditure:
- a) F&GP - up to £100,000 for each individual item or request;
  - b) Investment Committee, ERWC, Exeter College Summer Programme Board, IT Committee, Building and Gardens Committee - up to £40,000 for each individual item or request; and
  - c) Cases Committee, Staff Committee, Library Archives and Special Collections Committee, Governance and Policy Committee, Chapel Committee, Fellowships Committee, the Fellows Rooms Committee, Development Committee, and Health and Safety Committee - up to £20,000 for each individual item or request.
- 8.4 In order to respond to an emergency or crisis, the Rector (or in their absence the Sub-Rector or Finance & Estates Bursar) plus any three other Fellows may authorise exceptional expenditure of up to £25,000.
- 8.5 Where a Committee has approved a one-off project costing £100k or more (which could, for example, be a refurbishment, a building project or an IT project), that Committee must receive updates of any material variations, scope changes, or changes in the overall estimated cost. A new approval must be obtained where the cost rises by more than 25% of the original approved cost.
- 8.6 Provisions for authorising budgeted expenditure will be maintained by the Deputy Bursar who would seek authorisation for any major policy changes from F&GP, as appropriate.
- 8.7 All amounts include any tax (e.g. VAT) or employers' on-costs (e.g. national insurance or pension contribution) as appropriate.
- 9. Procurement**
- 9.1 All Budget Holders are required to consider value for money when making purchasing decisions.

- 9.2 For all recurrent expenditure, Budget Holders must refer to the University's list of preferred suppliers when making purchasing decisions.
- 9.3 For one-off expenditure over £5,000, Budget Holders are normally required to obtain three quotations. The final selection of supplier need not be based on price alone.

**10. Pensions**

**10.1 Approved Pension Schemes**

- a) The following pension schemes are approved by the Governing Body:
- (i) The Universities Superannuation Scheme (USS)
  - (ii) The Oxford University Staff Pension Scheme (OSPS)
  - (iii) Church of England Pension Scheme (CoE)
  - (iv) National Employment Savings Trust (NEST)
- b) The College may agree to contribute to the pension scheme or plan of a College Officer who is not a University employee at a rate not exceeding the College rate approved by Governing Body/Finance and General Purposes Committee from time to time.
- c) The College's contribution to any other pension scheme shall be limited to the minimum required by law, and the College shall make no other provision for pensions for former employees who leave the College employment after 1 April 1988.

*Universities Superannuation Scheme*

- 10.2 Membership of this scheme shall be open to the Rector, the Official Fellows, the Research Fellows, permanently employed tutors, and other permanent staff members on grade 6 or above.

*Oxford University Staff Pension Scheme*

- 10.3 The College is an associated employer under the Oxford University Staff Pension Scheme (OSPS). The scheme is for all eligible permanent employees of the College who are not members of USS, NHSSS or CoE.
- 10.4 Membership is limited to permanent staff members on grade 5 or below or who are paid hourly, who at the time of joining are under 75. Every eligible employee is deemed to be in membership until such time as they give notice to the contrary in writing to the College and the Secretary of the Trustees.
- 10.5 Further detail provided to employees on employment and on request.

*Church of England Pension Scheme*

- 10.6 The Chaplain if they so wish may join the Church of England Pension Scheme rather than USS. If they decide to do so then the College will make a contribution equivalent to a contribution made to the USS Scheme and the chaplain will be responsible for making up this contribution to the total cost of the Church of England Scheme.

*National Employment Savings Trust*

- 10.7 To satisfy its auto-enrolment statutory requirements, the College has enrolled in NEST to provide casual staff, and other entitled workers, access to a qualifying pension scheme.

**XI. THE VISITOR**

It is the intention of the Governing Body that this section of Bylaws should be included in the College's Statutes at their next revision.

- 1.1 The Governing Body and individual Fellows accept that the Visitor may appoint a Commissary to act on their behalf in the matters set out in Statute 11.3 and 11.4, in addition to the provisions for a Commissary in 11.2.
- 1.2 The Governing Body and individual Fellows accept that if the Visitor wishes to propose a Commissary (who may be a natural person or a corporate body) to act on their behalf, the Visitor should supply two names to the College. The Governing Body may, if it wishes, request that one of these be appointed. The Visitor may approach the Conference of Colleges directly for suggestions of names from the panel of Commissaries maintained by them.

The Governing Body and individual Fellows accept that the Commissary may appoint one or more Assessors to assist them.

**XII. PROVISIONS RELATIVE TO THE UNIVERSITY**

The relevant section of the Statutes applies.

**XIII. ACADEMIC STAFF**

The relevant section of the Statutes applies.

**XIV. HEALTH AND SAFETY**

- 1.1 The Governing Body shall be ultimately responsible for all health and safety matters and for ensuring that its health and safety policy is for the benefit of its employees and others who may be affected by activities on College premises.
- 1.2 The Governing Body shall review its health and safety policy annually and authorise the incorporation of those proposed amendments of which it approves.
- 1.3 The Governing Body shall require an annual report on health and safety to be presented by the Health and Safety Committee for its consideration each Hilary Term. The report shall cover the following matters in respect of the previous calendar year:
  - a) A list of all reportable accidents and diseases that have affected employees, students or others.
  - b) Any improvement or prohibition notices served on the College by HSE Inspectors for any matters relating to health and safety.
  - c) Any prosecutions taken out against the College by any of the enforcing authorities.
  - d) Any major incidents such as a fire or other event of significance affecting employees, students or others.
  - e) Any significant failings in health and safety reported by the Health and Safety Officer, the Assistant Health and Safety Officer, the Health and Safety Assistant, Enforcement Officer, Insurance Company Representative or Health and Safety Adviser.
- 1.4 The Governing Body shall be responsible for ensuring that sufficient resources in terms of staff, training and funds are allocated to fulfil its legal obligations and the standards set out in its health and safety policy.

**XV. PRIZES**

The following prizes established by Trust shall be awarded from time to time to Students of the College.

<b>Prize Name</b>	<b>Date of Trust</b>	<b>Awarded For</b>	<b>Agreed By</b>
Alstead Prize	1992	awarded to a person reading Jurisprudence in their final year after an examination in a subject or subjects announced in advance by the Tutors in Law;	GB
Ashe Lincoln Prize	1990	awarded annually, if there is a sufficiently worthy candidate, for the best essay by an undergraduate member of the College on a subject in Law set by the Law Fellows;	GB
Elsie Beck Memorial Prize in Classics	1968	awarded to a person reading Classics in their final year;	GB
Bedwell Prize	1920	awarded for the best unsuccessful College entry for one of the Newdigate Prize, the Chancellor's Awards, and the Gaisford Prizes;	GB
Sir Arthur Benson Memorial Prize	2000	awarded for the best performance in a Mods or Prelims Philosophy paper;	GB
Burnett Engineering Prize	1966	awarded to a person reading Engineering;	GB
Coghill/Starkie Prize	1997	awarded for an essay on English poetry, the topic to be approved by the English tutors;	GB
Emery Prize	1965	awarded to a person reading Physiology in their second or final year;	GB
Fitzgerald Prize	1989	awarded for achieving a First Class in a Final Honour School, and for a First Class or a Distinction in a First Class Public Examination;	GB
Fluchère Essay Prize	1963	awarded for an essay in French by an undergraduate on a French topic, the subjects being approved in advance by the Tutor in French;	GB
Goldsbrough Science Prize	1974	awarded to a person reading Natural Sciences;	GB
Henderson Memorial Prize	1931	awarded for an essay on a subject connected with Ancient History;	GB
Walter Higgs Prize	1969	awarded for an essay on some subject, chosen by the candidate and approved by the tutors in PPE, in the area of Social Studies;	GB
Paul Humphris Memorial Prize	1984	awarded to a person reading Classics in their final year;	GB
Patrick Mathematics Prize	1967	awarded to a person reading Mathematics in their second year;	GB
Pergamon Press Prize	1989	awarded for an essay in Science or Engineering, the topic to be approved in advance by a tutor in the subject concerned;	GB

<b>Prize Name</b>	<b>Date of Trust</b>	<b>Awarded For</b>	<b>Agreed By</b>
Simon Pointer Prize	1992	awarded to a person reading Modern History in their second year;	GB
Dr Richards Prize	1836	awarded for a Theological essay;	GB
Skeat-Whitfield Prize	1976	awarded for an essay of about 6,000 words on any aspect of English Language or Literature, the topic to be approved by the Tutors in English;	GB
Lelio Stampa Prize	1983	awarded for an essay on a historical topic approved by the Tutors in Modern History;	GB
Potter Prize	2012	awarded to a First Year student who has shown outstanding academic performance in any Preliminary Examination in Mathematics and its Joint Schools;	GB
Laura Quelch Prize	1999	awarded for the extended essay judged best by the Public Examiners among those submitted in Modern History by members of the College in any Final Honour School. In the event of a tie the prize shall be awarded at the discretion of the Modern History Tutors;	GB
Tobias Law Prize	2001	awarded annually to a top graduating student in either the Honour School or the BCL;	GB
Willmot Jenkins Prize	1975	awarded to the best student reading English Language and Literature;	GB
David Wing Prize	2013	for excellence in biochemistry, awarded on the recommendation of the Tutor in Biochemistry to one or two) undergraduate students) in any year for excellent work in biochemistry.	GB
Helen Taylor Prize	2014	awarded to the highest-achieving Medical Sciences student at Exeter College in first year examinations.	GB
Christopher Wood Memorial Prize	2009	awarded to the second year Modern Languages student who shows the most improvement after Mods, and to the fourth year Modern Languages student who shows the most improvement at Finals.	GB
Quarrell Read Prizes	1932	awarded to the Junior Member or Members of the College in their final year who are judged to have entered most fully and helpfully into the life of the College;	GB
Peter Street Memorial Prize	1975	awarded to a Junior Member of the College who has worked meritoriously and has entered fully and helpfully into the life of the College;	GB
Caroline Dean Prize	1989	awarded to a Junior Member of the College reading Mathematics who has entered fully and helpfully into the life of the College.	GB

**XVI. TEACHING DUTIES****1. Lecturers who are Official Fellows of the College**

- 1.1 A Lecturer shall be required to study for the advancement of learning, to undertake such tuition and supervision as is assigned to them by the Governing Body on the recommendation of the Education, Research and Welfare Committee, and (if the holder of a joint post with the University) to offer University lectures or classes under the authority of a Faculty Board, Division or Department.
- 1.2 A Lecturer shall have a contractual commitment to the College to give College teaching to undergraduates (whether of the College or, by exchange, of other Colleges within the University). The number of hours required will be set according to the teaching needs of the College and (in the case of those holding joint posts) according to established norms relating to the balance of their appointment between the joint employers. A Lecturer's teaching stint shall be expressed in 'weighted' hours, unless their post (or the post for which a Stipendiary Lecturer is covering for a sabbatical or inter-regnum) has been subject to stint reform in which case the stint which expresses stint in 'contact' hours. For those teaching 'weighted' hours, the weighting regime shall be that recommended by the Senior Tutors' Committee of the Conference of Colleges, i.e.: one single tutorial = 1 weighted hour; one paired tutorial = 1.25 weighted hours; one tutorial of three or more students = 1.5 weighted hours. For those teaching 'contact' hours, singleton tutorials shall be by exception only. The marking of Collection papers shall count towards stint. A Lecturer shall be required to record their teaching, including teaching by exchange, on OxCORT, the Teaching Management System, or such other system as may be used to record College teaching (such reports must be submitted no later than Monday of Week 8 in each term; they are used for Rector's Collections that week, and then released to the students concerned after the end of Week 8).
- 1.3 Lecturers who hold a joint appointment of the University will be remunerated according to the relevant salary scale for such an appointment. Lecturers who do not hold a joint appointment with the University shall be remunerated in line with the relevant salary scales published in the Register of Approved Payments published by the Senior Tutors' Committee of the Conference of Colleges.
- 1.4 A Lecturer's undergraduate teaching hours (including hours of undergraduate teaching under paragraph 1.2) shall not exceed those stated in their contract, except with the Lecturer's own consent. A Lecturer who teaches in excess of their stint will be paid for this 'overstint' teaching according to the arrangements agreed by the Governing Body from time to time, and set out in Standing Orders. Fellows of the College who are Lecturers may apply for temporary variation of College teaching duties in accordance to the schemes in place from time to time. It shall be the responsibility of the Senior Tutor to secure following the end of each Trinity Full Term a statement of the undergraduate teaching hours given by each Lecturer during the academic year and to inform the Accountant of any overstint payments due to Lecturers in respect of that academic year.

- 1.5 Special arrangements shall pertain to the teaching of Williams College Visiting Students on the Williams–Exeter Programme in Oxford (WEPO). The stint relating to the Rankin Fellow, the Boskey Fellow, and the Singer Fellow shall be recorded in the WEPO agreements. If any Lecturer who has not taught their full stint is asked to teach a WEPO student, the Lecturer may choose whether to count that tuition as contributing to their stint (by submitting a report on OxCORT or such other system as may be used to record College teaching), or alternatively to claim payment at the WEPO annual rate directly from Williams College. For the avoidance of doubt, a Lecturer who is under stint (or is at risk of being under stint across the academic year) must not request or accept direct payment from Williams College; rather, in such cases teaching of WEPO students must be counted against their Exeter College stint (any overtime payment resulting will thence be made at the Exeter College overstint rate).
- 1.6 A Lecturer shall not undertake any teaching which interferes with the proper discharge of their duties under paragraph 1 above. They shall not undertake any regular teaching commitment to another College (apart from regular swap teaching arrangements), or to another institution except the University of Oxford, without the approval of the Education, Research and Welfare Committee.

**XVII. THE CHAPEL AND THE CHOIR**

It is the intention of the Governing Body that this section of Bylaws should be restored to the College's Statutes at their next revision, its having been removed in 2021.

*The Chaplain and the Chapel*

- 1.1 The Chaplain shall conduct Daily Service during Full Term in the College Chapel according to the rites of the Church of England under the direction of the Governing Body, and shall discharge such other duties in the Chapel as the Governing Body shall from time to time determine. The Governing Body is the Ordinary of the Chapel.
- 1.2 For Divine Worship, other than that according to the rites of the Church of England, permission must be sought by the officiant and / or organiser from the Chaplain. Marriage, other than according to the rites of the Church of England, is not possible.
- 1.3 No person shall hold the office of Chaplain who is not in Deacon's Orders of the Church of England (or a Church in full communion with the Church of England) at least, and if in Deacon's Orders shall proceed to take Priest's Orders with as little delay as possible.
- 1.4 If the Chaplain is not a Fellow of the College, the Governing Body may assign to them at their discretion for so long as they hold the office of Chaplain such privileges in respect of rooms and meals as may, under the provisions of Statutes and Bylaws, be granted to a Fellow.
- 1.5 The Governing Body shall have power of appointing a person in Holy Orders to assist the Chaplain in the performance of Divine Service to such extent and for such time as they approve, and may allow such reasonable remuneration as they shall think fit.
- 1.6 During any temporary vacancy of the Chaplaincy, the Governing Body shall make due provision for the performance of Divine Service in the College Chapel.

*The Catechist*

- 1.7 The Catechist shall be appointed annually by the Governing Body of the College, and shall preach so many sermons in the College Chapel in Full Term as they shall from time to time enjoin.
- 1.8 If the Chaplain be unable, through illness or absence to discharge their duties, the Catechist shall make due provision for the conduct of the Daily Service.

*The Choir*

- 1.9 The Choir shall be made up of up to 12 Academical Clerks (members of the choir who are also students at the College) and up to 12 Choral Bursars (members of the Choir who are not student members of College). The Choir shall sing three services each week in Full Term. The Parry Wood Organ Scholar, assisted by the Graduate Organist and Junior Organ Scholar shall assume daily responsibility for the provision of music in the Chapel, under the supervision of the Chaplain. They shall receive suitable remuneration as the Governing Body may think fit.

## XVIII. STIPENDS, ALLOWANCES AND COMMON ROOM

## 1. Stipends

- 1.1 The stipend of the Rector shall be recommended to the Governing Body by the Remuneration Committee prior to appointment, including a process to provide increases.
- 1.2 No stipend shall be payable in respect of their Fellowship to any Professorial, Emeritus, Honorary, Visiting, Supernumerary Fellow or Fellow by Special Election.
- 1.3 An Official Fellow shall, in respect of their Fellowship, receive such annual stipend as the Governing Body may determine.
- 1.4 A **Housing Allowance** shall be paid to any Official Fellow. This allowance shall be paid from Corporate Revenue, save that in the case of a Fellow whose Fellowship stipend is paid from another source, the allowance shall be paid from that source. For the sake of clarity, the Housing Allowance is part of total salary payable to its recipients by the College and is pensionable and subject to tax and National Insurance. During any period when the full salary is not paid (including periods of unpaid leave, when the only salary paid is statutory pay, or when the employee has agreed a period of less-than-full-time working in their post), the full salary against which the reduced salary is reckoned shall include the Housing Allowance."

## 2. Allowances in Addition to Stipends

- 2.1 The Governing Body may, if they think fit, set apart and allow such moderate sum of money from the corporate revenue of the College as they may from time to time determine for the provision of a Common College Meal or Meals, whether in Hall or in some public room of the College, of which the Rector and each of the Fellows of the College shall be entitled to partake free of charge, once (or if the Governing Body so determine more than once) in every day, and also (if the Governing Body so determine) any Lecturer or Officer of the College, not being a Fellow.
- 2.2 Arrangement for the **Academic Support Allowance** are set out in VI.4.3.
- 2.3 An **Establishment and Entertainment Allowance** shall be available to the Rector in respect of necessary expenses of establishment and necessary entertainment in connection with their office.
- 2.4 An **Entertainment Allowance** shall be available to any Lecturer who is also an Official Fellow in respect of necessary entertainment in connection with their Lectureship. The Entertainment Allowance is spent on entertainment of undergraduate and graduate students, in particular the School's Dinner.
- 2.5 **Entertainment Allowances** shall be available to the following College Officers in respect of necessary entertainment in connection with their offices: Sub-Rector, Chaplain, Junior Deans and other College Officers as the Governing Body may determine.
- 2.6 The annual rates for allowances shall be reported to Governing Body.

**3. Summary of Common Room Entitlements**

3.1 There are the following categories of SCR membership:

- a) Ordinary members, who are Professorial Fellows, Official Fellows, Fellows by Special Election or Research Fellows of the College;
- b) Extraordinary members, who are former Fellows of the College (whether Emeritus or not), and former Visiting Fellows;
- c) Honorary members, who are Honorary Fellows, and occasionally other notable friends of the College elected by the members of Common Room.

3.2 Other persons may be elected *Associate Members* of the SCR, for up to one year at a time. They may be re-elected for further periods of up to one year at a time. Associate Membership may be offered to: Visiting Fellows, College Lecturers and Officers who are not Fellows, Senior officers or academic researchers employed by the University and Senior academic researchers visiting Oxford.

3.3 The following table sets out the benefits associated with different categories of membership and different types of Fellows.

		Lunch	Lunch guests	Dinner	Dinner guests	Common Table	Use of SCR guest room
Ordinary members of Common Room	GB Fellows						
	Supernumerary Fellows	Yes	Yes	Yes	Max 3	Yes	Yes
Extraordinary Members	Emeritus Fellows	Yes	Max 2	Yes	Max 3	Yes	Yes
	Retired Fellows	Yes	No	Yes	Max 3	No	Self only
	Former Fellows	Yes	No	Yes	Max 3	No	No
	Former Visiting Fellows	Yes	No	Yes	No	No	No
Honorary Members	Honorary Fellows	Yes	No	Yes	Max 3	Yes	Self only
	Lifetime Associates of SCR	Yes	No	Yes	Max 3	No	No
Associate Members	Visiting Fellows	Yes	Yes	Yes	Max 3	Yes	Yes
	College lecturers and officers	Yes	Yes	Yes	Max 3	Yes, in line with contractual entitlement	No <sup>3</sup>
	College Staff at Grade 7 and above	Yes	No	No	No	Yes, in line with contractual entitlement	No
	Other Associate members	Yes	Max 2	Yes	Max 3	No	No

Not a member of the SCR	Prideaux Fellows	No	No	Yes (Formal High Table only)	Max 3 (Formal High Table only)	No	No
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**4. Payment of College Officers during Sickness**

- 4.1 The list of College Officers is set out in Statute and in Bylaw VII.
- 4.2 The College shall pay Statutory Sick Pay to those Officers who are eligible in accordance with the appropriate legislation and Bylaw XIX.3.3.
- 4.3 If entitlement to Statutory Sick Pay is exhausted, or in the case of employees who are ineligible for Statutory Sick Pay, the College in the case of those holding Associate Professorships with Tutorial Fellowships and those not holding stipendiary University posts shall make deductions from full pay of the maximum amount of sickness or other state benefit that would be available (even if it is not claimed).
- 4.4 No deductions shall be made from payments at half pay paid under Bylaw XIX.3.3 except that, where the total amount of half pay plus state benefit or other allowances exceeds full pay, a deduction shall be made of an amount equivalent to the excess.
- 4.5 Where appropriate, a period of three ‘waiting days’ shall be allowed before any deductions are made under the provisions of this decree.
- 4.6 The days on which an Officer is required to work are Monday to Friday.

<sup>3</sup> Except Full time stipendiary lecturers

**XIX. LEAVE****1. Rector's Leave of Absence**

- 1.1 The Rector may apply for leave of absence during one term for every six terms during which, not being on leave, they have carried out their duties as Rector. Application shall if possible be made at least a year in advance. The Governing Body shall grant such leave if the Rector has carried out their duties for at least nine terms since their election as Rector and if it has been able to make other arrangements for the proper discharge of the duties of the Rectorship; provided that leave shall not normally be granted under this clause for more than one term in any academic year. If the Governing Body refuses an application by the Rector for leave under this clause it shall, if the Rector so wishes, use all reasonable endeavours to make arrangements satisfying the above conditions for a later term; and if it shall succeed, leave shall be granted for the later term in lieu of the term applied for. If the Governing Body grants leave of absence to the Rector under this Bylaw the terms of paragraph XIX.2.6 below shall apply to them mutatis mutandis. This Bylaw shall not apply to leave taken during the vacation.

**2. Leave as of Right**

- 2.1 Every Official Fellow engaged as a Lecturer of the College in the educational work of the College shall be entitled to leave of absence from duty (hereinafter 'sabbatical leave') during one term for every six terms of qualifying service.
- 2.2 Sabbatical leave shall be reckoned on the basis of one term's leave for every six terms of qualifying service, as defined in the next paragraph.
- 2.3 A period of qualifying service shall be a period during which the Fellow has without intermission discharged their contractual duties, or during which the Fellow has not discharged their contractual duties because they have:
- a) taken paid or unpaid sick leave; or
  - b) taken paid or unpaid maternity, adoption, paternity or parental leave; or
  - c) agreed with the Governing Body that a particular period in which the member of staff has not fulfilled their contractual duties may be reckoned as qualifying service for the purposes of these regulations.
- 2.4 Qualifying service shall normally accumulate up to a maximum of eighteen terms, from which six terms shall be deducted whenever a term of sabbatical leave is taken.
- 2.5 A Fellow's terms of qualifying service may be reduced by such number, not exceeding six, as the Governing Body shall determine in respect of each term during which the Fellow has been granted Discretionary Leave under Bylaw XIX.3. In the case when this number exceeds the number of a Fellow's terms of qualifying service, their future terms of service up to the number of that excess shall not count as qualifying service.
- 2.6 Not more than one calendar year of sabbatical leave shall be granted in any one period of three years.
- 2.7 In exceptional circumstances, sabbatical leave may be postponed without loss of entitlement by deeming it to relate to an earlier period, on condition that:

- a) the Fellow would have had sufficient qualifying service to make them eligible for the leave in the earlier period; and
  - b) (i) the Fellow is able to make a strong academic case to the Governing Body for the leave to be postponed and deemed to be taken at the earlier period; or (ii) such postponement is in the interests of the College (e.g. such as to ensure no loss of entitlement for Fellows holding College Office, or to ensure adequate teaching provision), and is limited to a period which shall not exceed two years, unless the Governing Body, with the consent of the Fellow concerned, determines otherwise; and
  - c) the application for leave is made before the beginning of the earlier period.
- 2.8 In exceptional circumstances, leave may be taken in advance of entitlement, on condition that:
- a) leave is not taken more than six terms in advance of entitlement; and
  - b) the Fellow is able to make a strong academic case to the Governing Body for the leave to be taken in advance of entitlement.
- 2.9 Fellows are normally expected to serve for one subsequent term in respect of each term of sabbatical leave, before resignation or retirement.
- 2.10 When a Fellow is absent on leave to which they are entitled as of right, they shall normally be allowed to retain their full stipend and allowances as Fellow and Lecturer, provided that they will spend a considerable portion of their leave in study for the advancement of learning, and that, except with the express permission of the Governing Body, they will undertake no teaching or administrative duties in Oxford, other than examining and graduate supervision. If the Fellow, after taking into account firstly any loss of normal sources of income (but assuming for the calculation that they are in receipt of their full University salary, if any, and regular College stipend and allowances), and secondly any gain of income from any new sources (less any additional expenses associated with the new activities), finds that at the end of a period of leave they are in a better financial position than if they had not taken leave, then they shall decide what sum would have to be deducted from their income so as to leave them approximately in the same state as if they had not taken leave, and they will forgo from their stipend such proportion of that sum as their College stipend and allowances are (at the start of the leave) of their combined College and University income. It shall be the duty of a Fellow to inform the Deputy Bursar of this sum at the end of a period of leave. No financial or other compensation will be offered for meals not taken in College when absent on sabbatical leave.
- 2.11 A Fellow who desires to exercise their right to sabbatical leave in a particular term must send written notice to the Rector to this effect in time to enable consideration of the request by the Education, Research and Welfare Committee not later than the penultimate term before the start of the proposed sabbatical leave.
- 2.12 Unauthorised leave will not count towards qualifying service for the accrual of sabbatical leave.

**3. Discretionary Leave**

- 3.1 Nothing in the above provisions concerning leave as of right shall in any way limit or affect the power of the Governing Body to grant leave of absence to any Fellow at any time when it may seem expedient to them and not inconsistent with the tutorial and administrative needs of the College. In the exercise of this power the Governing Body shall take into account bereavement and time off to care for dependants.
- 3.2 The Governing Body may grant paid leave to any member of staff on account of ill health.
- 3.3 When a member of staff is absent on leave granted at the discretion of the Governing Body, they shall receive such payment, if any, as the Governing Body may determine. In the case of leave granted on account of ill-health the Governing Body shall have regard to the following table relating period of service to length of time for which sick pay should be given:

<i>Service</i>	<i>Full Pay</i>	<i>Half Pay</i>
First three months	Two weeks	Two weeks
Remainder of first year	Two months	Two months
Second and third years	Three months	Three months
Fourth and fifth years	Five months	Five months
Subsequent years	Six months	Six months

Any contractual sick pay includes any Statutory Sick Pay (SSP) payable for that period. The maximum period of entitlement, which may be made up of one or more periods of absence, will be calculated on a rolling 12-month basis and backdated from the first date of absence.

**4. Attendance at Meetings of the Governing Body**

- 4.1 A Fellow who is absent on leave to which they are entitled under this Bylaw, or which has been granted to them at the discretion of the Governing Body, shall have the right to attend meetings of the Governing Body and shall receive the normal notices from the Rector.

**5. Employment related issues**

- 5.1 All Fellows employed by the College, and all staff whose employment is governed by Bylaws, are entitled to the following provisions as set out in the College’s policies, available on the College website.
  - a) Statutory Maternity Pay

- b) Statutory Adoption Leave and Pay
- c) College Adoption Leave
- d) Paternity Leave and Pay
- e) Shared Parental Leave
- f) Shared Parental pay
- g) College Parental Leave
- h) Time off for dependents
- i) Fertility treatment leave.

## XX. REDUNDANCY

### Redundancy Procedure

This procedure shall apply when the circumstances described in Clause 10 of the Appendix to the Statutes arise (hereinafter 'a redundancy situation').

#### 1. Stage 1 – Governing Body Meeting

- 1.1 In the event that a reduction in staff or activity is contemplated for any reason whatsoever, the Rector shall ask the Governing Body to consider and determine upon the matters set out in the Appendix to the Statutes Clause 10.
- 1.2 The Rector shall cause a detailed memorandum of information to be prepared by the relevant College Officer or Head of Department on a confidential basis for the Governing Body. The memorandum shall contain all relevant available information including financial and academic matters, setting out in detail the position of the College and the matters to be considered both in favour of and against making any reductions in general terms and in so far as possible without reference at this stage to the position of any individual members of academic staff who may be affected.
- 1.3 The memorandum shall seek to present information fairly and in an even-handed manner and shall not make recommendations for any specific course of action. The memorandum shall evaluate as far as possible the impact of any reduction on the principles established by Clause 1 of the Appendix to the Statutes.
- 1.4 To provide members of staff with an opportunity to consider, and respond to, the memorandum of information, it shall be circulated at least seven days before the relevant meeting of the Governing Body and representations shall be invited. Any representations which are received by the Clerk to the Governing Body before 12pm on the second day before the day of the meeting shall be circulated to all members of the Governing Body.
- 1.5 Prior to making any decision under Clause 10 the Governing Body shall consider the impact of such a decision on the relevant Division, Faculty or Department and subject boards and shall consult with the relevant University bodies as appropriate.

#### 2. Stage 2 – Redundancy Procedure: Initial Stage

- 2.1 Once a decision has been reached in principle under the Appendix to the Statutes Clause 10, the Governing Body shall appoint a Redundancy Committee ("the Committee") unless it determines that it will carry out the task of handling any redundancies itself.
- 2.2 Members of the Committee shall be selected in accordance with the provisions of the Appendix to the Statute. However, no members of staff who appear to be personally affected or likely to be so affected shall be chosen. The Chair of the Committee shall be expressly so appointed by the Governing Body.
- 2.3 In the case of a potential redundancy situation arising, appropriate procedures for consultation with representatives of the members of staff potentially affected shall

be implemented. Such consultation shall generally be carried out by the Redundancy Committee or, if none is appointed, the Governing Body itself.

- 2.4 The Redundancy Committee (or if none is appointed, the Governing Body) shall meet as soon as is reasonably practicable to establish a time-table for consideration of the issues. The Committee shall consider the identification of those who are potentially at risk of redundancy and shall seek to identify any alternatives to redundancy which shall include the possibility of alternative employment. It shall also consider, where applicable, selection criteria for the determination of who is to be chosen from among those who are potentially redundant.
- 2.5 No decision shall be taken upon any of the relevant matters without the Committee's ensuring that there has been full and proper consultation with the affected persons and their representatives. For this purpose, and prior to any decision being made, the Committee shall ensure that each person is afforded an opportunity to meet with members of the Committee (accompanied by a representative if they wish), to be provided with all relevant information and to make representations on any aspect of the case.
- 2.6 After having considered all relevant matters the Redundancy Committee shall meet to formulate its recommendations together with the reasons for them. A written report of the recommendations and reasons for them shall be provided to the Governing Body and to the affected person or persons as well as their representative(s).

### **3. Stage 3 – Decision to Dismiss**

- 3.1 Upon receipt of the report and recommendations of the Redundancy Committee the Governing Body shall consider the matter further.
- 3.2 Any member of staff whose dismissal on grounds of redundancy is recommended by the Redundancy Committee, shall be permitted at least one week between the date of the Committee's report and the meeting of the Governing Body to prepare and submit any representations they consider appropriate to the Governing Body. Any representations which are received by the Clerk to the Governing Body before 12 pm on the second day before the day of the meeting shall be circulated to all members of the Governing Body.
- 3.3 In addition to submission of written representations, the person concerned shall have the opportunity to make oral representations to the Governing Body prior to any decision being made and shall be entitled to be accompanied by a work colleague or a Trade Union representative of their choice.
- 3.4 The Governing Body may request a member of the Redundancy Committee (where appointed), being the Chair or their delegate, to attend the Governing Body formally in that capacity to present the Committee's recommendations and to answer questions from the Governing Body and/or the person or persons concerned. If the Governing Body so determines, the Redundancy Committee may be asked to carry out further consultation with affected members or any other appropriate person.
- 3.5 In the event that the Governing Body accepts the recommendations of the Redundancy Committee and votes to dismiss any member of staff on grounds of redundancy, a written note of the decision of the Governing Body together with a copy

of the procedures establishing a right of appeal shall be provided to the person affected and their representative in line with the provisions of the Appendix to the Statutes. No decision shall be implemented until after any appeal has been determined under the Appendix to the Statutes Part V.

- 3.6 If the Governing Body decides upon the dismissal of any member of staff on grounds of redundancy, it shall ensure that provision is made to assist the person concerned with financial and career planning, with reasonable expenses to be met by the College.

## XXI. STAFF DISCIPLINE

## 1. Informal Stage

- 1.1 Where it appears to the Rector that the conduct or performance of a member of staff is falling below an acceptable standard or the member of staff appears to be otherwise in difficulties, an informal meeting shall be arranged with that person to explore the situation and to consider what action can be taken to improve their conduct or performance. The informal discussion shall not be viewed as a disciplinary act but as an opportunity to explore together any problems that appear to have arisen and consider solutions that may be available. A record of this initial meeting shall be kept, provided that a copy of any note is made available to the member of staff.

## 2. Disciplinary Warnings

- 2.1 In any case where it seems to the Rector that the performance and/or conduct of a member of staff appears not to meet acceptable standards but where the circumstances do not appear to raise prima facie grounds for dismissal (for example, after investigation of a complaint submitted to the Rector under the Appendix to the Statutes, which is not to be referred to an Academic Disciplinary Committee), the Rector shall refer the matter to the Sub-Rector and the Academic Dean who shall together deal with it under the Appendix to the statutes. The Sub-Rector and Academic Dean shall convene a meeting with the individual for the purpose of considering the matter and any appropriate sanction. No disciplinary sanction shall be imposed unless the person concerned has had reasonable notification of the allegations made against them and an opportunity to respond and until the matter has been properly investigated.
- 2.2 Prior to the meeting, the person concerned shall be provided with written notification of the date and nature of the meeting and the matters to be considered, together with copies of any relevant statements. They shall have the opportunity to be accompanied or represented by a work colleague or Trade Union representative. The individual shall not normally be permitted legal representation at this stage.
- 2.3 In the event that it appears to the Sub-Rector and the Academic Dean that the individual's conduct and/or performance has fallen below acceptable standards, and depending on the gravity of the situation and all the circumstances of the case, the Sub-Rector may issue an oral or written warning.
- 2.4 **Stage 1: Oral Warning:** The oral warning is the first stage of the disciplinary procedure. It shall state clearly that it comprises the first stage of the disciplinary process. The reasons for the warning shall be specified, together with any agreed plan of action for improvement, where applicable. The oral warning shall be recorded in a dated written note, a copy of which shall be provided to the individual. The note shall be kept on file and, subject to satisfactory conduct and performance, shall be regarded and marked as spent after one year.
- 2.5 **Stage 2: Written Warning:** In the event that the person's conduct and/or performance does not improve, or gives further cause for concern whether of a similar nature or not, within the twelve-month period during which the oral warning remains live, and

in any case where the seriousness of the matter so merits, the disciplinary action which the Sub-Rector may take short of dismissal is a written warning. The written warning shall specify the reason for the warning, set out the improvement required and the time for achieving it, and state that a complaint may be made to the Rector seeking the institution of disciplinary proceedings heard by an Academic Disciplinary Committee. It shall be dated and a copy shall be provided to the individual as well as being kept on file. A written warning remains “live” for a period of two years after which, subject to satisfactory conduct and performance, it shall be regarded and marked as spent.

- 2.6 **Stage 3: Appeals:** In the event that either an oral or a written warning is issued, the person concerned shall be notified of their right of appeal under Clause 13(2) of the Appendix to the Statutes

### 3. Dismissal

- 3.1 In any case before the Rector on a complaint under the Appendix to the Statutes Clause 14(1), or otherwise, they shall consider all the circumstances of the case including the outcome of any enquiries instituted under Clause 14(2) and any comments from the person concerned invited under Clause 14(3). The Rector may, at this point, dismiss the matter summarily, or issue an oral or written warning to the person concerned, or determine that the matter be considered by an Academic Disciplinary Committee.
- 3.2 If, after such consideration, it appears to the Rector that there are prima facie grounds for dismissal for good cause as defined in Clause 5 of the Appendix to the Statute, the Rector shall call on the Governing Body to appoint an Academic Disciplinary Committee to consider and report on the case in accordance with Clauses 15-19 of the Appendix. The Rector may suspend the person concerned at this stage in accordance with Clause 14(3).
- 3.3 3.2 Upon receipt of a request from the Rector under the Appendix to the statutes, Clause 15, the Governing Body shall appoint the Academic Disciplinary Committee (the “Committee”) as soon as reasonably practicable and shall inform the member of staff by written notice that the Committee has been appointed to consider the allegations brought against them. The written notice shall include the names of the members of the Committee and shall enclose a copy of this Bylaw. The Governing Body shall appoint one of the members to act as Chair.
- 3.4 Subject to the provisions of the Statute and any provision to the contrary in this Bylaw, the Committee shall have the power to regulate its own proceedings, and to appoint a secretary to support it in discharging its function at any time and to take notes of evidence at any hearing.
- 3.5 The Governing Body shall appoint a suitable person to formulate the allegation(s) (“the prosecutor” – which expression may include a solicitor or any person instructed to act on that person’s behalf), and to present, or arrange for the presentation of, the allegations to the Committee.
- 3.6 The member of staff shall notify the prosecutor of any representative they have appointed to act for them, which may be a legal representative, and any further

communications shall be addressed to the member of staff and to any representative appointed by them. Any fees or expenses payable to the representative (other than reasonable travel costs and out of pocket disbursements) shall be borne by the member of staff.

- 3.7 The Committee Chair may make any interlocutory directions they consider necessary for the fair conduct of the hearing, including but not limited to any directions as to the hearing date(s), whether at the request of either party or otherwise of their own motion. The Chair may also remit any matters to the Rector for further consideration and has power to join further parties to the case if they consider it appropriate to do so upon notice to the parties of such joinder. The Chair of the Committee shall set the date, time and place for the hearing and may also set appropriate time limits for each stage (including the hearing), to the intent that any matters be heard and determined expeditiously. If the Chair considers it appropriate in all the circumstances of the case, they may request the Rector to consider the suspension of the person charged under Clause 14(3) of the Appendix.
- 3.8 At least 5 working days before the date set for the hearing, the prosecutor shall forward the following to the Committee and person charged and any other parties to the hearing:
- a) the allegation(s);
  - b) copies of any documents specified or referred to in the allegation(s);
  - c) a list of witnesses to be called by the prosecutor;
  - d) copies of statements containing the witnesses' evidence.
- 3.9 At least 2 working days before the date set for the hearing, the member of staff shall forward to the prosecutor copies of any documents on which they wish to rely, a list of their witnesses and copies of their statements of evidence. The prosecutor shall ensure that copies of all these are prepared and forwarded to the Committee as soon as practicable.
- 3.10 The jurisdiction and power of the Committee shall not be restricted by the fact that the person charged has been, or is liable to be, prosecuted in a court of law in respect of any act or conduct which is the subject of proceedings before the Committee. The Committee may postpone or adjourn a hearing, if it considers it appropriate, to enable a prosecution to be undertaken.
- 3.11 Subject to the consent of the Committee, both the prosecutor and the member of staff may introduce new evidence at the hearing save that in the case of the prosecutor such new evidence shall not be admitted except for good reason. In the event that new evidence is admitted, the other party shall have the right to an adjournment to allow them time to consider the evidence and its effect on the case and may then submit further evidence in response, provided that the Committee consents, such consent not to be unreasonably withheld.
- 3.12 The Committee may proceed with the hearing in the absence of any party but shall not do so in the absence of the member of staff or their representative unless it is satisfied that it is reasonable to do so in all the circumstances of the case or unless the person charged agrees or so requests.

- 3.13 Subject to the right of the member of staff, their representative and the prosecutor to be present throughout the hearing, the Committee may decide whether to admit any persons to, or exclude them from, the hearing or any part of it.
- 3.14 Each party to the proceedings shall be entitled to give evidence at the hearing, to make an opening statement, to call witnesses, and to question any witness. Closing statements may be made by the prosecutor first and then any other parties, with the member of staff being given the opportunity to speak last.
- 3.15 Without prejudice to the Committee's general power to regulate its own conduct, it shall specifically have the power to set time and other limits on the evidence to be called for each side consistent with providing a fair opportunity for each party to present their relevant evidence whilst ensuring that the charge is heard and determined as expeditiously as is reasonably practicable. The Committee shall have power to adjourn the proceedings from time to time as it sees fit.
- 3.16 The Committee shall ensure that its secretary or some other appropriate person is present throughout the hearing so that a full and accurate record of the evidence may be taken.
- 3.17 It is for the prosecutor to prove the allegation(s). In determining whether the allegations or any of them are proved the Committee shall consider the evidence and decide whether on the balance of probabilities it considers that good cause for dismissal within the meaning of Clause 5 of the Appendix to the Statutes has been proved in respect of each allegation before it.
- 3.18 The decision of the Committee shall be recorded in a document in which the Committee's findings of fact, its reasons for the decision and any recommendations as to penalty are contained. The document shall be signed by the Chair of the Committee and at least one other member. The document shall be sent directly by the secretary of the Committee to the member of staff and to their representative in addition to the other parties specified in Clause 19 of the Appendix. The member of staff shall be notified of their right of appeal against the decision or against any recommendation of the Committee as to penalty, and shall be sent a copy of Part V of the Appendix to the Statutes.
- 3.19 Where any allegation has been upheld and the Committee has recommended dismissal or removal from office, the Rector or their delegate shall inform and consult the Governing Body prior to making any decision as to penalty. The member of staff shall not have the right to make further representations to the Rector at this stage.
- 3.20 If the Rector decides to dismiss the member of staff they may do so forthwith or upon such terms as they consider fit. If the Rector decides not to dismiss, the actions they may take are as set out in Clause 20.2 of the Appendix. Any warning given under Clause 20.2 shall be recorded in writing and shall remain live for two years. In all cases the Rector's decision shall be communicated to the member of staff in writing as well as to the Governing Body.
- 3.21 The member of staff has the right to appeal under Part V of the Appendix to the Statutes.

- 3.22 Any parties to any disciplinary proceeding, and any witnesses called thereunder, shall be protected from any victimization consequent upon such participation. This shall not prevent the relevant body from imposing appropriate sanctions resulting from the decision of proceeding.

**XXII. REMOVAL ON MEDICAL GROUNDS****Procedure for Removal on Medical Grounds****1. Preliminary Stage**

- 1.1 Where from the conduct or performance of a member of staff it appears to the Rector that there may be cause for concern about that person on medical grounds such as substantially to interfere with the performance of their duties, and in any case where the member of staff has been absent on medical grounds for an aggregate period of six months in any twelve-month period, the Rector shall meet with the individual concerned and consider the circumstances of the case. The consultation shall be on a confidential basis if the member of staff so wishes, but the Rector may appoint an informal panel of two or three individuals, including one who is medically qualified, to advise and assist them. As required by any relevant Equality legislation in force at the time, no-one shall be discriminated against on grounds of disability.
- 1.2 At this stage the purpose of the meeting and any subsequent investigations is to elucidate the nature of the problem and to consider ways of assisting the member of staff to resume their full contractual duties. If the Rector considers it advisable, they shall seek the member of staff's consent to disclosure of the latter's medical record in accordance with the Access to Medical Reports Act 1988. The Rector may also, with the consent of the member of staff, arrange for them to be examined by an occupational health physician or other medical practitioner to assess among other things the prognosis for a return to work and any available treatment. Any fees payable in relation to such examination shall be borne by the College.
- 1.3 The Rector shall consider with the member of staff, and other concerned people as required, ways of ensuring that students and others for whom the individual has contractual responsibilities have their teaching, pastoral and other needs, as may be, met by a rearrangement of resources or other arrangements. In all cases, and especially where third parties are consulted, the Rector shall do all that is reasonably practicable to respect the confidentiality of the member of staff if they so wish. The Rector shall also consider whether counselling or other assistance shall be offered to the member of staff at the expense of the College.

**2. Medical Incapacity**

- 2.1 Where the condition of the member of staff or any mental or physical quality affecting the member of staff is such as substantially to interfere with the performance of their duties, the Rector shall consider the removal of the member of staff in accordance with the provisions of Clauses 23 and 24 of the Appendix to the Statutes. Prior to taking any action under this section, the Rector shall consult with the individual and/or any representative nominated by them as to the steps to be taken and their likely outcome. The consultation shall specifically include consideration of the person's condition and likely future state of mental or physical capacity, and whether the person wishes to seek early retirement or a reduction of duties and hours (with a commensurate reduction in stipend). The wishes and needs of the person concerned shall be balanced against the tutorial or other relevant requirements of the College. If the Rector suspends the

member of staff under the provisions of the Appendix, Clause 23(1) they shall ensure that the member of staff has adequate access to materials and/or colleagues to enable them to participate effectively in the consultation process.

- 2.2 The consultation process shall also include consideration of any adjustments which could reasonably be made to the duties of the employment and/or the physical features of the premises and/or any arrangements made by or on behalf of the College so as to facilitate the continued employment of the person concerned. The Rector shall not consider the removal of the person concerned from their office or employment without first availing himself/herself/themself of advice and assistance as to any facilities that may be available to assist the person. In general, the Rector shall have regard to the provisions of any relevant Equality legislation in force at the time and associated Codes of Practice, as appropriate. Specifically, the College will endeavour so far as possible to make reasonable adjustments to facilitate the continued employment of the person.
- 2.3 The Rector shall seek to obtain a medical report concerning the member of staff from the medical practitioner who has had clinical care of them and shall notify the person concerned to the effect in writing, seeking the member's consent in writing in accordance with the provisions of the Access to Medical Reports Act 1988. The Rector may also seek input from an Occupational Health professional, as appropriate.
- 2.4 At all stages the person concerned shall be able to nominate a friend, professional colleague or other representative to assist and advise them. Provided that clear notification is given to the Rector, such a representative may be given authority to act instead of the person concerned if the latter so wishes and may give such consents, agreements, etc. as the person concerned would be able to give. Such authority shall include, but not be limited to, a power of attorney, including an enduring power, which has been duly registered with the Court of Protection.
- 2.5 In the event that the member of staff does not apply for medical retirement, or does and is rejected, the Rector shall consider all the circumstances of the case, including any available medical information, and shall determine in particular whether the case should be forwarded to a Medical Board or an Academic Disciplinary Committee.
- 2.6 Any powers of the Rector may be exercised instead by a duly appointed alternate or other appropriate officer and references to the Rector shall, throughout this Bylaw, be construed as including references to the alternate.

### **3. Medical Board**

- 3.1 If after considering all the circumstances of the case the Rector concludes that the removal on medical grounds of the member of staff (hereafter the person concerned) should be considered, they shall so inform the person concerned. The notification shall be provided in writing and shall be presumed to have reached the person concerned no later than two days after being sent. The Rector shall notify the person concerned that a Medical Board (the Board) is to be appointed to consider whether they shall be removed from office on medical grounds, and shall request the person concerned to nominate someone to sit on the Board. If, within a reasonable period of time, the person concerned fails to nominate a person who is willing and able to sit on the Board

reasonably expeditiously, the Rector shall presume a default and shall nominate someone.

- 3.2 At the same time as notifying the individual, the Rector shall ask the Governing Body to consider the matter confidentially and shall request the Governing Body to nominate a member to sit on the Board. If possible, the member nominated by the Governing Body shall have some experience of the mental or physical incapacity apparently affecting the person concerned.
- 3.3 The Governing Body shall also canvass and propose the names of three medically qualified people to the person concerned to act as Chair of the Board. For this purpose, the Governing Body may seek the advice of the College doctor or any other suitable person on a confidential basis. In the event that agreement cannot be reached between the Governing Body and the person concerned as to the appropriate person to chair the Board, the Governing Body shall request the President of the Royal College of Physicians to nominate a Chair. The Governing Body shall nominate an appropriate person who is unconnected with the case to act as secretary to the Board.

#### **4. Procedures for a Medical Board Hearing**

- 4.1 Where a Medical Board has been appointed to determine a case referred to it under Clause 23(3) of the Appendix to the Statutes, the Chair shall appoint the time, date and place for the hearing and the secretary shall notify all parties in writing. The Board shall have power to adjourn the hearing from time to time as it sees fit.
- 4.2 At least 5 working days before the hearing, the Rector shall refer relevant evidence in confidence to the Board and shall make the evidence available to the person concerned and/or any representative they have nominated to act for them, except for information for which a medical practitioner has claimed exemption from disclosure under the provisions of section 7 of the Access to Medical Reports Act 1988.
- 4.3 The Rector, if they think it necessary, may appoint someone to present the case for removal as well as the relevant oral and documentary evidence to the Board. Witnesses may be called by either party, and may be questioned concerning any relevant evidence. As appropriate, copies of their statements shall be made available to the Board and the person concerned at least 2 working days prior to the date set for hearing.
- 4.4 The person concerned shall be entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by the Board.
- 4.5 The person concerned shall be entitled to address the Board during any hearing.
- 4.6 The Board shall be entitled to require the member concerned to undergo medical examination at the College's expense, as appropriate.
- 4.7 The Board shall make a recommendation to the Rector. If the Board determines that the person concerned should be required to retire on medical grounds, the Rector shall consult the Governing Body, and may terminate the employment of the member concerned on those grounds.

**XXIII. APPEALS PROCEDURE**

- 1.1 A Notice of Appeal against any decision under Parts II, III, IV, VI or VII of the Appendix to the Statutes, except an appeal against an oral or a written warning under the Appendix, Clause 13 (2) which shall be dealt with as specified above, must be served on the Sub-Rector within 28 days of the decision. The Sub-Rector shall bring the fact that an appeal has been made to the attention of the Governing Body within 28 days, and inform the appellant that they have done so. The Sub-Rector shall consider any appropriate action, including suspension, that may be required in relation to the appellant and/or their position in the College pending the outcome of the appeal.
- 1.2 The Governing Body shall appoint a person to hear the appeal in accordance with Clause 29 of the Appendix who shall be called the Chair. Two further persons, in accordance with Clause 29(4) of the Appendix, may sit with the Chair if the Chair so decides.
- 1.3 The person(s) designated to hear the appeal shall be referred to as the Appeal Body.
- 1.4 The Chair shall appoint a date, time and place for the hearing and shall make such other directions for the disposal of the case as appear to them appropriate including the joinder of other parties, and any directions that may be required to clarify the grounds of appeal. The Appeal Body shall have power to adjourn the hearing from time to time as it sees fit.
- 1.5 Notice of the date, time and place and any directions made by the Chair shall be served on all parties to the appeal at least 5 working days before the date appointed and the appellant shall be notified of their right at their own expense to be represented by another person who may, but need not, be legally qualified. The appellant and any other party shall also be notified of their right to call witnesses with the consent of the Appeal Body.
- 1.6 Any committee, board or other body shall, if joined as a party to the appeal by the Chair, appoint one or more persons either from among their number or otherwise, who may, but need not, be legally qualified, to prepare and present the response to the appeal, such response to be served on the Appeal Body, the appellant and any other parties at least 2 working days before the day appointed for the hearing of the appeal.
- 1.7 Any hearing of the appeal may be adjourned or postponed at the discretion of the Chair. The Appeal Body may dismiss the appeal for want of prosecution. However, no decision to dismiss in such circumstances shall be made without first having provided the appellant with an opportunity to make representations whether orally or in writing.
- 1.8 Except as provided in the previous paragraph no appeal may be determined without an oral hearing, due notice of which has been served on the appellant and any persons appointed by them to represent them.
- 1.9 Each party to the hearing shall be entitled to make a statement and to address the Appeal Body. Witnesses may be called with the consent of the Appeal Body. Leave to adduce fresh evidence and/or the calling of witnesses examined at first instance shall

only be given if the Appeal Body is satisfied that it is necessary or expedient in the interests of justice.

- 1.10 Subject to the provisions of the Statute and of this By-law, the Appeal Body shall determine its own procedure. The Chair may at their discretion set time limits at each stage of the proceedings to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable having regard to the principles of justice and equity.
- 1.11 In accordance with the provisions of Clause 26(2) of the Appendix, the Appeal Body shall not reconsider any finding of fact made by an Academic Disciplinary Committee, unless:
  1. there has been a procedural fault in the original proceedings or the findings of fact are challenged on legal grounds, or
  2. fresh evidence is called on behalf of the appellant. Any appeal under Clause 13(2) Stage 3 of the Statute shall be in writing and shall specify with sufficient detail the grounds of appeal and any supporting information.
- 1.12 In accordance with the provisions of Clause 30(3) of the Appendix the Appeal Body may allow or dismiss an appeal in whole or in part or remit the appeal in such manner and for such purpose as it sees fit within the provisions of Clause 30(3) of the Appendix. In the event that the Appeal Body remits the appeal in accordance with Clause 30(3)(a)-(d) the Chair may set such time limits for further consideration as they consider appropriate.
- 1.13 The reasoned decision of the Appeal Body, including any decision under Clause 30(3)(a)-(d), shall be recorded in writing and shall be sent to the Rector and to the parties to the appeal.
- 1.14 The Chair may, by an appropriate certificate in writing, correct any accidental errors and/or any omissions in documents recording the decisions of the Appeal Body.

**XXIV. GRIEVANCE PROCEDURE****1. Bringing a Complaint**

- 1.1 A member of staff to whom the Appendix to the Statutes applies may bring a complaint under Clause 34(1) of the Appendix about the matters specified in Clause 33 of the Appendix provided that they have exhausted any other relevant avenues of complaint.
- 1.2 Any complaint should be addressed in the first instance to the Rector and should be made in writing. (Any complaints against disciplinary warnings under Clause 13 should specify with sufficient detail the grounds of complaint and any supporting information.) The complainant should specify whether they wish any aspect of the matter to be kept confidential at this stage.

**2. Investigating a Complaint**

- 2.1 The Rector (which expression includes anyone appointed to act instead of them) shall consider any complaint made to them as quickly as is reasonable and shall take steps to investigate the matter. At this stage they may appoint one or more people to investigate the issues on their behalf but shall whenever possible meet with the complainant for the purpose of considering the complaint generally and agreeing or establishing the further steps which may be taken. In any case where the complaint relates directly to the conduct of the Rector, the latter shall appoint the Sub-Rector (or the most Senior Fellow available) to act as an alternate.
- 2.2 The Rector shall consider in the first instance whether other remedies available to the complainant have been exhausted and may, if in all the circumstances of the case it seems right, refer the complainant to the appropriate channels for resolution of their complaint prior to taking any further action.
- 2.3 If in any other case other than an appeal against a disciplinary warning the Rector forms the prima facie view that the complaint should be dismissed or that no further action should be taken for the reasons set out in Clause 34(2) of the Appendix, they shall so inform the complainant.
- 2.4 Provided that they act within 5 working days of receiving the decision of the Rector as described in the previous paragraph, the complainant may refer the matter to the Governing Body. If a majority of the Governing Body so determines, it may appoint a Grievance Committee to hear the complaint notwithstanding it has been dismissed by the Rector.
- 2.5 In any case where, upon due consideration, the Rector is satisfied that the subject matter of the complaint may properly be considered with, or forms part of, a complaint under Part III, or a determination under Part IV or an appeal under Part V of the Appendix, they shall so inform the complainant and defer any further action on it until such time as the complaint, determination or appeal has been heard or the time for instituting has passed.
- 2.6 In any case where upon investigation the Rector is satisfied that the complaint concerns an act or omission which may amount to a criminal offence, they shall so

notify the complainant and, subject to any representations the complainant may make, shall consider whether, and if so what, further action may be taken in relation to the complaint within the College's grievance procedure.

### **3. Informal Resolution**

- 3.1 In any case where the Rector does not dispose of the appeal or defer it under Clause 34(3) of the Appendix or under the provisions of this procedure, they shall consider whether it may be capable of informal resolution. The Rector shall take into consideration the nature and ambit of the complaint and the wishes of the complainant and have particular regard to the interests of justice and fairness. Before attempting informal resolution, the complainant or any other person may benefit from the assistance of a third party in connection with the complaint and shall consider in particular whether professional advice should be sought.
- 3.2 If the complainant objects to informal resolution the Rector shall consider whether to refer the matter to a Grievance Committee or take any other action as they see fit.
- 3.3 In any attempt at informal resolution the Rector shall have regard to confidentiality as far as possible and shall ensure that the interests of the parties to the matter are considered at all stages.

### **4. Grievance Committee**

- 4.1 In any case where the complaint has not been disposed of by the Rector, the Rector shall refer the matter to a Grievance Committee ("the Committee") established in accordance with the provisions of Clause 36 of the Appendix. The Governing Body shall appoint one of its members to act as Chair. The Rector shall notify the Committee of the nature of the complaint or appeal and shall provide the Committee with copies of any statements or other relevant documents which it considers will assist in the fair disposal of the matter.
- 4.2 The Rector shall also notify the individual concerned that the matter has been referred to the Committee and shall provide the individual concerned with copies of the documents which have been provided to the Committee.
- 4.3 The Committee shall meet as soon as is reasonably practical to consider the matter on a preliminary basis. At this stage, the Committee may appoint someone to act as secretary to assist in all aspects of the grievance hearing or appeal and the preparatory steps. The Committee may call for written statements from the individual concerned or any other person and may cause such investigations to be conducted as appear appropriate, if necessary by an independent person specifically appointed for the purpose. The Committee shall appoint a time for the matter to be heard and may make such arrangements as it considers fit for the fair and just hearing of the matter. The Committee may appoint its Chair to act in its stead in all preliminary matters. The Committee shall have power to adjourn the proceedings from time to time as it sees fit.
- 4.4 The matter shall not be disposed of without an oral hearing at which the individual concerned, and any person against whom the grievance lies, shall be entitled to be heard and to be accompanied by a friend or representative, which shall include a legal

representative. Save that the hearing may proceed in the absence of the individual concerned or any other party who fails to attend without reasonable cause.

- 4.5 Provided that due regard is had to the interests of justice and fairness, the conduct of the hearing and any associated matters may be determined by the Committee. In particular, the Committee may determine whether and to what extent oral examination of witnesses shall be permitted, whether any evidence may be taken in the absence of the individual concerned (or the person against whom any complaint is made) and whether and what time limits shall be set for the proceedings.
- 4.6 The reasoned decision of the Committee as to whether the complaint is well-founded shall be notified in writing to the individual concerned and any person against whom any complaint is made, as well as to the Governing Body. In the event that any part of the grievance is upheld, the Committee shall also notify the Governing Body of its recommendations as to the proper redress for the individual concerned and any other recommendations as it sees fit.

**XXV. EMPLOYER JUSTIFIED RETIREMENT AGE****1. The College's Commitment**

- 1.1 The purpose of the Employer Justified Retirement Age (EJRA), as operated by Exeter College, is primarily to sustain excellence in teaching and research by providing a mechanism to refresh the academic workforce and maintain opportunities for career progression. The College recognises, however, that many academics will have the ability and the desire to make a continued contribution to the research and teaching mission of the College beyond their retirement date.
- 1.2 The ending of an appointment under the EJRA will inevitably require any continuing employment relationship with the College to be on new and different terms, the availability and nature of which will depend on the College's teaching and research resources, and on the ability and interest of the retiring post-holder to fulfil the requirements of any new role.
- 1.3 The College will, however, use its best endeavours to agree financial and contractual terms with anyone retiring under the EJRA who can make a case for continuing to research and/ or teach within their recognised field of expertise.

**2. Introduction**

- 2.1 Exeter College has agreed to establish a retirement age for academic staff holding joint appointments with the University of Oxford. This is 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 seek to provide a fair and inclusive process through which the College is able to manage the future of academic posts by retirement or retention.
- 2.2 The following procedures seek to balance the wishes of the individual with the needs of the College by:
  - a) facilitating the timely discussion of options with a view to identifying possible future arrangements which are acceptable to all parties; and
  - b) providing a clear decision-making and appeal process which allows account to be taken of all relevant considerations.
- 2.3 Extending the employment of EJRA staff will undermine the Aims outlined below. Only in very exceptional circumstances, therefore, such as to alleviate significant and unavoidable personal hardship (such as hardship arising from an employee's disability), or where the extended employment of the particular individual is necessary in order to ensure the completion of a specific project or duties (or to gain the full benefit of a project already completed), will any application under this procedure be approved. Examples of projects and duties to be completed might include: the completion of a research project that can only be carried out by the individual concerned; the need for an individual to finish a teaching course for which it would not be possible to provide a replacement (for example, when the course is coming to an end).

**3. Aims of the EJRA**

- 3.1 In the context of Exeter College's position within the University of Oxford's particular structure and procedures, the EJRA is considered to be an appropriate and necessary means of creating sufficient vacancies to meet the following Aims:
- a) safeguarding the high standards of the College in teaching and research;
  - b) promoting intra- and inter-generational fairness, and maintaining the flow of opportunities that allows academics and researchers (and those who aspire to these positions) to commence or develop careers at the College, and access the benefits of College employment;
  - c) refreshing the academic and research workforce within the College as a route to maintaining the Collegiate University's position on the international stage;
  - d) facilitating succession planning by maintaining predictable retirement dates, especially in relation to the Collegiate University's joint appointment system;
  - e) 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.

**4. Scope**

- 4.1 The EJRA only applies to the holders of joint academic appointments with the University of Oxford, who are employed by Exeter College. Future references to 'academic staff' in this bylaw shall be taken to mean only those employees of the College who hold such joint appointments with the University of Oxford.
- 4.2 Subject to paragraph 4.4, the College sets its EJRA to match that of the University of Oxford in force at the time.
- 4.3 In cases where, under the College's procedures applying until 30 September 2011 (at which point the College first introduced an EJRA), a member of staff has a retirement date set by individual agreement to be later than 30 September preceding the 68<sup>th</sup> birthday, the retirement date specified in the agreement will continue to apply. Where the specified date is earlier than the EJRA, any request to work beyond the specified date should be referred to the Rector under this procedure and the merits of each case will be considered in the context of the rationale for the original extension.
- 4.4 Unless the terms of any prior agreement to work beyond the EJRA preclude any further extension of employment, a member of staff whose retirement has been set later than the EJRA may apply for a further extension under the procedures set out below.

**5. Consideration of requests to work beyond the EJRA**

- 5.1 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 Bylaw XXV.3. In all cases, the College will bear in mind that all staff are expected to carry out their roles to a high standard. In the case of academic staff, this includes distinguished scholarship and research. Senior academic staff will often be world-leaders in their field. The offer of distinguished scholarship does not constitute a relevant consideration for the purposes of the extension procedure.

- 5.2 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 it is reasonably necessary to extend employment, and 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, 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).
- 5.3 The list below outlines some of the considerations that the College panel may take into account in making their decision:
- a) Is there a demonstrable need, for a defined period, to retain the applicant in employment in order to complete a specific project or duties, or to gain the full benefit of tasks already completed by them, which:
    - (i) are of particular strategic importance to the College;
    - (ii) could not be completed by any other individual who is not over the EJRA, either by a current member of the College's academic staff or through a recruitment exercise;
    - (iii) in the case of prospective or current grant-funded research projects, could not, in accordance with the funder's rules, be completed on a non-employed, or voluntary basis;
    - (iv) and could not be completed on an employment contract with fewer working hours or of a shorter duration?
  - b) Are there any special personal circumstances that would properly justify exceptional treatment?
  - c) Will the proposed extension result in the creation of career development opportunities for others that would not otherwise have been created?
  - d) Is there a demonstrable need that arises in connection with a specific event or circumstance and that could only be met by retaining this particular employee in employment for a fixed period (e.g. submission to the REF)?
  - e) In the case of a joint appointment, what are the implications 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 to protect the shared interests of the University and College?
  - f) In the case of clinical academics, is the NHS Trust concerned willing to renew the employee's honorary contract? The holding of an honorary contract is a prerequisite for continuation in a clinical post.

## **6. Steps: Notification and Discussion**

- 6.1 The Rector will remind academic staff in writing of their normal retirement date and of the process for requesting continuation in employment beyond that date, if possible, no later than two years and six months 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.

- 6.2 Any staff member who wishes to continue in employment beyond the EJRA, and who believes that they have a strong case for doing so in the light of the Aims and the issues to be considered (see above), should first discuss their 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.
- 6.3 Early exploration of all options is encouraged. The aim of these discussions is to ensure that all options have been explored. The staff member and Senior Tutor should in all cases consider whether the individual's and/or College's aims could be achieved through use of a genuine non-employment arrangement following retirement (which should not present any obstacle to filling the newly-vacated role) such as an Emeritus Fellowship, or other continued association with the College. If so, the College's expectation is that this course would be taken, rather than an application for an extension of employment being submitted.
- 6.4 In circumstances where non-employment options will not achieve the individual's and/or the College's aims, an application for extended employment will be needed. The application should address the impact of the proposed extension on the Aims of the EJRA and set out the case for an extension in the light of the matters for consideration outlined above.
- 6.5 It is expected that in all but very rare cases, those who hold permanent posts would need, as a minimum, to step out of their current post into a newly-created, fixed-term post (with continuity of service), on a grade appropriate to the duties to be delivered. This is to make it possible for their substantive post to be refilled, thereby reducing any negative impact of the extension on the Aims of the EJRA.
- 6.6 It is also expected that:
  - a) any extension of employment in a newly-created post will have contracted hours appropriate to the work to be delivered, and that its duration will be limited to that necessary to complete the project or duties for which the employment extension is being sought;
  - b) in all but very rare cases, the applicant will have secured grant or other funding to cover their full costs (i.e. including on-costs) while in employment beyond the EJRA; and
  - c) the individual, if granted an extension of their employment, will normally step out of their membership of the Governing Body.
- 6.7 When the proposed extension of employment involves reduced duties or working-time, it could be relevant to consider the option of flexible retirement which will allow the individual to take part of their pension to supplement a reduced salary.
- 6.8 All post-EJRA employment will be on a fixed-term contract.

- 6.9 In the case of joint appointments, 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. In these instances, the employers will wish to discuss how their respective interests in the future of the substantive joint appointment should be protected, and the staff member might wish to consider a new contract issued by one employer that would be compatible with retirement from the other part(s) of the joint employment. Flexibility should be encouraged, subject to the aims of the EJRA.
- 6.10 These informal discussions, which may take place at any time before the deadline for submission of applications for continued employment beyond the EJRA, 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 that will minimise the impact on the Aims of the EJRA and with which all parties will be content.

## 7. Formal Process: Submission and Consideration

- 7.1 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 before the deadline (and no later than 2 years before the EJRA), setting out the proposed working arrangements and the length of extension requested.
- 7.2 The request to continue working in a College appointment beyond the EJRA, should be submitted formally in writing, by the Senior Tutor to the Rector, as part of an agreed submission. Any request relating to the University part of a joint appointment should be made in accordance with the University's procedures.
- 7.3 The submission should consist of, and set out clearly:
- a) The request as made by the member of staff, including:
    - (i) a detailed explanation of the reason for the requested extension and the proposed working arrangements i.e. the grade, FTE and length in months of the extension requested;
    - (ii) the duties or project to be undertaken in the course of the proposed extension;
    - (iii) the non-employment options that have been considered by the individual in conjunction with the Head of Department, and why they were not thought to be viable;
    - (iv) any grant or other income that will result directly from the proposed extended employment, the extent to which that income will cover the employment and other costs incurred as a result of the proposed extension, and the extent to which additional posts will be created;
    - (v) and any exceptional personal circumstances to which the individual would wish to draw the attention of the EJRA Committee (the applicant should state whether or not they are content for the department and division to see this part of the form).
  - b) An account, agreed where possible, of how the request relates to the considerations for extensions set out in the College's policy;

- c) A report from the Senior Tutor setting out relevant academic or other College circumstances and background; and
  - d) The views of the Division and any other associated employers (e.g. the NHS or another college). If a decision has already been made with regard to the University or other employment, the outcome of this should be included.
  - e) any supporting material the member of academic staff may consider appropriate to append to the submission.
- 7.4 The **normal deadline** for submissions to reach the Rector is the 30 September which is 2 years before the retirement date under the EJRA. Electronic submissions are encouraged. Those with individual retirement dates (e.g. dates other than 30 September prior to 69<sup>th</sup> birthday, agreed before the introduction of the EJRA, or resulting from an extension under the EJRA policy) should wherever possible submit any application for further extended employment two years in advance of that date, or, in any event, as soon as possible. Later requests may be considered in exceptional circumstances, but only with the agreement of the Chair of the panel, and of the relevant employers (e.g. division, department, NHS Trust), and where the circumstances that necessitate the late request were clearly beyond the control of the applicant and could not reasonably have been anticipated. The decision of the panel Chair will be final.
- 7.5 All requests to continue in employment with the College beyond the EJRA will be **considered** by a standing panel of five persons identified by the Rector and formally appointed by the Governing Body. In addition, there will be a standing panel to hear appeals, which shall be constituted as determined under the Appendix to the Statutes Part V, and whose members will be formally appointed by the Governing Body and will remain detached from all prior discussions of the case. The panel will meet at such intervals as are necessary to consider requests which may arise. Ordinarily, at least two members of the panel shall be women, and at least two members shall be men. Panel members will normally serve for a period of between five and ten years. The panel will be drawn from the following groups: at least one member of Fellowships Committee; at least one non-salaried Fellow (e.g. professorial, honorary or emeritus Fellow); and at least one external adviser (e.g. the Senior Tutor from another college). The panel will elect a Chair from its number.
- 7.6 The panel will **assess** each request on its own merits against the considerations/criteria and in the context of the Aims of the EJRA (as set out above), and in the light of any exceptional personal circumstances. In the case of the consideration of joint appointments, the Chair of the panel will liaise with the Chair of the equivalent University panel over matters of process, including the relative timings of the work of the two panels and the communication between the panels of their decisions, as may best suit the individual case and allow for issues relating to the joint nature of the post to be addressed.
- 7.7 The panel will consider the request in the light of the Aims and the considerations set out in Bylaw XXV.3, taking due account of the submissions 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.

- 7.8 The **panel will decide** on the request for extension of employment, including the length of time of any such extension. The decision shall have effect in respect of employment with the College. The University will make its own decision in respect of University employment, according to its own regulations and procedures.
- 7.9 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, further submissions may be made in writing. It should, however, be recognised that each part of the joint appointment is a separate contract of employment, and any extension granted would be to a separate fixed- term contract.
- 7.10 The panel will make a **recommendation** to the Governing Body on the request for extension of employment (in the form of a new fixed-term contract, with continuity of service), including the length of time of any such extension (with reasons), and any conditions imposed on the extension by the panel.
- 7.11 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, and any conditions imposed on the extension by the panel.
- 7.12 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. Where the request to continue working beyond the EJRA is rejected, the individual will be notified in writing of the right of appeal under the College's Statutes. Where a decision is taken under these procedures to extend employment 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 (but with continuity of employment). This contract will state the details of the specific hours, duties, salary and other terms and conditions for the extension.
- 7.13 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 Section 6 above, and shall set an appropriate time limit in place of that set out in Section 7.1 above, by which any application shall be made for a further extension. It should be noted that any second or further extension will only be granted to address unforeseeable circumstances that have frustrated the purpose for which the original extension was granted.

## 8. Appeal

- 8.1 Any appeal against the decision of the Governing Body must be notified in writing (within 28 days of receipt of the lettering confirming the Governing Body's decision), and in accordance with the provisions of the Appendix to the Statutes Part V. An appeal may be made against the refusal of a request, or against the terms of approval where they differ from those requested by the member of academic staff. A letter of appeal should set out clearly the grounds for the appeal.

- 8.2 The College shall make arrangements to hear any appeal against a decision made under Bylaw XXV.7 above. The body or individual hearing the appeal must be separate from the body or individual making the decision. The appeal panel, which will be a standing panel, will be appointed by Governing Body under the Appendix Part V, and will consist of a person or persons not employed by the College holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing. The person appointed shall sit alone unless they consider that justice and fairness will best be served by sitting with two other persons. The other persons who may sit with the person appointed, and who shall be appointed by the Governing Body, shall be one member of the Governing Body not being a person employed by the College, employee and any other employer as relevant, of this decision.
- 8.3 The appeal panel shall inform the College, employee and any other employer as relevant, of this decision.