

# Regulations of Corpus Christi College

Approved 29 January 2020

These regulations are made in exercise of the Governing Body's powers and in accordance with the procedure set out in the College's Statutes (Statute II.6) and take effect on the coming into force of the Statutes. The numbering of each Regulation corresponds to the Statute under which it primarily or predominantly applies; there may be Statutes for which there is no corresponding Regulation.

## Regulation 2: The Governing Body

1. There will normally be at least three meetings of the Governing Body each term, held on the afternoon of the Wednesday of weeks 2, 5 and 8.
2. No business may be transacted at a meeting of the Governing Body if fewer than the nearest whole number greater than one half of the members of the Governing Body are present.
3. The Governing Body must create and apply a Conflicts of Interest Policy and keep a register of interests of its members and any other persons the Policy specifies.
4. Where under Statute II.7(b)(iii), the Governing Body considers suspending a member of the Governing Body for failing to discharge the duties of a trustee, it may consider failure to attend at least half of the meetings of the Governing Body in a given year as cause for serious concern with respect to discharging those duties.
5. If a conflict of interest arises in connection with an item of business which comes before a meeting of the Governing Body or any committee, the unconflicted members of the Governing Body or committee may (with or without conditions as to time or otherwise) proceed notwithstanding the conflict of interest, provided that:
  - (a) the procedure in section 12 of Statute II is followed;
  - (b) doing so will not result in any direct or indirect material benefit being conferred on the member (or a person connected to the member) that would not be permitted under the Statutes; and
  - (c) they consider that doing so is in the best interests of the College in the circumstances.
6. Subject to the provisions of sections 10-13 of Statute II, the Governing Body may apply the College's revenue for the payment, on such reasonable terms as it shall from time to time decide, of stipends, allowances, benefits and associated costs to its own members, to College Officers, and to others employed in positions in the College as follows:
  - (a) in providing proper and reasonable remuneration, including stipends, allowances, benefits and associated costs, for the performance by members of

the Governing Body of their duties as employees of the College and the other terms and conditions of their employment;

- (b) in assisting members of the Governing Body to acquire or improve their own residences, or enter into joint ownership arrangements in respect of such residences, upon such terms and at such interest, if any, as the Governing Body may determine;
- (c) in reimbursing out-of-pocket expenses properly incurred in connection with the business of the College or any of its constituent parts; and
- (d) in providing reasonable and proper remuneration for goods and services provided to the College by members of the Governing Body otherwise than in the course of their employment, but only if:
  - (i). the amount of any such payment is determined in accordance with a written agreement between the College and the member concerned and is no greater than is reasonable in the circumstances;
  - (ii). before entering into the agreement, the Governing Body is satisfied that it is in the best interests of the College for the goods or services to be supplied by the member concerned on the terms of that written agreement; and
  - (iii). the total number of members of the Governing Body in respect of whom such a written agreement is made constitutes a minority of the Governing Body.

7. The agenda for a Governing Body meeting is set by the person to chair the meeting, and will normally contain reports from College Officers. Any member of Governing Body may request that an item be on the agenda if the request is received by the Secretary to the Governing Body at least three working days before that meeting. The item will appear under the President's Business unless the person to chair the meeting and the member of Governing Body requesting the agenda item appear both agree to a different place in the agenda. The request is automatically granted unless the person to chair the meeting rejects the request within 24 hours of receiving it; however, if at any point before the meeting five members of the Governing Body write to the person chairing the meeting to support the request, the item must appear on the agenda under the President's Business or at a different place on the agenda agreed with the member of the Governing Body requesting the item.

## Regulation 3 on the President

### B. Election and Admission of the President

1. The Governing Body must act as swiftly as possible to fill any existing or expected vacancy in the Presidency, bearing in mind the need to have a President who is most fit to perform the duties of the Presidency in accordance with the College's being a place of education, learning, research and religion.
2. When the Vice-President becomes aware of a vacancy in the Presidency, he or she must call a meeting of the Governing Body to begin the process of filling the vacancy. The Vice-President must also call such a meeting if requested by three or more members of the Governing Body who believe that a vacancy in the Presidency has occurred. In addition, the Governing Body may elect a President at any time up to two years from the expected date of a vacancy.
3. Any President in office and any individual who is accepted as a candidate for election must comply with the provisions governing conflicts of interest under Statute II in relation to discussions and voting in connection with such election and in particular, may not participate in any Governing Body discussions or votes on the election.
4. The Governing Body must elect a President by whichever date is the later of:
  - (a) a year from the vacancy in the Presidency; or
  - (b) a year from when the Vice-President or three members of the Governing Body become aware of a vacancy in the Presidency;such date to be known as the Day of Vacancy.
5. The President-Elect must take office within two years of the Day of Vacancy.
6. Where a person under consideration by the Governing Body holds and proposes to continue to hold as President any office or offices in the University or elsewhere, the Governing Body must satisfy themselves that the holding of any such office or offices would not interfere with the performance of the duties of the President.
7. The Governing Body elects the President:
  - (a) at a meeting of the Governing Body called for that purpose which may be adjourned at any point so long as:
    - i. the President is elected and takes office as required under Statute III.B.2(b); and
    - ii. the voting procedures and consequences in this Section are followed;
  - (b) by a secret ballot; and
  - (c) through rounds of voting where each member of the Governing Body present is eligible to vote or abstain, applying the following procedure:

- i. If in the first round, a candidate receives two thirds of the votes, that candidate is elected.
  - ii. If no candidate obtains two thirds of the votes, the number of votes for each candidate is read out by the Senior Fellow present and a second round of voting takes place.
  - iii. If in the second round no two candidates receive more votes than others, the voting is repeated until either one candidate receives a simple majority of votes, and is therefore elected, or two candidates each receive more than any other candidate. If after three rounds of voting, there is neither a candidate with a majority, nor two candidates each with more votes than any other candidate, the Senior Fellow present must eliminate the candidate with the fewest votes, and proceed to further rounds of voting until there is one candidate elected or two candidates to consider. If after three further such rounds of voting, the votes are equal for more than two candidates, the Senior Fellow lists the names of those candidates in alphabetical order and for each candidate, a coin is tossed. If the coin land on 'heads', the candidate remains in contention; the coin tossing continues until there are two candidates remaining.
  - iv. If two candidates each have more votes than any other, those candidates are put up to three further rounds of voting until one candidate receives a simple majority and is therefore elected. If after these three rounds of voting no candidate has received a simple majority, the Senior Fellow present tosses a coin, declaring before the toss which candidate is represented by the side of 'heads'. The candidate selected by the tossing of the coin is thereby elected President.
  - v. The Governing Body may nominate a reserve choice from the candidates considered in one of the rounds of voting; if more than one candidate is being considered, the reserve choice is made by the same process of rounds of voting as for the first choice.
8. A person elected to the Presidency may be given such benefits on whatever terms as the Governing Body think appropriate in the three months preceding that person's admission as President.
9. If the President-Elect dies or gives written notice of his or her intention not to take up the Presidency, the time periods under Section B.2(b) of Statute III begin anew from the date the Vice-President, or three Members of the Governing Body, whichever is earlier, is aware of the death or written notice.
10. Matters relating to the election and admission of a President not expressly covered by this Regulation can be decided by a resolution of the Governing Body.

## **Regulation 4 on the Fellows**

### **A. General**

1. A Fellow, and any Bursar or Chaplain who is not a Fellow, may be subject to disciplinary action by the Governing Body in accordance with Regulation 16 Part III for accepting any paid office or engaging in any occupation which interferes with his or her duties to the College or which creates a conflict of interest. A Fellow, Bursar or Chaplain may also be subject to disciplinary action in accordance with Regulation 16 Part III for failing to perform his or her duties satisfactorily.
2. In addition to Official Fellows and Chaplain mentioned in Statute IV.A.7, the Governing Body may grant the use of a house, flat or other living space, or a Housing Allowance to a person who has substantial responsibilities for teaching in the College, or to any Senior Research Fellow or Research Fellow.

### **B. Official Fellowships**

1. The category of Official Fellow under Statute III.B.1(a) includes both Tutorial and non-Tutorial Fellowships. Both of these forms of Official Fellow must engage in research. Holders of Tutorial Fellowships, commonly known as Tutors, are required to teach on the terms specified by the Governing Body.
2. For appointing to posts held jointly with the University, the College will follow procedures agreed with the University. Those procedures must ensure that the College is represented on the selection panel.

### **C. Suspension and Removal of Fellows who are not Members of the Academic Staff.**

1. For the purposes of:
  - (a) discipline, Part III of Statute XVI and Part III of Regulation 16 apply; and
  - (b) grievance, Part VII of Statute XVI and Part VII of Regulation 16 apply;and in both cases Part I of Statute XVI applies, save that Section 2(a)(i) on academic freedom does not apply.
2. For the purposes of any appeal against removal from office, Regulation 16 Part V, sections 83 to 88 apply.

## **Regulation 5 on Student Members**

### **A. Scholarships**

1. The Governing Body:
  - (a) may elect to Scholarships, tenable for one year, and grant other awards to student members of the College to recognise individual achievement and promote education, learning, research and religion;
  - (b) must by resolution set the emoluments for any type of Scholarship it grants;
  - (c) must permit a Scholar or other recipient of an award to resign the Scholarship or award, or receive it in name but without any emolument; and
  - (d) may deprive a person of a Scholarship already granted, on the grounds of that person's conduct or academic performance.
2. Foundation Scholarships are tenable by student members who have been resident for at least a year and have achieved academic distinction. Foundation Scholarships are held until the end of each academical year when the Scholar's performance is reviewed, unless the Governing Body awards the scholarship for a longer period, of up to three years.
3. Senior Scholarships are tenable by student members who have already qualified for a degree or for Senior Status in the University. Senior Scholarships are held for a year from the start of the academical year following election, or whatever date the Governing Body when electing, and may, in exceptional circumstances, be renewed for a further year.
4. Organ Scholarships are tenable by student members qualified to support the musical and religious activities of the College under the supervision of the Chaplain. The Governing Body may delegate the power to award Organ Scholarships to a group of qualified persons, chaired by the Chaplain or a person delegated by the Chaplain. Organ Scholarships are held for the academical year following election, or for whatever period specified on election, and may be renewed.
5. Garside Scholarships are tenable by Student Members pursuing research in mathematics. Garside Scholarships are held for the two academical years following election, or for whatever shorter period the Governing Body determines when electing, and may be renewed.

### **B. Student Discipline**

Student members must abide by any rules of personal or academic conduct decided upon by the Governing Body and must follow the instructions of the Dean of College and any Assistant Deans of College where those instructions relate to the safety of those in the College or their conformity with any rule of the College. The Governing Body may remove a student's membership of the College for the same reasons as the University and for serious breaches of the College's rules of conduct.

## **Regulation 6 on Other Members of the College**

### **A. Visiting Fellows and Visiting Scholars**

1. The Governing Body may elect to a Visiting Fellowship a person or persons of distinction for a period not exceeding one year. A Visiting Fellow:
  - (a) must pursue some definite research work in the College or in the University or, with the approval of the Governing Body, elsewhere, which work must be specified in the Resolution by which he or she is elected;
  - (b) must reside in Oxford in Full Term during the tenure of the Fellowship;
  - (c) receives no stipend from the College but is entitled to meals at common table in the same way as an Official Fellow; and
  - (d)
  - (e) may request that the Governing Body suspend the Visiting Fellowship, such a request requiring exceptional reasons to be granted.
2. The Governing Body may elect to a Visiting Scholarship any person or persons who are qualified as a scholar for a period not exceeding one year. A Visiting Scholar:
  - (a) must pursue some definite research work in the College or in the University or, with the approval of the Governing Body, elsewhere, which work must be specified in the Resolution by which he or she is elected;
  - (b) must reside in Oxford during Full Term;
  - (c) receives no stipend from the College but is entitled to meals at common table in the same way as an Official Fellow; and
  - (d) may request that the Governing Body suspend the Visiting Scholarship, such a request requiring exceptional reasons to be granted.

### **B. Foundation Fellows**

The Governing Body may elect to Foundation 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. Foundation Fellowships are tenable without emolument and under such conditions as the Governing Body may decide.

### **C. Claymond Fellows**

The Governing Body may elect to Claymond Fellowships persons who have made an exceptional and exemplary contribution to the life and well-being of the College. Claymond Fellowships are tenable without emolument and under such conditions as the Governing Body may decide.

### **D. Lecturers**

The Governing Body may appoint such Lecturers, with or without stipend or emolument as it thinks best suited to the College as a place of education, learning, research and religion.

## Regulation 7 on College Officers

1. The Governing Body must appoint, in addition to the posts referred to in Statute VII A.1:
  - (a) a Dean of Welfare, to support and promote the well-being of student members;
  - (b) a Tutor for Admissions and Access to facilitate the selection of future student members and promote the widest access for potential students from all backgrounds;
  - (c) a Tutor for Graduates to support and guide graduate student members; and
  - (d) a Keeper of Pictures to safeguard the College's paintings and likenesses.
2. College Officers may be suspended or removed by means of Statute XVI if the Officer is a member of the Academic Staff, or by means of Part I of Statute IV if not a member of the Academic Staff.
3. The Senior Tutor must be a Fellow of the College of sufficient seniority to carry out the duties of the office.

## Regulation 8 on College Committees

1. In addition to the Academic Committee, Finance and Budget Committee, Remuneration Committee and Audit Committee, the Governing Body must establish the following committees, under terms of reference to be agreed by the Governing Body on appointment and which must be reviewed every year, to make recommendations to the Governing Body:
  - (a) Welfare Policy Committee, to support the non-academic and non-financial needs of student members of the College;
  - (b) Buildings Committee, to maintain and, where appropriate, seek to develop, the buildings of the College;
  - (c) Health and Safety Committee, to promote a safe environment for all members, staff and visitors to the College;
  - (d) Statutes Committee, to review where necessary the Statutes and Regulations of the College, and any other documents with implications for the Statutes and Regulations;
  - (e) Fellowships Committee, to provide recommendations on academic visitors to the College and recommendations on Honorary Fellows;
  - (f) Equality Committee, to promote a College community marked by the highest levels of fairness, equality and diversity;
  - (g) Development Committee, to strengthen the College's bond with its alumni and to raise funds for the pursuit of the College's purposes;
  - (h) Arts and Likenesses Committee, to review the College's collection of art and likenesses and guide future acquisitions.
2. The Governing Body must establish the following sub-committees, under terms of reference to be agreed by the Governing Body on appointment and which must be reviewed every year:
  - (a) Endowment Sub-Committee, which reports to the Finance and Budget Committee, to provide advice on the College's investments and potential investments; and
  - (b) Garden Sub-Committee, which reports to the Buildings Committee, to provide advice on the natural environment of the College.
3. Each College committee or College sub-committee:
  - (a) must have terms of reference setting out the membership and any delegated powers of the committee; and
  - a. may include such individuals who are not members of the Governing Body as the Governing Body may determine, provided that:

- i. the Academic Committee and the Finance and Budget Committee each have a majority of individuals who are members of the Academic Staff under Statute XVI;
  - ii. no member of the Remuneration Committee receives a regular and significant stipend from the College, but can receive payment for teaching work done for the College and for holding a College Office, subject to the rules for avoiding conflicts of interest in Statute II and Regulation 2.
- 4. Having received a recommendation of the Remuneration Committee, the Governing Body may only decide either to accept the recommendation or to return the matter to the Remuneration Committee for further consideration, including with that return any information the Governing Body thinks relevant.

## **Regulation 9 on the Fabric and Objects of Value of the College**

### **A. General**

The Governing Body is responsible for the Fabric of the College and its Objects of Value, including its works of art whether as paintings, sculptures or otherwise, and any other artefacts of specific cultural, artistic, or economic value to the College.

### **B. The Chapel**

1. The Chaplain is responsible for ensuring that Divine Service is celebrated according to the Liturgy of the Church of England in the College Chapel daily during the period of residence required of student members of the College and at such other times as are determined by the Governing Body in accordance with the provisions of Section 6 of the Universities Tests Act 1871.
2. The Commemoration of the Founder of the College, Richard Fox, and other benefactors will normally take place at a convenient time within Hilary Term.

### **C. The Library, Archives and their Holdings**

1. The Library is represented on Governing Body by the Fellow Librarian elected under Statute VII.F and is overseen by the Academic Committee and, where relevant, the Finance and Budget Committee.
2. The Governing Body may allocate reasonable sums of money to the Library to carry out these purposes, including for the employment of staff.
3. The Fellow Librarian and such Librarians and Archivists as the College employs must:
  - (a) seek to promote the objects of the College through its stewardship of its collections and the spaces where they are held and accessed. In particular, the Governing Body may require that Library activities comply with policies to promote the objects of the College;
  - (b) report to the Academic Committee each term on the Library and its holdings.

### **D. The Common Seal**

1. The Common Seal cannot be affixed to any document except in the presence of at least two members of the Governing Body, of whom one is the President or a deputy appointed by the President for this purpose and one of whom is the Bursar or a deputy appointed by the Bursar.
2. The impression of the College seal shall be attested by both of the persons required in section 1 of this Part.
3. A leger must be kept by the Bursar recording the use of the College Seal and the witnesses and signatories of the Deeds and other documents to which the College Seal has been affixed.

4. A copy of all documents to which the College seal has been affixed must be kept by the Bursar. In the case of stock transfer forms, rights and bonus notices and allotment letters, the copies may be disposed of after six years.

#### **E. The Plate and Objects of Value**

The Governing Body delegates the day to day care of all pictures and images to the Keeper of Likenesses and Images.

#### **F. Visitations**

The Governing Body must conduct a Visitation of at least a significant part of its landed estates each year, on the same terms as section 2 of Statute IX.F, save that this Visitation may be conducted by the Bursar or his delegate. A timely report on the Visitation must be made to the Finance & Budget Committee and to the Governing Body.

### **Regulation 10 on the Disposal and Investment of Income**

#### **B. The Power to Invest**

The Governing Body may delegate the power to invest to investment managers (who must be persons who are entitled to carry on investment business under the provisions of the Financial Services and Markets Act 2000 or any successor legislation). That delegation can be reviewed, altered or cancelled at any time. In particular, the Governing Body will normally review any delegation every three years. Any investment manager must:

1. comply with all of the specified requirements of the Investment Policy Statement as approved by the Governing Body including, but not limited to, asset allocation limits, risk limits, performance and transaction reporting;
2. not do anything outside the powers of the Governing Body.

#### **D. Power to Accept Endowments**

The Governing Body has a discretion not to accept gifts, donations or any other endowment which will impair or harm, in any way, its reputation or its capacity to carry out its purpose to advance education, learning, research and religion.

#### **G. The Power to Pool Trust Funds**

The Funds of the College may be collected together and administered in whatever way most efficiently and effectively promotes the objects of the College. Where possible, the College must do so through a scheme made under the Universities and Colleges (Trusts) Act 1943.

#### **H. The Power to apply Trusts Funds towards the General Educational Purposes of the College**

The funds specified in Statute X.H(c)(i) are:

1. the De Teissier Fund (1890);

2. the Benefaction Fund (1895);
3. the Sidgwick Prize (1903);
4. the Oddie Trust (1923);
5. the Charles Plummer Fund (1928); and
6. the Richards Bequest (1969).

### **Regulation 11 on Pensions**

When supplementing the retirement benefits of a President, Fellow or College Officer, the Governing Body must have regard to any rules applied by the University to supplement the pensions of University Officers. The Governing Body may not vote to supplement any retirement benefits without first receiving a recommendation to that effect from the Remuneration Committee, who have been provided with any relevant rules applied by the University.

## **Regulation 12 on Accounts and Audit**

The material to be included in the College's Books of Account must comply with such guidance as the Charity Commission or other regulatory body requires, and must cover at least the following:

1. a set of financial statements to cover the prior financial year (statement of financial activities, balance sheet and relevant notes) which comply with, FRS 102 (the "SORP") or any standards or presentational or organisational scheme mandated by the Charity Commission and/or the Financial Reporting Council or its successor regulators;
2. a Register of all the real property of the College's Endowment, showing the description, situation, amount, rental or other annual value of every property; and the fixed charges on it if any;
3. a Register of all Endowment investments showing the most recent available valuation and any impairments;
4. a statement of College reserves showing the quantum of the reserves put aside and the cash or investments which the College hold against such reserves;
5. a complete set of management accounts which reflect the income and expenditure budget agreed with Governing Body as well as any deviations from that budget which must be updated monthly and presented to Finance & Budget Committee at least once per term; and
6. such other books as may be necessary or convenient for regularly recording all such income and expenditure and other matters, and for enabling the accounts to be duly checked and balanced.

## **Regulation 15 on Interpretation, Alteration and Repeal of Statutes**

1. In the College Statutes and any Regulations made under them the word “religion” includes organised religion and the holding and exercise of personal beliefs.
2. For the purposes of Statute II, a reference to “day” or “days” is a reference to working days, that is, excluding days of the weekend and national holidays.

## Regulation 16 on the Academic Staff

### Part I: General

1. This Regulation applies to members of the Academic Staff as defined in Statute XVI.
2. For the purposes of Statute XVI.1(a)(ii), a person is a member of the Academic Staff if his or her primary office or employment is one of teaching or research for the College.
3. The following offices or employments are not of teaching or research for the College for the purposes of section 2 of this Part:
  - (a) Academic Registrar and any other members of the tutorial office;
  - (b) Bursar and any other members of the Bursary;
  - (c) Development Director and any other members of the Development Office;
  - (d) Librarian, Archivist and any other members of the library staff; and
  - (e) any office or employment in which less than £10,000 per annum is received for teaching done on behalf of the College.
4. A “secondary office or employment”, in relation to a member of the Academic Staff, means:
  - (a) one **not explicitly included in the contract of employment** which has not been prescribed as a primary office by Regulations;
  - (b) one which is not a primary office or employment for that member; and
  - (c) in respect of which the duties are of a limited nature only. In relation to any particular office, or employment, the Governing Body may resolve or by Regulation decide that the office or employment is of a limited nature based on the duties involved and the remuneration paid by the College. In addition, in relation to any particular person, the Governing Body may resolve that the person’s duties are of a limited nature where the remuneration for them would not normally be the principal source of remuneration of the person performing them.

## Senior Disputes Panel constituted under Statute XVI

### Constitution of Panel

5. A Senior Disputes Panel consists of three persons selected by the Governing Body from a list of not fewer than ten persons appointed annually by the Governing Body. The persons eligible are the members of the Governing Body, Emeritus Fellows and Honorary Fellows. The Governing Body must also select a Chairman of the Panel from amongst those three persons. In selecting members of the Panel, the Governing Body must exclude the person charged and any person who has had any involvement with any matter that would make his or her participation as a member of the Panel unfair. In the event that additional members are required the Governing Body may appoint further members either from the list of ten persons appointed annually by the Governing Body or from among the Fellows.
6. If a matter to be considered by the Senior Disputes Panel concerns a question of health or incapacity on medical grounds, the Senior Disputes Panel is not comprised as set out above but instead comprises one person nominated by the Governing Body; one person nominated by the person concerned or, in default of the latter nomination, by the Governing Body; and a medically qualified Chairman jointly agreed by the Governing Body and the person concerned or, in default of agreement, nominated by the Visitor.
7. Where a member of a Panel appointed in accordance with this Regulation is for any reason unable to participate in its work, the Governing Body may appoint another person to be a member of the Panel, either generally or for the determination of a particular matter in accordance with section 5 above.
8. The Governing Body must appoint a suitable person or persons to act as secretary of the Senior Disputes Panel. The secretary is not a member of the Panel. In appointing the secretary, the Governing Body must exclude any person who has had any involvement with the matter that would make his or her appointment as secretary unfair.
9. The College must meet all proper costs of members of any Panel and of its secretary and any legal adviser.

### Disqualification of Panel members

10. A person who believes that a member of the Panel has an involvement with the matter before a Panel that would make his or her participation as a member of the Panel unfair must for that reason decline to accept appointment as a member of the Panel, or, if already appointed, must disqualify him or herself from the Panel.
11. A member of a Panel who fails to attend the whole of any hearing (save for absences which, in the opinion of the Chairman, are immaterial) is disqualified from the Panel.
12. If the member of the Academic Staff under consideration by a Panel (“the Member Concerned”) believes that a member of the Panel has an involvement with the matter before the Panel that would make his or her participation as a member of the Panel unfair, then the

Member Concerned must object on that ground to the Panel Chairman without delay, and in any event not later than the start of the first hearing of the matter by the Panel. The Panel Chairman must rule on any such objection (including such an objection relating to him or herself). If the objection is upheld the member of the Panel concerned is disqualified from acting further. A ruling dismissing the objection is open to appeal to the Governing Body or to the President acting on behalf of the Governing Body, whose decision is final.

13. No objection of the sort referred to in section 12 above may be entertained after the start of the first hearing of the matter by the Panel, unless the Senior Disputes Panel Chairman is satisfied that it was not reasonably practicable for the Member Concerned to have raised the matter earlier. A ruling declining to entertain a late objection is open to appeal to the Governing Body or to the President acting on behalf of the Governing Body, whose decision in the matter is final.
14. Where a member of a Panel (not being the Panel Chairman) is disqualified from acting, the Panel may, with the consent of the Member Concerned, continue to act, notwithstanding such reduction in membership. Alternatively, the Panel Chairman may request the Governing Body to select a replacement member in accordance with the rules for selection, and may adjourn proceedings pending that appointment. Where the Chairman of a Panel is disqualified, a new Chairman must be selected in accordance with the rules for selection.
15. Where a person is added to the membership of a Panel, then any hearing that has already taken place in whole or in part must be disregarded and must be held afresh.

#### Role and powers of the Panel

16. The Panel Chairman must determine all preliminary and procedural matters on behalf of the Panel after such consultation with members of the Panel as the Chairman sees fit.
17. A Panel may make its decisions either unanimously, or, if unanimity is impossible, by a majority vote of those members present and voting. In the event of a tie, the Chairman of the Panel has an additional vote.

18. If the Panel considers it to be necessary in order to allow its procedure to be fair and orderly, it may vary time limits, allow the amendment of charges or of grounds of appeal, permit any departure from the rules or procedure set out in this Regulation, and in exceptional circumstances exclude any person, including the Member Concerned, from any hearing of the Panel.
19. If the Member Concerned or his or her representative is unable to attend the hearing on the date specified, the Panel will rearrange the hearing to a suitable alternative date. The Panel has the power to proceed with a hearing in the absence of the Member Concerned or his or her representative where the Member Concerned is persistently unable or unwilling to attend the hearing without good cause.
20. In exercising any discretion it has, the Panel must seek to give effect to the guiding principles set out in section 1(2)(a) of Statute XVI. Any exercise of discretion by the Panel may be made subject to such conditions as it sees fit.
21. The Panel Chairman may postpone, adjourn and reconvene any hearing or other meeting of a Panel. The Panel Chairman may discharge the Panel and order a rehearing of the matter before a fresh Panel, but may only do so where he or she is of the view that that step is necessary in order to ensure a just and fair process.
22. Where it appears to the Panel Chairman, whether on receipt of an application made by a party to the proceedings or otherwise, that a material aspect of the matter before the Panel is or is likely to be the subject of criminal or civil proceedings in a court of law or the subject of disciplinary proceedings in the University, the Panel Chairman may direct such stay in the process of the Panel as he or she may consider desirable. Subject to any such stay the Panel Chairman must seek to ensure that the case before the Panel is heard and determined as expeditiously as is reasonably practicable.
23. The Panel Chairman must arrange for a record of the proceedings of the Panel to be made, by whatever means the Chairman considers appropriate.
24. The Panel Chairman must send a document recording the Panel's decision in the case (together with their findings of fact (if any) and the reasons for their decision regarding the case) to the President, the Member Concerned, the Presenting Officer (if any) and any person who had been added as a party to the proceedings. Where a right of appeal exists, the Chairman must draw the attention of the Member Concerned to that fact and to the procedure, including any time limit, for appeal.
25. The Panel Chairman has power, with the agreement in writing of the other members of the Panel, by certificate under his or her hand, to correct in the record of proceedings or in the document recording the decision of the Panel any clerical mistakes or errors arising from any accidental slip or omission.

## Conduct of hearings

26. The overriding objective of the rules of procedure is to enable panels to deal with cases justly. That will include, so far as practicable:
- (a) ensuring that the parties are on an equal footing;
  - (b) saving expense;
  - (c) dealing with the case in ways that are proportionate to the complexity of the issues; and
  - (d) ensuring an expeditious and fair process.
27. Any party to a hearing by the Panel is entitled to be accompanied or represented by another person, whether such person is legally qualified or not, in connection with or at any hearing by any Panel. A party wishing to be so represented must inform the Chairman and the other parties in writing of the appointment or dismissal of any such representative, and must give notice whether any papers or notices in connection with the case should be sent to that representative in addition to the person charged.
28. Panels must, so far as appears to them to be practicable, seek to avoid formality in their proceedings and are not bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before courts of law. They must make such inquiries of persons and witnesses appearing before them as they consider appropriate and must otherwise conduct their hearing in such manner as they consider most appropriate for the clarification of the issues before them and generally for the just handling of the proceedings.

## **Part II: Redundancy procedure**

29. This procedure applies in relation to the dismissal of members of Academic Staff by reason of redundancy in accordance with Section 139 of the Employment Rights Act 1996. It does not apply to the non-renewal of a limited-term contract (within the meaning of Section 235 of the Employment Rights Act 1996) which shall be dealt with under Part VI of this Regulation.

## Consultation

30. The procedure for dismissing members of staff on grounds of redundancy shall include a preliminary stage involving consultation with appropriate representatives in accordance with, and if and to the extent required by, Section 288 of the Trade Union and Labour Relations (Consolidation) Act 1992 or, in those cases where such consultation is not so required, consultation with the individual members of staff affected, or in appropriate cases, consultation with both representatives and individual members of staff.

## Selection for redundancy

31. The Governing Body must appoint a Redundancy Committee to select the members of the Academic Staff for dismissal by reason of redundancy. The Redundancy Committee must act in accordance with any direction of the Governing Body under section 30 above and must carry out such consultation as is required. A Redundancy Committee appointed by the Governing Body must comprise:
  - (a) a Chairperson; and
  - (b) two members chosen from amongst members of the Governing Body to whom this Statute does not apply, Honorary Fellows and Emeritus Fellows; and
  - (c) two members chosen from amongst members of the Governing Body to whom this Statute applies.
32. If selection from a pool of members of staff is required, the Redundancy Committee will formulate a set of objective selection criteria and scoring guidelines which it proposes to employ, and must notify each member of the Academic Staff considered for selection of those selection criteria. It must afford each member of the Academic Staff considered for selection and/or their representatives the opportunity to make such written or oral representations on his or her own behalf as that member or his or her representative sees fit. If, following the receipt of such representations, any change is made to the selection criteria, then any member of the Academic Staff who might be materially affected by such change and/or his or her representatives must be afforded a new opportunity to make such representations.
33. Where selection is required, the Redundancy Committee will score each affected member of staff using the selection criteria and scoring guidelines and will report in writing their selection recommendations to the Governing Body.
34. The Governing Body must either approve any selection recommendation, or remit it to the Redundancy Committee for further consideration in accordance with their further directions. If the recommendation is approved, the Governing Body must inform each person selected for dismissal of the reasons for any dismissal and where selection has taken place, the reasons for their selection, of when the dismissal will take effect, and of any rights of appeal under this Regulation.
35. The procedure to be adopted by a Redundancy Committee must be determined by the Committee themselves as they see fit, subject to the adoption of a just and fair process which complies with the rules in sections 32, 33 and 34 above.

### Part III: Disciplinary procedure

#### Matters which may lead to disciplinary proceedings

36. For the purpose of this Regulation disciplinary action may be taken by the College against a member of the Academic Staff where it is related to conduct, capability or qualifications for performing work of the kind which the member of the Academic Staff was appointed or employed to do, or for some other substantial reason. This may include but is not limited to:
- (a) conviction for an offence such as to render the person convicted unfit for the performance of the duties of the office or for employment as a member of the Academic Staff;
  - (b) conduct incompatible with the duties of the office or employment;
  - (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of the office or employment; or
  - (d) physical or mental incapacity.
37. In section 36:
- (a) “capability” means capability assessed by reference to skill, aptitude, health, or any other physical or mental quality; and
  - (b) “qualifications” means any degree, diploma, or other academic, technical, or professional qualification relevant to an office or position held.
38. Accordingly, disciplinary action under this Regulation may be taken, and where appropriate a penalty imposed, in respect of misconduct or poor performance including but not limited to the following:
- (a) being convicted of a serious criminal offence (whether committed during the course of employment or not) of a kind that is judged in all the circumstances to be relevant to a member of Academic Staff’s employment by the College, or being investigated for such an offence where, in the reasonable opinion of the College, such investigation has resulted in the loss of trust and confidence in the member of the Academic Staff by the College;
  - (b) failure, refusal, neglect or inability to perform some or all of the duties or to comply with some or all of the conditions attaching to the post, or performing those duties or complying with those conditions in an unsatisfactory or inadequate manner;

- (c) wilful disruption of the activities of the College;
- (d) gross misconduct on the part of a member of Academic Staff, including (but not confined to) the following:
  - (i). breach of any obligation or duty arising under any of the College's Statutes, Regulations, or codes of practice regarding financial matters, harassment, equal opportunities, public interest disclosure, health and safety, or data protection, or any other rules, regulations or codes binding on the member of Academic Staff;
  - (ii). damage to or improper use of College facilities, premises, property or equipment;
  - (iii). improper interference with the activities of the College or of any member, officer, employee of or visitor to the College;
  - (iv). violent, indecent, disorderly, threatening, abusive, insulting or harassing behaviour or language (whether written, spoken or in any other form);
  - (v). harassment of, or discrimination against, employees, contractors, students or members of the public, related to gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age;
  - (vi). possession, use, supply or attempted supply of illegal drugs;
  - (vii). serious incapability at work brought on by alcohol or illegal drugs;
  - (viii). fraud, deceit, deception or dishonesty in relation to the College or any related activity, including research and examining;
  - (ix). serious misuse of email or of the internet (including downloading or transmission of material which is defamatory, offensive or obscene, malicious, sexist, racist or protected copyright material) or using email or the internet in serious breach of any applicable policies or procedures;
  - (x). unauthorised computer use or access;
  - (xi). absence without leave or just cause;
  - (xii). action likely to cause injury or impair safety;
  - (xiii). bringing the organisation into serious disrepute;

- (xiv). divulging information or material received in confidence (unless the disclosure is permitted under the Public Interest Disclosure Act 1998 or in accordance with the University's or College's public interest disclosure procedure).

Less serious matters: warnings

39. Minor conduct issues can often be resolved informally between a member of the Academic Staff ("the Member Concerned") and the President, or a person delegated by the President. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on the file of the Member Concerned but will be ignored for the purposes of any future disciplinary hearings.
40. If the President concludes after investigation (including a meeting with the Member Concerned) that the fault is sufficiently serious to justify it, or if a further offence occurs after an oral warning, the President may issue a written warning. The President may conduct the investigation alone, with assistance from a suitable person or persons, or delegate the investigation to another suitable person or persons. Such a warning must specify the reason for the warning, the improvements required in the conduct or performance of the Member Concerned, and the period of time within which such improvements are to be made. The President must advise the Member Concerned that the Member Concerned may appeal against the warning as set out below, and indicate that a further and final written warning may be given if no satisfactory improvement takes place within the stated time or further misconduct occurs, and if that warning is not heeded, charges may be instituted before the Senior Disputes Panel.
41. The President must keep a written record of any written warning issued. Each written warning must specify a period from the date of issue after which, in the absence of further disciplinary matters arising, it will be disregarded. The period may not normally exceed one year unless the President considers there are good grounds for the warning lasting longer, the maximum length being two years.
42. The Member Concerned may appeal in writing to the President against a disciplinary written warning within fourteen days of the date of the warning, stating the grounds of appeal. The appeal must be communicated to the Governing Body. Any appeal will be heard by a Panel constituted in the same way as a Grievance Panel (as under section 119 of this Regulation). If the appeal is allowed, the written warning is disregarded.

More serious matters: the institution of charges before the Senior Disputes Panel

43. If the President receives a complaint against a member of the Academic Staff ("the Member Concerned") seeking the institution of a charge or charges ("a Charge") before the Senior Disputes Panel, then the President may investigate the matter as he or she sees fit. The

President may conduct the investigation alone, or with assistance from a suitable person or persons, or may delegate the investigation to another suitable person or persons.

44. If the President believes (either on receipt of a complaint or at any later time) that the Member Concerned may have committed an act of gross misconduct, the President may suspend from work on full pay the Member Concerned. Any such suspension may be for no longer than reasonably necessary to enable the College to investigate the alleged offence. During the period of suspension, the Member Concerned may be refused access to the College's premises or contact with the College's Fellows, students and employees without the prior consent of the President and subject to such conditions as the President may impose. Such suspension will only be imposed after careful consideration and will be reviewed to ensure that it is not unnecessarily protracted. Suspension in these circumstances is not considered as a disciplinary action. Any such suspension must be reported to the Governing Body.
45. If, whether as the result of the investigation of a complaint or otherwise, the President considers that there are grounds for believing that a Charge should be instituted before the Senior Disputes Panel, then the President must write to the Member Concerned inviting his or her comment in writing by a specified date.
46. As soon as practicable following receipt of the comments (if any) of the Member Concerned, the President must consider the matter in the light of all the available evidence and may dismiss the matter summarily, or issue an oral or written warning, or determine that a Charge should be instituted before the Senior Disputes Panel.
47. Where the President has determined that a Charge should be instituted before the Senior Disputes Panel, then:
  - (a) the President must instruct a solicitor or other suitable person to formulate the charge or charges and to present, or arrange for the presentation of, the charges before the Senior Disputes Panel; and
  - (b) the President must ask the Governing Body to appoint a Senior Disputes Panel and refer the matter to the Chairman of the Senior Disputes Panel.
48. The person formulating the charge or charges ("The Presenting Officer") must:
  - (a) forward the charge or charges to the Panel and to the member of the Academic Staff concerned, together with the other documents therein specified and a list of all witnesses the College proposes to call, with statements containing the evidence they are expected to give; and
  - (b) make any necessary administrative arrangements for the summoning of witnesses, the production of documents and generally the proper presentation of the case before the Panel.

49. If the President has suspended the Member Concerned any such suspension must be reviewed by the President at regular intervals, each review taking place within two months of the time of the last decision to suspend.
50. The Presenting Officer must seek to ensure that the case is heard and determined as expeditiously as is reasonably practicable.
51. The Presenting Officer must send to the secretary of the Panel written notice of the charge or charges to be brought before the Panel and the particulars thereof, and must send with the notice a copy of any documents which it is proposed to produce and a list of all witnesses whom it is proposed to call, together with statements of the evidence that they are expected to give.
52. After consultation with the Member Concerned and with the Presenting Officer, the Chairman of the Panel must fix the date, time and place of the hearing.
53. Not later than the fourteenth day next preceding the date so fixed (or such shorter period as may be agreed between him and the parties) the secretary of the Panel must send to each party:
  - (a) a notice of the hearing which contains information and guidance as to attendance at the hearing, the calling of witnesses and the production of documents, representation by another person and the use of written submissions; and
  - (b) a copy of the charge or charges, together with a copy of the other documents and information specified in section 51 of this Regulation.
54. Not later than the seventh day next preceding the date appointed for the hearing the Member Concerned and any other person who has been added as a party must forward to the secretary of the Panel and to the other parties a copy of any documents he or she wishes to present and a list of any witnesses he or she proposes to call, with statements of the evidence they are expected to give, if necessary.
55. It is the duty of each party to make any necessary arrangements for the summoning of the witnesses he or she proposes to call, the production of documents and generally the proper presentation of their case before the Panel.
56. No new witness or documentary evidence may be introduced by any party beyond those of which notice has been given without the consent of the Panel, and that consent may not be given except for good reason. If such late introduction is permitted, any other parties are allowed an adjournment sufficient to allow them to consider and respond to the new evidence and to introduce further evidence in rebuttal.

## Criminal proceedings

57. The fact that any person has been or is liable to be prosecuted in a court of law in respect of an act or conduct which is the subject of the proceedings before the Panel does not affect the jurisdiction and powers of the Panel under the Statute; but the Panel must consider the advisability of referring the matter to the police.
58. Evidence that a person has been convicted of a criminal offence by or before any court of law, or that any court of law has found proven an offence with which he or she was charged, is admissible in any proceedings before the Senior Disputes Panel for the purpose of establishing that that person committed the offence or was guilty of any act or conduct in respect of which he or she was so charged or convicted.

## The decision of the Senior Disputes Panel

59. Where, after a hearing, the Panel finds the Charge or any part thereof to be without substance, it must dismiss the Charge or that part thereof and state the reasons in its findings.
60. Where, after a hearing, the Panel finds the Charge or any part thereof to be established, then before deciding what penalty (if any) to impose, it must give the Member Concerned and the person who formulated the charges, and the person who presented the parties, if different, the opportunity to put forward any matters bearing on the penalty to be imposed unless it is of the view that a sufficient opportunity has already been given in the course of the hearing.
61. The Panel may decide to recommend to the Governing Body no penalty, or may recommend a penalty comprising one or more of the following:
  - (a) discussion of the issues raised with the person concerned;
  - (b) an oral or written warning;
  - (c) removal from any secondary office or employment;
  - (d) the taking of such further or other action under the contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case; or
  - (e) dismissal with or without notice.

If the Panel is of the view that the conduct of the Member Concerned constitutes gross misconduct such as to justify dismissal without notice, it must so state in its findings.

62. Where, after a hearing, the Panel is of the view that the Member Concerned should be dismissed, it must so state, specifying the reason, in its findings.

63. When the Governing Body receives a recommendation that the Member Concerned be subject to a penalty, it must resolve to take one of the actions listed in section 61 of this Part. The President will carry out the action the Governing Body decides upon, but the President may also appoint a delegate to carry out that action.

The addition of parties, the consolidation of matters and other miscellaneous matters

64. The Chairman of the Senior Disputes Panel may agree to the addition of any other person as party to a case before the Panel, provided that the Chairman must not so act unless he or she is of the view that that step is desirable in order to ensure a just and fair process. Such other person must receive from the Presenting Officer the papers sent to other parties, and has the right to a fair process before any Senior Disputes Panel.

Concurrent charges

65. The Governing Body may determine that charges against more than one member of the Academic Staff may be heard concurrently by the same disciplinary Panel. It may further determine that charges against one or more members of the Academic Staff will be heard concurrently with charges against one or more student members of the College or with charges against any Fellow who is not a member of the Academic Staff. In such a case the Senior Disputes Panel is deemed, in relation to any student member of the College, to be constituted concurrently as a disciplinary committee in relation to the student member and must proceed giving effect to the requirements of that Statute so far as is consistent with the requirements under Statute XVI and this Regulation.

Relationship with provisions on incapacity on health grounds

66. If at any stage the Chairman of the Senior Disputes Panel forms the view that the conduct or capability of the Member Concerned may be attributable, wholly or in part, to a medical condition, then he or she must inform the President, who may report the matter to the Governing Body which must consider whether to appoint a Senior Disputes Panel in accordance with the provisions in section 6 of this Regulation. If the Governing Body or the President decides not to appoint such a Panel, the proceedings continue before the Panel with its former membership. If a Panel is appointed under section 6 of this Regulation then the newly constituted Panel must decide how to proceed in the light of the progress so far and will take account of any medical evidence and will make any reasonable adjustments necessary.

#### **Part IV: Procedure for Assessing Incapacity on Health Grounds**

The institution of charges before an incapacity Panel (under section 6 of this Regulation).

67. Where the President, after consulting the Governing Body, is of the view that a Senior Disputes Panel should consider whether a member of the Academic Staff ("the Person Referred") should be dismissed by reason of an incapacity on health grounds under Part IV

of Statute XVI the Governing Body must appoint a Senior Disputes Panel to determine the matter and must at the same time appoint a suitable person (“the Presenting Officer”) to present the case on behalf of the College to the Panel.

68. The President may also, after consulting the Governing Body, suspend the Person Referred from the performance of his or her duties without loss of emolument.
69. Any person having authority in law to act on behalf of the Person Referred shall have power so to act in respect of all proceedings before the Senior Disputes Panel. Any requirement in relation to the Person Referred is satisfied if that requirement is fulfilled in relation to the person having authority to act on behalf of the Person Referred or a representative appointed by the Person Referred, whether or not it is also fulfilled in relation to the Person Referred him or herself.
70. As soon as reasonably practicable after appointment, the Presenting Officer must send to the Person Referred and to the Chairman of the Senior Disputes Panel notice of the reason it is thought that the dismissal of the Person Referred by reason of incapacity on health grounds should be considered together with a copy of Statute XVI and of these Regulations.
71. The Presenting Officer must seek to ensure that the case is heard and determined as expeditiously as is reasonably practicable.
72. The Presenting Officer may undertake any further investigations he or she considers appropriate.
73. The Chairman of the Senior Disputes Panel, after consultation with the Person Referred and with the Presenting Officer, must determine the date and time of a meeting of the Panel for the purpose of a hearing of the case, and must send notice of the date, time and place of the meeting to the Person Referred, to the Presenting Officer and to the members of the Panel.
74. Not later than 14 days before the date appointed for the hearing (or such shorter period as may be agreed by him or her with the parties), the secretary of the Panel must send a notice of the hearing to each party and to any representative. The notice must include:
  - (a) information and guidance as to attendance at the hearing, the calling of witnesses and the bringing of documents, representation by another person and written submissions; and
  - (b) a statement of the case, together with a copy of the documents and other information specified in section 70 of this Regulation.
75. Not later than 7 days before the date appointed for the hearing the Person Referred, or the Person Referred’s representative, must send to the secretary of the Panel and to the Presenting Officer a copy of any documents he or she wishes to present and a list of all

witnesses he or she proposes to call, with statements of the evidence they are expected to give.

76. It is the duty of each party to make any necessary arrangements for the summoning of the witnesses he or she proposes to call, the production of documents and generally the proper presentation of their case to the Panel.
77. No new witness or documentary evidence may be introduced by any party without the consent of the Panel, and such consent may not be given save for good reason. If such late introduction is permitted, the other party must be allowed an adjournment sufficient to allow him or her to consider the additional evidence and respond to it, and to introduce further evidence as appropriate.

#### Medical evidence

78. The Presenting Officer may seek from the Person Referred such medical evidence as he or she considers necessary for the purpose of the presentation of the matter to the Senior Disputes Panel. Such evidence may include reports from the GP or other medical practitioner in charge of the clinical care of the Person Referred, or reports from Occupational Health practitioners to whom the Referred Person has been referred, and/or the opinion of a medically qualified person appointed by the College, at College expense, to advise on the health of the Person Referred. The medically qualified adviser must not be a member of the Senior Disputes Panel. In the event of the Person Referred declining to consent to provide any or all of the evidence requested to the Panel, the Panel may make a determination on the matter based on the evidence before it and draw such inferences as to the health of the Person Referred as they see fit from all the circumstances of the case.

#### The decision of the Senior Disputes Panel

79. Where, after a hearing, the Senior Disputes Panel finds that the Person Referred is incapable of performing satisfactorily the duties of his or her office or employment, it may take action which may be any of the following:
  - (a) suspension on grounds of ill health pending receipt of evidence to the satisfaction of the medically qualified member or members of the Panel of fitness to resume work;
  - (b) suspension on grounds of ill health pending further review by the Panel at a specified date;
  - (c) dismissal with or without notice on grounds of ill health;
  - (d) where the Person Referred has a disability, consideration (with advice from Occupational Health) as to whether there are any reasonable adjustments that

could be made to the working arrangements of the Person Referred, including changing their duties or providing additional equipment or training.

80. During any period of suspension on grounds of ill health the Person Referred must be paid in accordance with the terms of his or her office or employment. Any entitlement to pay during absence on ill health grounds must take account of all previous payments made to the Person Referred. If the Panel decide to dismiss without notice on grounds of ill health, the College may pay to the Member Concerned in lieu of any notice period any emolument that would otherwise be due to him or her.

#### **Part V: Appeals**

81. This Part establishes procedures for hearing and determining appeals by members of the Academic Staff who are dismissed or under notice of dismissal or who are otherwise disciplined.

82. For the purposes of determining when an appeal is possible:

(a) this Part applies:

- (i). to appeals against any decision of the Governing Body to dismiss in the exercise of its powers under Part II of Statute XVI;
- (ii). to appeals arising in any proceedings, or out of any decision reached, under Part III of Statute XVI other than appeals against disciplinary warnings under section 42 of this Regulation;
- (iii). to appeals against any dismissal otherwise than in pursuance of Part II, Part III, Part IV or Part VIII of Statute XVI;
- (iv). to appeals against any disciplinary decision otherwise than in pursuance of Part III of Statute XVI;
- (v). to appeals against any decision reached under Part IV of Statute XVI; and
- (vi). to appeals against any decision reached under Part VI of Statute XVI;

and “appeal” and “appellant” must be construed accordingly.

(b) there is no appeal from:

- (i). a decision of the Governing Body that there should be a reduction in the Academic Staff under section II.7 of Statute XVI;
- (ii). any findings of fact of a Senior Disputes Panel under section 24 of this Regulation save on legal grounds or save where, with the consent of the

person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;

(iii). any medical finding by a Panel set up under Part IV of this Regulation save on legal grounds or save where, with the consent of the person or persons appointed, fresh evidence is called on behalf of the appellant at that hearing;

(c) in this Part, references to “the person appointed” are references to the person appointed by the Governing Body under section 85(a) of this Regulation to hear and determine the relevant appeal; the parties to an appeal shall be the appellant and the President and any other person added as a party at the direction of the person appointed.

83. A member of the Academic Staff must institute any appeal by serving on the President, within the time allowed under section 84(a) of this Regulation notice in writing setting out the grounds of the appeal.

84.

(a) A notice of appeal shall be served within 28 days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the person appointed may determine under sub-section (c) of this section.

(b) The President shall bring any notice of appeal received (and the date when it was served) to the attention of the Governing Body and shall inform the appellant that he or she has done so.

(c) Where the notice of appeal is served on the President outside the 28-day period the person appointed under section 85(a) of this Regulation shall not permit the appeal to proceed unless he or she considers that justice and fairness so require in the circumstances of the case.

85.

(a) Where an appeal is instituted under this Part, the Governing Body shall appoint a person described in sub-section (b) of this section to hear and determine that appeal subject to sub-section (c) of this section.

(b) The person described in this sub-section is either:

i.the Visitor; or

ii.a person not employed by the College holding, or having held, judicial office or being a barrister or solicitor of at least ten years' standing.

- (c) The person appointed shall sit alone unless he or she considers that justice and fairness will best be served by sitting as an Appeal Tribunal with two other persons.
- (d) The other persons who may sit with the person appointed, and who must be appointed by the Governing Body, are:
  - (i). one member chosen from amongst members of the Governing Body to whom this Statute does not apply, Honorary Fellows and Emeritus Fellows; and
  - (ii). one member chosen from amongst members of the Governing Body to whom this Statute applies.

86. The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals is the same as in sections 16 to 25 of this Regulation, save that:

- (a) an appellant is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing of his or her appeal;
- (b) an appeal shall not be determined without an oral hearing at which the appellant and any person appointed by him or her to represent him or her are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;
- (c) full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
- (d) the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable.

87. The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may:

- (a) remit an appeal from a decision under Part III of this Regulation (or any issue arising in the course of such an appeal) to the Governing Body for further consideration as the person or persons hearing the appeal may direct;
- (b) remit an appeal arising under Part IV of this Regulation for re-hearing or reconsideration by the same or by a differently constituted Senior Disputes Panel to be appointed under that Part;

- (c) remit an appeal from a decision under Part V of this Regulation for further consideration as the person or persons hearing the appeal may direct;
  - (d) remit an appeal by the President arising under Part VIII of this Regulation for re-hearing or reconsideration by the same or by a differently constituted Tribunal to be appointed under that Part; or
  - (e) substitute any lesser alternative penalty that would have been open to the President following the finding by the Senior Disputes Panel that heard and determined the original charge or charges.
88. The person appointed shall send a reasoned decision, including any decision reached in exercise of his or her powers under section 87(a), (b), (c) or (d) of this Regulation, on any appeal and a statement of any findings of fact different from those of the Governing Body under Part II of this Regulation or of the Senior Disputes Panel under Part III of this Regulation or of the Panel under Part IV of this Regulation or of the Tribunal appointed under Part VIII of this Regulation, as the case may be, to the President and to the parties to the appeal.

#### **Part VI: Other Dismissals**

##### Procedure on the expiry of fixed-term appointments

89. Any appointment to an office or employment in the College, by virtue of holding which the person appointed (“the Member Concerned”) will be a member of the Academic Staff, and which is for a fixed term, must be made according to a Fixed Term Appointment Procedure, approved by the Governing Body, defining the matters to be considered in relation to the expiry of the fixed term and any possible renewal.
90. The procedure must:
- (a) sufficiently define the nature and character of the office to inform the Member Concerned of his or her expectations in relation to renewal;
  - (b) define the time at which a review must take place in order for the Governing Body to decide whether the office or employment should be allowed to terminate without renewal, or should be renewed for a further fixed term, or should be extended to an appointment of indefinite duration;
  - (c) provide for discussion with the Member Concerned in the course of the review;
  - (d) provide for the communication of the outcome of the review, with the reasons for its recommendation, to the Member Concerned before a final decision by the Governing Body in relation to renewal; and

(e) provide for further review at the request of the Member Concerned, and for time limits in relation to that further review process.

91. The decision of the Governing Body whether the office or employment should be allowed to terminate without renewal, or should be renewed for a further fixed term, or should be extended to an appointment of indefinite duration, must be taken in accordance with the procedure.
92. The provisions in the Fixed Term Appointment Procedure apply only on the expiry of the fixed term. If the College wishes to terminate the contract during the fixed term the College will follow the provisions set out elsewhere in this Regulation.

#### Procedure for the confirmation of appointments at the end of an initial probationary period

93. The following procedure must be followed in relation to any appointment to an office of employment in the College, by virtue of holding which the person appointed (“the Member Concerned”) will be a member of the academic staff, and which is subject to confirmation at the end of an initial probationary period.
94. The Governing Body must appoint, in the case of each such appointment, a Review Panel which will normally comprise the President, the Senior Tutor and two Fellows.
95. During the initial probationary period, the Review Panel must conduct such inquiries (which must include discussion with the Member Concerned) as it may consider appropriate to assess the performance of the member of the Academic Staff concerned and must keep a note of the outcome of those inquiries. The Review Panel must, during that period, give such help, guidance and warnings as it may consider appropriate to assist the Member Concerned to succeed in his or her appointment.
96. Not later than four months before the end of the initial probationary period, the Review Panel must meet the Member Concerned for discussion to enable the Review Panel to decide whether:
  - (a) to confirm the appointment of the Member Concerned at the end of the initial probationary period; or
  - (b) to extend the initial probationary period; or
  - (c) to give the Member Concerned notice of dismissal from the end of the initial probationary period; and must write to the Member Concerned stating the decision and the reasons for it.
97. Not later than fourteen days from the date of any letter from the Review Panel extending the initial probationary period or giving notice of dismissal, the Member Concerned may apply in writing to the President for a further review. On such application, the Review Panel

must send to the President the notes kept during the course of the initial probationary period and all correspondence with the Member Concerned.

98. The President, after such consultation (if any) with the Governing Body as he or she sees fit and after discussion with the Member Concerned, must before the end of the probationary period decide whether or not to confirm or vary the decision of the Review Panel. The President's decision in the matter is final.
99. An initial probationary period may not be extended more than once, and may not be extended so that the whole period amounts to one year or more, without the consent of the Governing Body.

#### Procedure on retirement

100. The College has determined that it is appropriate to have a fixed retirement age of 68 for all academic members of staff (the "College Retirement Age"). The College will review whether the fixed retirement age remains necessary from time to time and the College will consult with members of staff if it considers the College Retirement Age needs to change. The College considers that there are the following legitimate business reasons for this fixed retirement age and that these aims cannot reasonably be met by other means:
  - (a) safeguarding the high standards of the University in teaching, research and professional services;
  - (b) promoting inter-generational fairness and maintaining opportunities for career progression for those at particular stages of a career, given the importance of having available opportunities for progression across the generations;
  - (c) refreshing the academic, research and other professional workforce as a route to maintaining the 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;
  - (f) facilitating flexibility through turnover in the academic-related workforce, especially at a time of headcount restraint, to respond to the changing business needs of the University, whether in administration, Information Technology, the libraries, or other professional areas;
  - (g) minimising the impact on staff morale by using a predictable retirement date to manage any future financial cuts or constraints by retiring staff at the College Retirement Age.

101. In accordance with the contract of employment of a member of the Academic Staff, his or her employment will terminate automatically on 30<sup>th</sup> September preceding the member of staff's 69<sup>th</sup> birthday without the need for either party to give notice.
102. Any request not to retire must be made by the member of the Academic Staff to the President, following which a meeting will be held to discuss the request. When considering a member of the Academic Staff's request not to be retired, the President must consider the request in the light of surrounding circumstances, including the College's business reasons for having a fixed retirement age. Any decision to allow one member of Academic Staff to work beyond the College Retirement Age does not mean the College will necessarily allow another member of staff to do the same. However, the College aims to treat members of the Academic Staff consistently where possible, subject to the needs of the College's business.
103. Any notice of appeal must be made by the member of the Academic Staff to the President and any such appeal will be considered by the Senior Disputes Panel. The member of the Academic Staff has the right to be accompanied by the same category of persons as for other hearings before the Senior Disputes Panel.
104. For members of the Academic Staff who are not employees as defined by Section 230(1) of the Employment Rights Act 1996 the office holding will automatically terminate on the member of the Academic Staff attaining the College Retirement Age.
105. The Governing Body has power to extend an employment to match part or all of an extension granted by the University.

Procedure for removal from a secondary office or employment or where the duties are of a limited nature

106. This Regulation applies where
  - (a) the President is of the opinion that a member of the Academic Staff ('the Member Concerned') should be removed from a secondary office or employment before its prescribed or normal termination date, but is not aware of any grounds that would justify proceedings for dismissal from a primary office or employment held by the Member Concerned; or
  - (b) the duties of a member of the Academic Staff ("the Member Concerned") are of a limited nature and the President is of the opinion that the Member Concerned should be removed from his or her office or employment before its prescribed or normal termination date. A person's duties shall be taken to be of a limited nature if the remuneration for those duties is not the principal source of remuneration of that person. In relation to any particular office, or employment, the Governing Body may resolve or by Regulation decide that the office or employment is of a limited nature based on the duties involved and

the remuneration paid by the College. In addition, in relation to any particular person, the Governing Body may resolve that the person's duties are of a limited nature where the remuneration for them would not normally be the principal source of remuneration of the person performing them.

107. The President must discuss the reasons for that opinion with the Member Concerned. If, after that discussion, the President remains of the same opinion, then he or she must ask the Governing Body to refer the matter to the Senior Disputes Panel to consider the matter and to report. Before reporting, the Senior Disputes Panel must give the Member Concerned a fair opportunity to show why he or she should not be removed from the secondary office or employment or from the limited duties before its prescribed or normal termination date.
108. The report of the Senior Disputes Panel must be communicated to the Member Concerned for comment by a specified date, and must then be communicated, with the comments (if any) of the Member Concerned, to the Governing Body, whose decision in the matter is final and is treated as an appeal.

#### Procedure for dismissal on other grounds

109. If it appears to the President, after receiving a complaint or otherwise, that there are grounds for believing that a member of the Academic Staff ("the Member Concerned") should be dismissed for some substantial reason other than one in respect of which provisions are made elsewhere in these Regulations, then the President may determine that the matter should be considered by a Senior Disputes Panel.
110. Where the President has so determined, then:
  - (a) the President must appoint and instruct a suitable person ("the Presenting Officer") to formulate the Charge and to formulate the matter and to present it, or arrange for its presentation, before the Senior Disputes Panel; and
  - (b) the President must refer the matter to the Chairman of the Senior Disputes Panel; and
  - (c) the procedure to be followed in relation to such a matter before the Senior Disputes Panel must be the same as that in relation to a disciplinary procedure under Part III of this Regulation; and
  - (d) after hearing the views of the Member Concerned and the Presenting Officer, the Senior Disputes Panel may, as an alternative to proceeding under this Regulation, resolve to continue the proceedings as a disciplinary procedure under Part III of this Regulation, provided that it is satisfied that that course is consistent with a just and fair process, and in particular that the Charge for the disciplinary procedure is clearly specified and is fairly related to the matter already before the Panel.

## **Part VII: Grievance Procedure**

111. The aim of this Regulation is to settle or redress individual grievances promptly and fairly by methods acceptable to all parties.
112. The grievances to which this Regulation applies are ones by members of the Academic Staff concerning their appointments or employment where those grievances relate to:
  - (a) matters affecting themselves as individuals; or
  - (b) matters affecting their dealings or relationships with other members of the College,not being matters for which express provision is made elsewhere in this Statute.
113. If other remedies have been exhausted the member of the Academic Staff may raise the matter with the President.
114. If it appears to the President that the matter has been finally determined under Part III of this Regulation or that the grievance is trivial or invalid, he or she may dismiss it summarily, or take no action upon it. If it so appears to the President, he or she must inform the person concerned accordingly.
115. If the President is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) a matter under Part III of this Regulation he or she must defer action upon it until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he or she must notify the person concerned accordingly.
116. If the President does not reject the complaint under section 113 of this Regulation, or if he or she does not defer action upon it under section 114 of this Regulation, he or she must decide whether it would be appropriate, having regard to the interests of justice and fairness, for him or her to seek to dispose of it informally. If he or she so decides, he or she must notify the person concerned and proceed accordingly.
117. The President may seek the advice of the Governing Body regarding any grievance raised under section 115 of this Regulation, and must do so at the request of the person aggrieved.
118. If the grievance has not been disposed of informally under section 115 of this Regulation, the President must refer the matter to a Grievance Panel for consideration.
119. A Grievance Panel comprises three persons selected by the Governing Body from a list of not fewer than ten persons appointed annually by the Governing Body as the Senior Disputes Panel. The persons eligible are the members of the Governing Body, Emeritus Fellows and Honorary Fellows. The Governing Body must also select a Chairman of the Panel.

120. When referring a grievance to the Grievance Panel the President must furnish it with a written statement of the grievance, provided by the aggrieved person, and must send a copy of that statement to any person mentioned or named in it whose conduct forms part of the matter giving rise to the grievance.
121. A grievance that has been referred to a Grievance Panel must not be disposed of without an oral hearing at which the aggrieved person and any person against whom the grievance lies have the right to be heard and to be accompanied or represented by another person, whether such person is legally qualified or not, to give evidence, to call witnesses, to question any witness concerning any relevant evidence, and to address the Panel after any evidence has been heard, but, subject to this, the Panel may regulate its own procedures, making such inquiries and seeking such advice as it considers necessary.
122. It is the duty of the Panel to consider and determine the grievance as expeditiously as is reasonably practicable.
123. The Panel must inform the Governing Body and the aggrieved person in writing whether the grievance is or is not well-founded, and if it is well-founded the Panel must make such proposals (giving its reasons for so doing) for the redress of the grievance as it thinks fit.
124. If the member of staff is dissatisfied with the outcome of the grievance process, he or she may appeal in writing to the Governing Body setting out in full his or her grounds of appeal.
125. The Governing Body will arrange any appeal hearing in accordance with Part V of this Regulation. The member of staff has the right to be accompanied to the appeal, or represented at the appeal, by another person, whether such person is legally qualified or not. The Governing Body will consider the member of staff's appeal, any representations made or new evidence presented at the appeal hearing and the original decision of the Panel. In reaching any decision upon the matter, it must seek to give effect to the guiding principles stated in Statute XVI. The Governing Body will inform the member of staff in writing of the outcome of the appeal.
126. There is no further right of appeal.

#### **Part VIII: Procedure for the removal and dismissal of the President from Office**

127. Any three or more members of the Governing Body may make a complaint to the Vice-President seeking the removal of the President from office for good cause.
128. The Vice-President must refer such a complaint to the Governing Body, exclusive of the President and the members making the complaint. If it appears to the Governing Body that the complaint is not supported by sufficient evidence of good cause for the removal of the President from office, it may determine that no further action shall be taken upon it.

129. If it appears to the Governing Body that the complaint is supported by sufficient evidence of good cause for the removal of the President from office, it must appoint a Tribunal to hear and determine the matter.
130. The Tribunal appointed by the Governing Body must comprise three persons who are not Fellows and are not employed by the College, one of whom holds, or has held, judicial office, or who is a barrister or solicitor of at least ten years' standing, that person to be chairman of the panel.
131. A charge referred to the Tribunal must be dealt with in accordance with the procedure prescribed in sections of this Regulation, provided that:
  - (a) the Vice-President shall perform any duty and exercise any power there assigned to the President; and
  - (b) the only recommendation the Tribunal may make is whether or not the President should be removed from his or her office.
132. Where a charge or charges have been upheld and the Tribunal finds good cause and recommends dismissal, but in no other case, the Governing Body must consider the recommendation and may then instruct the Vice-President to dismiss the President.
133. Where a complaint is to be referred to a Tribunal under section 129 of this Regulation, the Vice-President may, if he or she considers either that the College might otherwise suffer significant harm, or that it would not be possible to properly investigate the allegation if the President were to remain in post, suspend the President from the President's duties in all matters relating to the governance and discipline of the College without loss of salary.
134. For the purpose of the removal of the President from office for incapacity on medical grounds, the provisions of Part IV of this Regulation will have effect, provided that the Vice-President must perform any duty or exercise any power there assigned to the President.
135. For the purpose of appeals by the President against removal from office, the provisions of Part V of this Regulation will have effect, provided that the Vice-President must perform any duty or exercise any power there assigned to the President.