ST. JOHN BAPTIST COLLEGE

OXFORD

THE COLLEGE BY-LAWS

Revised to 18 Jan 2011

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This edition was prepared by Professor Mark Freedland, as the Statutes Officer of the College, with the kind cooperation of Dr. Anthony Boyce, the Principal Bursar, and the extensive help of Mr. Alan Scott formerly of Corpus Christi College. Amendment dated 18 Jan 2011 to change role of Emoluments Committee prepared by Professor Andrew Parker, Principal Bursar, Professor Mark Freedland, Statutes Officer, and Ms Sally Layburn, Finance Bursar.

BY-LAW I - THE EXECUTIVE COUNCIL

(If it is set up as provided for in Statute II.2)

1. The President and the Vice-President together with the Bursar and the Senior Tutor being Fellows of the College shall be ex-officio members of the Executive Council. The elected members of the Executive Council shall not be less than eight or more than twelve in number, and no person shall be eligible who is not a Fellow of the College. Each elected member shall retain his or her membership for a period which shall be determined by the Governing Body at the time of his or her election, but this period shall in no case exceed the period for which the member's current tenure of his or her Fellowship is due to run. Every elected member of the Executive Council shall, on the expiry of his or her membership by lapse of time, be capable of re-election, provided that the number of elected members is not thereby made to exceed twelve and that the member is still a Fellow of the College. Every elected member of the Executive Council shall cease to be a member on ceasing to hold his or her Fellowship. Honorary Fellows and Fellows on probation shall not be members of the Executive Council.

2. The Executive Council shall have authority to act for and on behalf of the Governing Body in all matters connected with the maintenance and administration of the College, its buildings and estates; provided (i) that it shall not elect to the Presidency of the College or to any Fellowship, Scholarship or Exhibition; (ii) that it shall not authorise the alienation, by sale or otherwise, of any real property of the College; (iii) that it shall not make or alter any By-law of the College; and (iv) that it shall not exercise the rights of Patronage vested in the Governing Body.

3. The Executive Council shall be created on a date which the Governing Body may fix by resolution at any Stated General Meeting, of the business to be transacted at which due notice has been given; and the Governing Body may, by resolution passed at any Stated General Meeting after similar notice, abolish the Executive Council.

BY-LAW II - THE VICE-PRESIDENT

(Stat.V.5)

1. It shall be the duty of the Vice-President to do, if the President is absent, all the acts which the President is required to do, and in particular, in the absence of the President, to preside whenever possible at the Common Dinner of the College.

2. The most senior Fellow should preside at the Common Dinner of the College in the absence of both the President and the Vice-President. The Vice-President or the senior Fellow presiding shall on any occasion when he or she is so presiding be entitled to wine and dessert in Common Room free of charge.

BY-LAW III - THE BURSAR[2]

(Stat.V.ll)

1. It shall be the duty of the Bursar or, if there is more than one Bursar, the Principal Bursar, under the direction of the Governing Body and its Committees and with the assistance of the College's agents and advisers, to manage the real and personal property of the College; to receive all payments due to it and to make all duly authorised payments on its behalf; to supervise the staff of the College and the maintenance of its buildings; and to keep a full and accurate account of receipts and expenditure, which shall at all times be open to the inspection of the President and Fellows, or to any of them. The Bursar shall assist the Governing Body in any visitation of the College Estates which it may order from time to time; and shall inspect the condition of the Estates and of the buildings thereon when required by the Governing Body to do so, or when the Bursar shall deem it expedient.

2. The Bursar shall depute no person to act in any of the above-mentioned capacities without the express leave of the Governing Body.

3. The Bursar is authorised to expend, without the consent of the Estates Committee, a sum not exceeding £5,000 on any item of repair or improvement. It shall be the Bursar's duty to report from time to time to the Estates Committee all expenditure incurred on repairs or improvements.

4. A Deputy Bursar shall be appointed by the Governing Body and shall have authority to exercise the functions of the Bursar during the Bursar's absence or incapacity.

5. The Bursar will co-ordinate the work of the Fellows and College Officers concerned with Bursarial administration. The Bursar will be responsible to the Governing Body for the administration of the College finances, estates and domestic affairs in accordance with the policies laid down by the Governing Body, and will advise the Governing Body on all matters connected with investment and management of its financial resources and properties.

BY-LAW IV - ESTATES BURSAR[3]

The Estates Bursar will: be responsible for advising the Bursar and the Estates Committee on the property investment policy of the College and on the advisability of purchases and sales of property of all designations; supervise the work of the College's agents in administering the College's properties, and act as a link between the College and its tenants.

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2 revised: Governing Body 24.6.97
3 revised: Governing Body 24.6.97

BY-LAW V - ESTABLISHMENT BURSAR[4]

The Establishment Bursar will: be responsible for supervising the maintenance of domestic facilities in the College and adjacent houses especially with regard to services such as heating and lighting and mechanical and electrical equipment; advise on the efficient use of the Estates Yard staff and the maintenance and repair of the College buildings and the North Oxford estate and have a special responsibility for works budgets and their presentation to the Estates Committee.

BY-LAW VI - DOMESTIC BURSAR[5]

The Domestic Bursar will: be responsible for work conditions, housing, personal problems, and complaints of all Domestic staff, including Porters; supervise arrangements for Conferences, residence of Junior Members during vacations and Schools' Dinners; supervise assignment of accommodation of Junior Members, including graduate flats; be responsible for relations with Junior Members in such matters as quality of food and entertainment. The Domestic Bursar will represent the Principal Bursar in Joint Council in all except exceptional circumstances.

BY-LAW VII - FINANCE AND INVESTMENT OFFICERS[6]

They will be responsible for advising the Bursar, the Investment Sub-Committee and the Finance Committee on financial policy and for ensuring that the College Stockbrokers carry out this policy in the purchase and sale of stocks. They will be responsible for issuing instructions to the College Stockbrokers for such purchases and sales, and for the placing of short-term monies.

BY-LAW VIII - FINANCE BURSAR[7]

The Finance Bursar will: be responsible for supervising and controlling the work of the accounting staff of the Bursary, and for producing the statutory accounts as well as other accounts in forms best suited to the needs of the College; establish and put into effective operation routines for the control of College expenditure in all departments; draw up budgets, and supervise their operation; supervise the College's tendering arrangements; supervise the collection of income from all sources; produce statements of income and expenditure at sufficient frequency to make possible the detection and control of any untoward developments; monitor the performance of investments of all kinds including short-term moneys and suggest improvements; have authority to instruct the College's Fund Managers and Bank in order to implement decisions of the Investment Sub-Committee; advise the Principal Bursar and Finance Committee on the balance of capital and income; be responsible for accounting and operating the system of pensions of Fellows and Staff; also for BUPA,

4 revised: Governing Body 24.6.97
5 revised: Governing Body 24.6.97
6 deleted: Governing Body 20.2.85
7 revised: Governing Body 24.6.97

Fellows' mortgages, and the regular payment of stipends, salaries and wages, and for tax returns.

BY-LAW IX - INVESTMENT OFFICER[8]

The Investment Officer will: be responsible for advising the Principal Bursar, the Investment Sub-Committee and the Finance Committee on financial policy and for ensuring that the College stockbrokers carry out this policy in the purchase and sale of stocks; be responsible for issuing instructions to the College stockbrokers for such purchases and sales, and for the placing of short-term moneys with institutions on a list agreed by the Governing Body on the recommendation of the Finance Committee; advise the Estates Committee on opportunities for investment in the property market. At such intervals as the Investment Officer or the Bursar may feel appropriate, the Investment Officer will provide Governing Body with an overall survey of the College's investment strategy.

BY-LAW X - THE DEANS

(Stat.V.7)

1. It shall be the duty of the Deans of Arts to supervise the discipline of junior members of the College and to promote the welfare of junior members and their good relations with the President and Fellows.

2. There shall also be a Dean of Degrees, whose duties shall be to present candidates for degrees and to conduct the necessary correspondence. The Dean of Degrees shall also present candidates for matriculation. He or she may depute these duties to another Fellow of the College.

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8 revised: Governing Body 24.6.97

BY-LAW XI - THE ASSISTANT AUDITOR[9]

Each year the Governing Body shall normally appoint the Vice-President to act as Assistant Auditor. The Assistant Auditor shall hold office for one year and shall be eligible for re-election. It shall be the duty of the Assistant Auditor to examine the accounts of the College for the year ending on the thirty-first day of July before his or her appointment.

BY-LAW XII - COLLEGE OFFICES

(Stat.V.2)

1. As at Michaelmas Term 2004 the following College Offices were also in existence:

Senior Tutor
Tutor for Graduates
Tutor for Women
Director of the Research Centre
Dean of Degrees
Equality Officer
Keeper of the Archives
Secretary to the Governing Body
Keeper of the College Silver
Sigillarius
Steward of High Table
Safety Officer (College)
Safety Officer (Estates)
Tutor for Admissions
Fellow Librarian
Fellow for Alumni
Data Protection Officer
Assistant Dean of Degrees
Keeper of the Groves
Keeper of Bagley Wood
Keeper of the College Pictures
Keeper of the Laudian Vestments
Web Editor
Steward of the Manors
Deputy Bursar
Sports Officer

2. The annual stipends of all College Officers shall be determined from time to time by the Governing Body. New appointments to College Offices shall commence from 1 September each year.

3. That appointments to College Offices should be for a definite period, normally five years, but subject to renewal.[10]

4. That the Tutor for Women be co-opted to membership of the Domestic and Educational Policy Committees and that she be permitted to attend items of business at meetings of Governing Body by arrangement with the President.[11]

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9 revised: Governing Body 24.6.97
10 Governing Body 24.6.85
11 inserted: Governing Body 2.12.87

BY-LAW XIII - STATED GENERAL MEETINGS OF THE GOVERNING BODY

(Stat.XVII.5)

The Stated General Meetings of the Governing Body shall be held on, or as nearly as conveniently may be to, (i) the Tuesday before the beginning of Michaelmas Full Term; (ii) the Wednesday before the beginning of Hilary Full Term; (iii) the Wednesday before the beginning of Trinity Full Term; and (iv) the Feast of St. John Baptist. Any Stated General Meeting may be adjourned to a date fixed at the time of such adjournment, or to a date to be determined and announced by the President, being a date not more than two weeks after the date of the Stated Meeting concerned. The agenda for the meeting shall suffice as the notice in writing.

BY-LAW XIV - NOTICE BEFORE MEETINGS OF THE GOVERNING BODY

(Stat.XVII.4)

Except in cases where longer notice is required by Statute, notice shall be sent in writing to every member of the Governing Body of the business to be transacted at every meeting of the Governing Body, at least four clear days before such meeting is held. The agenda for the meeting shall suffice as the notice in writing.

BY-LAW XV - COMMITTEES

1. The President, or in his or her absence the Vice-President, shall be Chairman of all Committees of the Governing Body.

2. The election of members of Committees for which provision is made in the By-laws shall be made annually at a Stated General Meeting held in Trinity Term.

3. Where it has been resolved by the Governing Body that representatives of junior members shall be members of a Committee of the Governing Body, they shall not be present for the discussion of items of the agenda concerning individual members of the College or University, or of the staff of the College, or for other matters of a personal and confidential nature.

4. A number of places on certain committees (two each on the Educational Policy and Domestic Committees, one each on the Graduate Affairs, Library and Archives, Garden, and St. Giles House Committees) is reserved for Fellows without membership of Governing Body, Stipendiary College Lecturers whose appointment runs for three years or longer, and Junior Research Fellows.[12]

5. The Governing Body may, if it thinks fit, appoint a Junior Research Fellow to be an additional member of any committee.

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12 inserted: Governing Body 24.5.89

6. The Standing Committees approved by the Governing Body as at Michaelmas Term 1983 are listed below and the College Officer or other Fellow denoted acts as Secretary of the Committee:

Estates (Estates Bursar)
Finance (Bursar)
Educational Policy (Senior Tutor)
Domestic (Domestic Bursar)
Chapel & Patronage (Chaplain)
Graduate Affairs (Tutor for Graduates)
Library & Archives (Librarian)
Entertainments (Steward of Common Room)
Student Hardship (Senior Dean)[15]
Garden (Keeper of the Groves)
St. Giles House (Warden)
Emoluments (Bursar)
General Purposes (Vice-President)
Housing (Estates Bursar)
Rooms (Domestic Bursar)
[Committee on Committees (Vice-President)][13]
Administration (Bursar)[14]
Mansel, Wright & Gibb Trust (Chaplain)
Medical (Tutor in Medicine)

BY-LAW XVI - CHAPEL & PATRONAGE COMMITTEE

(Stat.XII.l)

There shall be a Chapel & Patronage Committee whose members shall usually include[16] the President, the Chaplain (who shall be secretary of the Committee) and three other members. It shall be responsible to the Governing Body for all matters touching the use and maintenance of the College Chapel and the exercise of the patronage of the College.

BY-LAW XVII - EDUCATIONAL POLICY COMMITTEE

1. There shall be an Educational Policy Committee whose members shall usually include[17] the President, the Vice-President, the Bursar, the Senior Tutor (who shall be secretary of the Committee), the Tutor for Women[18] and five Fellows who are Tutors. The Tutor for Graduates shall be a member ex officio.[19] One Junior Research Fellow shall also be a member of the Committee and the Agenda shall be divided into 'A' and 'B' and the representatives of the M.C.R. and J.C.R. shall be present for those items of Agenda 'A'.

13 deleted: Governing Body 24.6.85
14 amended: Governing Body 23.6.87
15 amended: Governing Body 23.6.87
16 Governing Body 24.6.85
17 Governing Body 24.6.85
18 inserted: Governing Body 2.12.87
19 Governing Body 1.5.85

2. It shall be the business of this Committee to make recommendations to the Governing Body on all matters affecting the Scholarships, Exhibitions and Special Grants Fund, on the tenure and renewal of Scholarships and Exhibitions, on the making of Special Grants, and on the maintenance and administration of the Tuition Fund, and of any Trust Fund, other than the Rustat and James Funds, established for the benefit of members of the College *in statu pupillari*. The Educational Policy Committee shall review the financial position of all Scholarships and Exhibitions, and shall make recommendations to the Adjourned Stated General Meeting of the Governing Body in each Michaelmas Term for the election, renewal or termination of Scholarships and Exhibitions for that academical year.

BY-LAW XVIII - ESTATES COMMITTEE[20]

(Stat.XIX.4)

1. The Estates Committee members shall usually include the President, the Bursar, the Estates Bursar (who shall be secretary of the Committee), the Finance Bursar, the Establishment Bursar, the Keeper of Bagley Wood and six other Fellows of the College.

2. The Estates Committee shall supervise the management of the College estates and shall report on all proposals for capital and other expenditure on College property before these are considered by the Governing Body. The Estates Committee shall have power to authorise expenditure on any item of repair or improvement not exceeding ,15,000; such expenditure shall be reported to the Governing Body.

3. It shall also be the business of the Estates Committee to make recommendations to the Governing Body on matters affecting the structure and external repair of college buildings.

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20 revised: Governing Body 24.6.97

BY-LAW XIX - EMOLUMENTS COMMITTEE[21]

(Stat.IV.4)

1. There shall be an Emoluments Committee the members of which shall consist of five persons external to the College (not being the President, members of Governing Body in any category or other employees of the College). The President, the Principal Bursar (who shall be secretary of the committee) and the Finance Bursar shall be entitled to attend all meetings and address the committee but not to vote. One of the members of the Committee shall be appointed to act as Chair for the Committee. No member of the Committee shall serve for more than five years.

2. It shall be the business of this Committee to determine, subject to the provisions of the statutes, the stipends and allowances of the President, College Officers, Fellows and Lecturers. In receiving the recommendations of this Committee, the Governing Body may choose to accept recommendations without modification or, subject to information about the financial circumstances of the College or other good cause, to determine levels of stipends and allowances lower than those recommended by the Committee.

BY-LAW XX - FINANCE COMMITTEE[22]

There shall be a Finance Committee whose members shall usually include the President, the Bursar (who shall be secretary of the committee), the Estates Bursar, the Finance Bursar, the Investment Officer, the Assistant Auditor and at least five other Fellows. It shall keep the financial position of the College under review and report to the Governing Body if possible in the fifth week of each term or at the latest at the Stated General Meeting at the beginning of Michaelmas Term.

BY-LAW XXI - DOMESTIC COMMITTEE[23]

1. There shall be a Domestic Committee whose members shall usually include the President, the Bursar, the Estates Bursar, the Domestic Bursar (who shall be secretary of the committee), the Finance Bursar, the Establishment Bursar, the Safety Officer, the Tutor for Women and five other Fellows together with one Junior Research Fellow. A representative of each of the M.C.R. and J.C.R. shall also be members of the committee and the Agenda shall be divided into 'A' and 'B' and representatives of the M.C.R. and J.C.R. shall be present for those items on Agenda 'A' only.

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21 revised: Governing Body 24.6.97
22 revised: Governing Body 24.6.97. Revised: Governing Body 12.1.11
23 revised: Governing Body 24.6.97

2. The Committee shall consider all questions relating to the internal economy of the College including the conditions of service of the domestic staff. It shall also be the responsibility of the Committee to make recommendations to the Governing Body on the internal repair, maintenance and use of the College buildings.

BY-LAW XXII - DISCIPLINARY COMMITTEE[24]

There shall be a Disciplinary Committee as a sub-committee of the Decanal Policy Committee whose members shall usually include[25] the President, the Deans, the Senior Tutor, and such Fellows as have served the office of Senior or Junior Deans of Arts together with the Tutor(s) of the junior member whose conduct is under consideration. The Committee shall be empowered to take such disciplinary measures, including suspension of membership of the College, as it thinks fit provided that it shall not deprive a Scholar of his or her Scholarship or an Exhibitioner of his or her Exhibition, but may recommend to the Governing Body such action. The Committee shall also be empowered to take such measures as it thinks fit to assign the appropriate consequences to University disciplinary action against junior members of the College.

BY-LAW XXIII - DECANAL POLICY COMMITTEE[26]

The Governing Body at its meeting on the 15 February 1989 agreed to establish a Decanal Policy Committee, which would meet normally once a term to consider questions of policy in the areas of activity with which the Deans of Arts of the College are concerned. Where serious disciplinary measures are proposed in relation to a junior member of the College, the President may convene a Disciplinary sub-committee of the Decanal Policy Committee. The members of the committee would be the President, the Deans, the Senior Tutor, the Tutor for Graduates, the Chaplain, the Domestic Bursar, the Safety Officer, and the Tutor for Women.

BY-LAW XXIV - COMMITTEE ON COMMITTEES

At the Governing Body of 24 June 1985 it was agreed that the Committee on Committees be abolished and its duties to be taken over by the General Purposes Committee. The incoming Vice-President should be invited to attend meetings of the General Purposes Committee at which appointments to College Offices or Committees are discussed.

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24 constituted as a sub-committee of the Decanal Policy Committee: Governing Body 15.2.89
25 revised: Governing Body 24.6.97
26 inserted: Governing Body 15.2.89

BY-LAW XXV - HEALTH AND SAFETY COMMITTEE[27]

There shall be a Health and Safety Committee whose members shall usually include the President, the Bursar, the Finance Bursar (who shall be secretary of the committee), the Establishment Bursar, the Domestic Bursar and the Safety Officer. The Committee will be responsible for keeping health and safety matters under review.

BY-LAW XXVI - LEAVE OF ABSENCE

Sabbatical leave

1. So far as the educational requirements of the College shall permit, the Governing Body shall grant to every Official Fellow who shall have applied for it one term of sabbatical leave for every six terms of completed service. [28]In computing sabbatical leave, any terms of reduced teaching or of tenure of a British Academy Readership or its equivalent shall count as half terms. A Fellow may not accumulate qualification for sabbatical leave of more than three terms' leave and periods of service occurring after qualification for three terms leave has been accumulated and before any leave is taken are to be disregarded for the purpose of any subsequent calculation of qualification for leave. The eighteen terms shall exclude any leave of absence granted to the fellow and the period of which account may be taken shall be extended accordingly, but so that entitlement to sabbatical leave is not based upon terms of leave of absence.

2. All applications for sabbatical leave shall state the purpose of the leave and be made in writing to the President not later than one week before the second meeting of the Educational Policy Committee two terms preceding the term for which leave is required. The Fellow concerned will be responsible, after consultation with his or her colleagues, for providing the Senior Tutor with details of proposed alternative teaching arrangements for submission to the Educational Policy Committee. Where a Fellow is the only Tutor in the subject he or she should also inform the Senior Tutor which Fellow in the College will be responsible for looking after his or her students during the leave period. The Committee would consider shall applications and make recommendations to the Governing Body accordingly.

3. During his or her sabbatical leave each Fellow shall be entitled to retain his or her rooms, except as provided below, and to receive his or her full stipend and allowances as a Fellow excluding any additional stipend received in respect of any College Office other than that of Bursar or Chaplain, and excluding also during any absence of a whole year his or her entertainment allowance.

Special Leave or Reduced teaching

4. The Governing Body may grant a period of leave of absence or reduced teaching to an Official Fellow when such absence or reduction in teaching shall be deemed necessary to his or her work.

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27 revised: Governing Body 27.6.97
28 amended: Governing Body 18.2.87

5. The preceding provisions shall be subject to the following limitations:-

(i) not more than one-fifth of the whole number of Official Fellows shall be absent on leave simultaneously;

(ii) when a Fellow is absent from Oxford for a term or more, the President may, with the consent of the Fellow, allocate his or her room or rooms in College to be used for college purposes.

BY-LAW XXVII - ROOMS OF FELLOWS

(Stat.XVIII.l)

1. The College shall provide a furnished room for every Official Fellow, and may provide such a room for any other Fellow. All rooms in College provided for Fellows shall be provided without charge, and shall be supplied with heating and lighting free of charge.

2. During a Fellow's absence from Oxford his or her room may in accordance with By-law XX.5 (ii) be allocated to other College purposes.

BY-LAW XXVIII - NOTIFICATION OF CHARGES TO PARENTS AND GUARDIANS

(Stat.XIX.1)

The Bursar shall cause to be prepared a leaflet setting out the College's authorized charges and copies shall be sent to all junior members upon their admission to the College[29] and, on application, to their parents or guardians.

BY LAW XXIX - CONSIDERATION OF ACCOUNTS

(Stat.XVI.5)

The College accounts for the year ending on the preceding thirty-first day of July shall be considered at the Stated General Meeting held on or about the Wednesday before the beginning of Hilary Full Term or at any adjournment of that meeting.

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29 inserted: Governing Body 23.6.87

BY LAW XXX - ADMISSION OF FELLOWS AND SCHOLARS

(Stat.IV.1)

1. As soon as may be convenient, at a Meeting of the Governing Body, the President shall address a newly elected Fellow or a person who becomes a Fellow in virtue of Stat.IV(2) (ii) in the following words:

> Tu, A.B., in verum socium collegii Sancti Johannis Baptistae in Oxonia jam electus dabis fidem quod omnia statuta et ordinationes hujus Collegii quatenus personam tuam concernunt inviolabiliter observabis et quantum in te fuerit facies ab aliis observari.
>
> Resp. Do fidem.

The Fellow shall thereupon write his or her name in the Fellows' Admission Book and the President shall hand to him or her a copy of the College Statutes.

2. As soon as may be convenient after his or her coming into residence, every Scholar shall make before the President the following Declaration:

> I, A.B., do promise and declare that I will faithfully perform the duties of a Scholar of the College and that I will obey the Statutes and By-Laws of the College in force for the time being.

Whereupon the President shall cause him or her to write his or her name in the Scholars' Admission Book and admit him or her to be a Scholar of the College.

BY-LAW XXXI - VISITING SCHOLARS

1. The Governing Body on 25 June 1984 agreed in principle to a scheme whereby six academics at other British universities would be offered free accommodation and meals for periods of up to six weeks at St. John's during the period mid-July to mid-September.

2. The Governing Body on 19 February 1986 agreed that for a trial period of three years members of the Governing Body might propose, through the General Purposes Committee, the election of a visiting scholar for the purpose of collaborative research, on the same terms and conditions as the British summer visiting scholarship scheme, the maximum number of such visiting scholars not to exceed two per year.

3. The Governing Body on 19 February 1986 agreed that visitors under categories 1 and 2 above should be known as 'Visiting Scholars', having previously been entitled 'Visiting Research Fellows' or 'Visiting British Research Fellows'.

BY-LAW XXXII - NON-OFFICIAL FELLOWSHIPS AND COLLEGE FIXED-TERM TEACHING POSTS

1. The Governing Body at its meeting on 7 March 1984 agreed that if any non-official Fellow's teaching, including any formal joint arrangement with not more than two other colleges, reaches levels normally expected of an Official Fellow in such a subject, provided that the teaching of St. John's pupils is at least half the normal stint of an Official Fellow, his or her case should be considered by the Educational Policy Committee for recommendation to the Governing Body that he or she be elected to an Official Fellowship.

2. The Governing Body at its meeting on 9 November 1988 agreed that:

(i) a holder of a College fixed-term teaching post which it is not intended to renew shall be regarded as eligible for election to a Supernumerary Fellowship only if the post is of at least five years' duration;

(ii) a holder of a College fixed-term teaching post which it is not intended to renew shall not be regarded as eligible for membership of Governing Body.

BY-LAW XXXIII - VISITING RESEARCH FELLOWS

The Governing Body shall elect from time to time a distinguished person as Visiting Fellow on the following conditions:

(i) that he or she should be recommended to the Governing Body by the Educational Policy Committee with a preliminary report on

(a) the date and length of the proposed visit;
(b) any lectures or classes which he or she might be asked to give;
(c) the financial arrangements which would be appropriate.

(ii) that his or her tenure should be not less than one term and not more than one year;

(iii) that he or she should not be a member of the Governing Body;

(iv) that he or she should reside in Oxford during term;

(v) that 17 Blackhall Road should be made available, rent free, to the Visiting Fellow or that he or she should be offered rooms in College, free of charge, as appropriate;

(vi) that he or she should be given Common Table;

(vii) that only one Visiting Fellow should be in residence at any one time;

(viii) that the Educational Policy Committee should each Hilary Term remind the Governing Body that recommendations should be made for a period of not less than one year ahead.

BY-LAW XXXIV - HONORARY FELLOWS[30]

The Governing Body declares and resolves that it may, when making any election to an Honorary Fellowship of the College, either assign to that election any such stated period as it shall judge to be appropriate to the election in question, or refrain from assigning any stated period, in which case election shall be deemed to be for the life of the person so elected.

BY-LAW XXXV - REDUNDANCY PROCEDURE FOR ACADEMIC STAFF

Stage 1 - Governing Body Meeting (Clause 10(b))

1.1 In the event that a reduction in academic staff or activity is contemplated for any reason whatsoever, the President shall call a special meeting of the Governing Body to consider and determine upon the matters set out in Clause 10(b) of the Statute.

1.2 If any member is unavoidably unable to attend and reasonably considers that he or she may be personally affected by a decision under Clause 10(b), for example because the Governing Body may be considering deleting a subject altogether, he or she shall be entitled to seek a postponement of the meeting by written notice to the President to be delivered to him or her at least three days prior to the date set for the meeting.

1.3 Prior to the special meeting, the President shall cause a detailed memorandum of information to be prepared 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.

1.4 The memorandum shall put all considerations forward fairly and in an even-handed manner and shall not make recommendations for any specific course of action. The memorandum shall evaluate as far as possible the impact of any reduction on the principles established by Clause 1 of the Statute.

1.5 To provide members with an opportunity to consider, and respond to, the memorandum of information, it shall be circulated at least seven days before the relevant

30 item inserted: Governing Body 29.11.89

meeting of the Governing Body and representations shall be invited. Any representations which are received in the College Office by 12pm on the third day before the day of the meeting shall be circulated to all members of the Governing Body.

1.6 Prior to making any decision under Clause 10(b) the Governing Body shall consider the impact of such a decision on relevant Faculty and subject boards and shall consult with the relevant University bodies. Such consultation may be commenced at any stage by the President (or his or her delegate).

Stage 2 - Redundancy Procedure - Initial Stage

2.1 Once a decision has been reached in principle under Clause 10(b) of the Statute, 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 Clause 11 of the Statute. However no members who appear to be personally affected or likely to be so affected shall be chosen. No-one on a fixed-term appointment shall be eligible for selection and no-one to whom the Statute applies shall be eligible for selection unless he or she has been employed by the College for at least two years. The Chairman of the Committee shall be expressly so appointed by the Governing Body.

2.3 In the case of potential collective redundancies the Governing Body shall, and in all other cases may, consider and establish appropriate procedures for consultation with representatives of the members of staff potentially affected. Such consultation shall generally be carried out by the Redundancy Committee or, if none is appointed, the Governing Body itself. Such consultation shall be either with a recognised trade union or specially elected "workplace" representatives as defined by any-relevant legislation currently in force, and shall commence in good time with a view to reaching agreement in relation to the matters set out in any legislation in force for the time being.

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 to avoid redundancy and/or to mitigate the effects. It shall also consider, where applicable, selection criteria for the determination of who is to be chosen from among those who are potentially redundant.

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 Trade, 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 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).

Stage 3 - Decision to Dismiss

3.1 Upon receipt of the report and recommendations of the Redundancy Committee a special meeting of the Governing Body shall be convened to consider the matter further.

3.2 Any member whose dismissal on grounds of redundancy is recommended by the Redundancy Committee, shall be permitted at least two weeks between the date of the Committee's report and the special meeting of the Governing Body to prepare and submit any representations he or she considers appropriate to the Governing Body. Any representations which are received in the College Office by 12pm on the third 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 at the special meeting prior to any decision being made and shall be entitled to be accompanied and/or represented by a person (who may be a professional and/or trade union representative) of his or her choice.

3.4 The Governing Body may request a member of the Redundancy Committee (where appointed), being the Chairman or his or her 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 No meeting of the Governing Body at which a decision to dismiss under Part II is taken shall be quorate unless at least 50% of those members of the College entitled to attend are present and no vote shall be effective unless at least 50% of those attending vote in favour. Members of the Governing Body who are affected by the Redundancy Committee's decision or who are members of the Committee shall be entitled to Vote.

3.6 Prior to making any decision to dismiss in accordance with recommendations of the Redundancy Committee, the Governing Body shall specifically canvass any alternative employment opportunities or any other means of avoiding a dismissal for redundancy. In addition the Governing Body shall ensure that it has been fully appraised of any USS options which the person affected may be able to exercise in the event of redundancy.

3.7 In the event that the Governing Body accepts the recommendations of the Redundancy Committee and votes to dismiss any member on grounds of redundancy, a written note of the decision of the Governing Body together with a copy of the procedures establishing a right of appeal shall be provided to the person affected and his or her representative. No decision shall be implemented until after any appeal has been determined under Part V.

3.8 If the Governing Body decides upon the dismissal of any member 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.

BY-LAW XXXVI - DISCIPLINARY PROCEDURE FOR ACADEMIC STAFF

Pre-Dismissal Procedure

1. Informal Stage

1.1 Where it appears to the President that the conduct or performance of a member of academic staff is falling below an acceptable standard [or the member of staff appears to be other-wise in difficulties], the President may arrange to meet with that person on an informal basis to explore the situation and to consider what action can be taken to improve his or her conduct or performance. The President may appoint a colleague (being a Fellow or Emeritus or Honorary Fellow of the College) to conduct the informal discussions with the person concerned either with the President or alone. The informal discussion shall not be viewed as a disciplinary act but as an opportunity to explore together any problems that appear to have arisen and consider solutions that may be available. A record of this initial meeting may be kept, provided the member of staff agrees and a copy of any note is made available to him. If the person concerned prefers, the discussion may be kept confidential at this stage.

2. Disciplinary Warnings

2.1 In any case where it seems to the President that the performance and/or conduct of a member of academic staff appears not to meet acceptable standards but where the circumstances do not appear to raise *prima facie* grounds for dismissal (for example, after investigation of a complaint submitted to the President under Clause 14(a) which is not to be referred to an Academic Disciplinary Committee), the President may 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 him or her and an opportunity to respond and until the matter has been properly investigated by or at the behest of the President.

2.2 Prior to the disciplinary meeting, the person concerned shall be provided with written notification of the date and nature of the meeting and the matters to be considered, together with copies of any relevant statements. He or she shall have the opportunity to be accompanied or represented by a colleague or representative from any professional body or trade union of which he or she is a member such as the AUT. The individual shall not normally be permitted legal representation at this stage.

2.3 In the event that it appears to the President 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 President may issue an oral or written warning.

2.3 (a) Oral Warning

The oral warning is the first stage of the disciplinary procedure. It [shall normally be issued in front of a witness and] shall state clearly that it comprises the first stage of the disciplinary process. The reasons for the warning shall be specified, together with any a-reed 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 in the President's office and shall be destroyed after one year.

2.3 (b) 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 President may take short of dismissal is a written warning. The written warning shall specify the reason and set out the improvement required and the time for achieving it. It shall be dated and a copy shall be provided to the individual as well as being kept in the President's office. A written warning remains "live" for a period of two years after which it shall be destroyed.

2.4 In the event that either an oral or a written warning is issued, the person concerned shall be notified of his or her right of appeal under Clause 13(c) of the Statute.

Dismissal Procedure

3 Dismissal

In any case before the President, whether on a complaint under Clause 14(a) or otherwise, he or she shall consider all the circumstances of the case including the outcome of any enquiries instituted under Clause 14(b) and any comments from the person concerned invited under Clause 14(c). If, after such consideration, it appears to the, President that there are *prima facie* grounds for dismissal for good cause as defined in Clause 5 of the Statute, the President may call on the Governing Body to appoint an Academic Disciplinary Committee to consider and report on the case in accordance with Clauses 16-19 of the Statute. The President may suspend the person concerned at this stage in accordance with Clause 14(c).

3.1 Upon receipt of a request under Clause 15 of the Statute from the President, the Governing Body shall appoint the Academic Disciplinary Committee (the "Committee") as soon as reasonably practicable and shall inform the person to be charged by written notice that the Committee has been appointed to consider any charge or charges to be brought. The written notice shall include the names of the three members of the Committee and shall enclose a copy of this By-law. At the same time the Governing Body shall appoint a solicitor or other suitable person to formulate charge(s) and to conduct or arrange for the conduct of the hearing The Committee shall elect one of the three members to act as Chairman.

3.2 Subject to the provisions of the Statute and any provision to the contrary in this Bylaw, the Committee shall have power to regulate its own proceedings. The Committee shall be quorate at any time provided at least two members including the Chairman are present, and in the event of any vote of the Committee which is tied, the Chairman shall have a casting vote. The Committee shall be entitled to appoint a secretary to support it in discharging its function at any time and to take notes of evidence at any hearing.

3.3 The person appointed to formulate the charge or charges ("the prosecutor' - which expression may include a firm of solicitors or any person instructed to act on that person's behalf) shall notify the person charged of the date and time set for the hearing of the charge or charges.

3.4 The person charged shall notify the prosecutor of any representative he or she has appointed to act for him/her [and any further communications shall be addressed to the person charged and to any representative appointed by him.] Any fees or expenses payable to the representative (other than reasonable travel costs and out of pocket disbursements) shall be at the charge of the person accused.

3.5 The Committee Chairman may make any interlocutory directions he or she considers necessary for the fair conduct of the hearing, including but not limited to any directions as to the hearing date(s), whether at the request of either party or otherwise of his or her own motion. The Chairman may also remit any matters to the President for further consideration and has power to join further parties to the case if he or she considers it appropriate to do so upon notice to the parties of such joinder. The Chairman 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 Chairman considers it appropriate in all the circumstances of the case he or she may request the President to consider the suspension of the person charged under Clause 14(c).

3.6 At least 21 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 charge or charges;
(b) copies of any documents specified or referred to in the charge or charges;
(c) a list of witnesses to be called by the prosecutor;
(d) copies of statements containing the witnesses' evidence.

3.7 At least seven days before the date set for the hearing, the person charged shall forward to the prosecutor copies of any documents on which he or she wishes to rely, a list of his or her witnesses and copies of their statements of evidence. The prosecutor shall ensure that copies of all these are prepared and forwarded to the Committee as soon as practicable.

3.8 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.

3.9 Subject to the consent of the Committee, both the prosecutor and the person charged may introduce new evidence at the hearing save that in the case of the prosecutor such new evidence shall not be admitted except for good reason. In the event that new evidence is admitted, the other party shall have the right to an adjournment to allow him or her 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.

3.10 The Committee may proceed with the hearing in the absence of any party but shall not do so in the absence of the person charged [or his or her 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.

3.11 Subject to the right of the person charged, his or her representative and the prosecutor to be present throughout the hearing, the Committee may decide whether to admit any persons to, or exclude them from, the hearing or any part of it. .

3.12 Each party to the proceedings shall be entitled to give evidence at the hearing, to make an opening statement, to call witnesses, and to question any witness. Closing statements may be made by the prosecutor first and then any other parties, with the person accused being given the opportunity to speak last.

3.13 Without prejudice to the Committee's general power to regulate its own conduct, it shall specifically have the power to set time and other limits on the evidence to be called for each side consistent with providing a fair opportunity for each party to present its relevant evidence whilst ensuring that the charge is heard and determined as expeditiously as is reasonably practicable. The Committee shall have power to adjourn the proceedings from time to time as it sees fit.

3.14 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.

3.15 It is for the prosecutor to prove the charge or charges. In determining whether the charges or any of them are proved the Committee shall consider the evidence and decide whether on balance it considers that good cause for dismissal within the meaning of Clause 5 of the Statute has been proved in respect of each charge before it.

3.16 If the Committee decides that a charge has been proved, it shall give each party an opportunity either orally or in writing at the option of the Committee to address it on the question of penalty and/or mitigation prior to determining any recommendations that it may make to the President.

3.17 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 Chairman of the Committee and at least one other member. The document shall be sent directly by the secretary of the Committee to the person charged and to his or her representative in addition to the other

parties specified in Clause 19 of the Statute. The person charged shall be notified of his or her right of appeal against the decision or against any recommendation of the Committee as to penalty.

3.18 Where any charge has been upheld and the Committee has recommended dismissal, the President or his or her delegate shall inform and consult the Governing Body prior to making any decision as to penalty. He or she shall arrange for a special meeting of the Governing Body for this purpose and shall keep the person charged informed as to the process. The person charged shall not have the right to make further representations to the President at this stage.

3.19 If the President decides to dismiss the person charged he or she may do so forthwith or upon such terms as he or she considers fit. If the President decides not to dismiss, the actions he or she may take are as set out in Clause 20(b) of the Statute. Any warning given under Clause 20(b)(iii) shall be recorded in writing and shall remain live for two years. In all cases the President's decision shall be communicated to the person charged in writing as well as to the Governing Body.

3.20 No decision as to dismissal or otherwise implementing recommendations of the Committee shall be implemented until after any appeal has been determined under Part V.

BY LAW XXXVII - PROCEDURE FOR REMOVAL OF ACADEMIC STAFF ON MEDICAL GROUNDS

1. Preliminary Stage

1.1 Where from the conduct or performance of a member of academic staff it appears to the President that there may be cause for concern about that person on medical grounds, and in any case where the member of staff has been absent on medical grounds for an aggregate period of six months in any twelve month period, the President 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 President may appoint an informal panel of two or three individuals, including one who is medically qualified, to advise and assist him.

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 his or her full contractual duties. If the President considers it advisable, he or she 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 President may also, with the consent of the member of staff, arrange for him or her to be examined by an occupational health physician or other medical practitioner to assess inter alia the prognosis for a return to work and any available treatment. Any fees payable in relation to such examination shall be borne by the College.

1.3 The President 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 President shall do all that is reasonably practicable to respect the confidentially of the member of staff if he or she so wishes. The President 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 If it appears to the President that the situation is unlikely substantially to improve within a reasonable period of time, or in any case where the condition of the member of staff or any mental or physical quality affecting the member of staff is such as substantially to interfere with the performance of his or her duties, the President shall consider the removal of the member of staff in accordance with the provisions of Clauses 23 and 24 of the Statute. Prior to taking any action under this section, the President shall consult with the individual and/or any representative(s) nominated by him or her as to the steps to be taken and their likely outcome. The consultation shall specifically include consideration of the person's condition and likely future state of mental or physical capacity, and whether the person wishes to seek early retirement or a reduction of duties and hours (with a commensurate reduction in stipend). The wishes and needs of the person concerned shall be balanced against the tutorial or other relevant requirements of the College. If the President suspends the member of staff under the provisions of Clause 23(a)(ii) he or she shall ensure that the member of staff has adequate access to materials and/or colleagues to enable him or her to participate effectively in the consultation process.

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 President shall not consider the removal of the person concerned from his or her office or employment without first availing himself of advice and assistance as to any facilities that may be available to assist the person. In general the President shall have regard to the provisions of the Disability Discrimination Act 1995 and associated Codes of Practice, as appropriate.

2.3 The President shall seek to obtain a medical report concerning the member of staff from the medical practitioner who has had clinical care of him or her and shall notify the person concerned to that effect in writing, seeking the member's consent in writing in accordance with the provisions of the Access to Medical Reports Act 1988.

2.4 At all stages the person concerned shall be able to nominate a friend, professional colleague or other representative to assist and advise him. Provided that clew notification is given to the President, 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 President 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 President may be exercised instead by a duly appointed alternate or other appropriate officer and references to the President shall, throughout this By-law be construed as including references to the alternate.

3. Procedure for a Medical Board

3. Medical Board

3.1 If after considering all the circumstances of the case the President concludes that the removal on medical grounds of the member of staff (hereafter the person concerned) should be considered, he or she shall so inform the person concerned. The notification shall be provided in writing and shall be presumed to have reached the person concerned two days after being sent. The President shall notify the person concerned that a Medical Board (the Board) is to be appointed to consider whether he or she 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 President shall presume a default and shall himself nominate someone.

3.2 At the same time as notifying the individual, the President shall also convene a special meeting of 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. The Governing Body shall canvass and propose the names of [three/two] medically qualified people to the person concerned to act as Chairman 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 for the time being of the Royal College of Physicians to nominate a Chairman. The Governing Body shall nominate an appropriate person [from among the Fellowship] 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(c) of the Statute, the Chairman 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 21 days before the hearing, the President shall refer whatever relevant evidence he or she has in confidence to the Board and shall make the evidence available to the person concerned and/or any representative he or she has nominated to act for him, 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 President shall consider the case and, if he or she thinks 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 the person presenting the case, in which case copies of their statements shall be made available to the Board and the person concerned at least 14 days prior to the date set for hearing.

4.4 The person concerned shall be entitled to an oral hearing before the matter is determined by the Board. The parties to the hearing shall be the person concerned (Including any person appointed to act for or instead of him), any one appointed to present the case for removal and any other party which the Board may join at its own discretion. The secretary to the Board, the person concerned and/or his or her representative and the person presenting the case shall be entitled to remain throughout the hearing; otherwise it shall be for the Board to determine who may be present at any time.

4.5 The person concerned shall be entitled to present whatever evidence he or she considers relevant, subject to the overall right of the Board to regulate its own conduct of the hearing. At least 7 days before the hearing, the person concerned shall provide the secretary to the Board with copies of any evidence, including medical evidence, on which he or she wishes to rely. The secretary to the Board shall be responsible for ensuring that copies are made available to Board members and other parties as soon as possible. The person concerned and the person presenting the case for removal may each call two expert witnesses whose statement shall first be presented in writing, to the other parties.

4.6 Any party may produce additional evidence during the hearing subject to the Board's consent and subject to any adjournment that may be required to give the parties time to consider and respond.

4.7 Each party to a hearing shall be entitled to give evidence at the hearing, to make opening and closing statements (either personally or through a representative) and to call witnesses and to question any witness concerning any relevant evidence. Subject to the provisions of this By~law and of the Statute, the Board may regulate its own procedure and shall ensure that the case is heard and determined as expeditiously as is reasonably practicable.

4.8 The Board may proceed with the hearing in the absence of any party but shall not do so in the case of the person concerned and/or his or her representative unless it is satisfied that it is reasonable to do so in all the circumstances of the case or the person concerned agrees or so requests. Provided that the Chairman remains on the Board throughout, no proceedings of the Board shall be invalid because a member has been unable to continue.

4.9 The person presenting the case for removal shall specifically draw the attention of the Board to the provisions of the Disability Discrimination Act 1995 and provide the Board with information as to what adjustments have been considered to avoid the removal of the person concerned from his or her employment, together with information as to cost and effectiveness of the adjustment(s).

4.10 At any stage before making its decision the Board may call for additional information including requiring the person concerned to undergo medical examination by a medical

practitioner chosen or agreed by the Board, at the College's expense. In the event that the person concerned fails to undergo any medical examination required by the Board, or if the medical evidence is inconclusive, the Board shall exercise its judgement on the basis of the evidence available to it.

4.11 The Board's decision shall be recorded in writing, and shall contain its findings on the main facts and on the medical evidence available to it, as well as its conclusion as to whether the person concerned should be required to resign on medical grounds. The Board shall specifically record the matters it has taken into consideration in determine, whether any reasonable adjustments can be made to enable the person concerned to remain in employment. If the Board concludes that the person concerned should be required to retire on medical grounds it shall clearly so state and, in the case where the person concerned is a member of the USS, confirm that in its opinion he or she is suffering from permanent ill-health or infirmity.

4.12 It is the responsibility of the Board secretary to ensure that the President and all the parties to the hearing receive a copy of the decision. The decision document which shall be signed by the chairman shall be sent to the person concerned as well as his or her representative, except in the case where it is clear that the representative has authority to act in place of the person concerned, or in any other case with the consent of the person concerned.

4.13 Upon receipt of the Board's decision, the President shall consult the Governing Body prior to making any decision to terminate the employment of the person concerned but in so doing shall, in so far as possible, respect medical confidentiality. He or she shall arrange for a special meeting of the Governing Body for this purpose and shall keep the person concerned and/or his or her representative informed as to the process. Provided he or she acts within 14 days of receiving the decision document, the person concerned shall have the right to make further representations to the President at this stage. Prior to making any decision to terminate the employment of the person concerned on medical grounds, and depending on the circumstances of the case, including the length of time taken, the President may afford him or her an opportunity to retire on such grounds in accordance with the rules of the USS where applicable.

4.14 In the event that the Board does not determine that the person concerned should be required to retire on medical grounds, for example because it is not satisfied that he or she is incapacitated on medical grounds, the President shall consider the position and, if he or she so determines, may invoke the Disciplinary Procedure at any stage including requesting the Governing Body to appoint an Academic Disciplinary Committee.

4.15 In the event that such a Committee is appointed, it shall proceed in accordance with the procedures established under Part HI save that any findings of fact made by the Board shall be binding on the Committee.

4.16 No decision as to termination or otherwise implementing the conclusion of the Board shall be implemented until after any appeal has been determined under Part V.

BY-LAW XXXVIII - APPEALS PROCEDURE FOR ACADEMIC STAFF

1. A Notice of Appeal against any decision under Parts 11, 111 or IV of the Statute must be served on the President within 28 days of the decision. The President shall bring the fact that an appeal has been made to the attention of the Governing Body and inform the appellant that he or she has done so. If in all the circumstances of the case the President in his or her discretion considers it appropriate he or she shall call a special meeting of the Governing Body for the purpose of bringing the appeal to the attention of the Governing Body and in any event will ensure that the appeal is brought to the attention of the Governing Body within 28 days. The President shall consider any appropriate action, including suspension, that may be required in relation to the appellant and/or his or her position in the College pending the outcome of the appeal.

2. The Governing Body shall appoint a person to hear the appeal in accordance with Clause 29 of the Statute who shall be called the Chairman, and the two further persons in accordance with Clause 29(d) of the Statute who shall sit with the Chairman if the Chairman so decides under Clause 4 of this By-law.

3. In the event that the notice of appeal is not served in time in accordance with Clause 28 of the Statute, the Chairman shall consider the circumstances of the case including the length and the reason for the delay and the grounds of appeal and shall determine whether justice and fairness require that the appeal shall be permitted to proceed.

4. The Chairman shall consider whether to sit alone or with two other persons. In the event that he or she decides to sit with two other persons, they shall be the persons appointed by the Governing Body in accordance with Clause 2 above and the body so constituted shall be referred to as the Appeal Body, which term shall also refer to the Chairman in the event that the Chairman sits alone.

5. The Chairman shall appoint a date, time and place for the hearing and shall make such other directions for the disposal of the case as appear to him or her appropriate including the joinder of other parties, and any directions that may be required to clarify the grounds of appeal. The Appeal Body shall have power to adjourn the hearing from time to time as it sees fit.

6. Notice of the date, time and place and any directions made by the Chairman shall be served on all parties to the appeal at least 14 days before the date appointed and the appellant shall be notified of his or her right at his or her own expense to be represented by another person who may, but need not, be legally qualified. The appellant and any other party shall also be notified of their right to call witnesses with the consent of the Appeal Body.

7. Any committee, board or other body shall, if joined as a party to the appeal by the Chairman, appoint one or more persons either from among their number or otherwise, who may, but need not, be legally qualified, to prepare and present the response to the appeal, such response to be served on the Appeal Body, the appellant and any other parties at least seven days before the day appointed for the hearing of the appeal.

8. Any hearing of the appeal may be adjourned or postponed at the discretion of the Chairman. 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.

9. Except as provided in Clause 8 of this By-law no appeal may be determined without an oral hearing, due notice of which has been served on the appellant and any persons appointed by him or her to represent him.

10. 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.

11. Subject to the provisions of the Statute and of this By-law, the Appeal Body shall determine its own procedure. The Chairman may at his or her discretion set time limits at each stage of the proceedings to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable having regard to the principles of justice and equity.

12. In accordance with the provisions of Clause 30(c) of the Statute 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(c) of the Statute. In the event that the Appeal Body remits the appeal in accordance with Clause 30(c)(i)-(iv) the Chairman may set such time limits for further consideration as he or she considers appropriate.

13. The reasoned decision of the Appeal Body, including any decision under Clause 30(c)(i)-(iv), shall be recorded in writing and shall be sent to the President and to the parties to the appeal.

14. The Chairman may, by an appropriate certificate in writing, correct any accidental errors and/or any omissions in documents recording the decisions of the Appeal Body.

BY-LAW XXXIX - GRIEVANCE PROCEDURES FOR ACADEMIC STAFF

1. Bringing a Complaint

1.1 A member of academic staff to whom this Statute applies may bring. a complaint under Clause 34(a) of the Statute about the matters specified in Clause 33 provided that he or she has exhausted any other relevant avenues of complaint.

1.2 Any complaint should be addressed in the first instance to the President and should be made in writing. (Any complaints against disciplinary warnings under Clause 13.1 should be in writing and should specify with sufficient detail the grounds of complaint and any supporting information.) The complainant should specify whether he or she wishes any aspect of the matter to be kept confidential at this stage.

2. Investigating a Complaint

2.1 The President (which expression includes anyone appointed to act instead of him) shall consider any complaint made to him or her as quickly as he or she reasonably can and shall take steps to investigate the matter. At this stage he or she may appoint one or more people to investigate the issues on his or her behalf but shall whenever possible meet with the complainant for the purpose of considering the complaint generally and agreeing or establishing the further steps which may be taken. In any case where the complaint relates directly to the conduct of the President, the latter shall appoint one or more alternates to act in his or her stead, such alternate to be the Vice-President and/or Senior Fellow.

2.2 The President 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] [the complaint] to the appropriate channels for resolution of his or her complaint prior to taking any further action.

2.3 If in any other case other than an appeal against a disciplinary warning the President 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(b) of the Statute, he or she shall so inform the complainant and invite his or her views before taking further action. Upon receipt of the complainant's response, or in the event that no response is received within 28 days, the President shall consider the matter further and shall take such action as seems to him or her right including dismissing the complaint. The President shall notify the complainant [and the Governing Body] of his or her decision at the earliest opportunity.

2.4 Provided that he or she acts within 10 days of receiving the decision of the President under clause 2.3 above, the complainant may refer the matter to the Governing Body. If a majority of the Governing Body so determines, it may appoint a Grievance Committee to hear the complaint notwithstanding it has been dismissed by the President.

2.5 In any case where, upon due consideration, the President 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 Statute, he or she shall so inform the complainant and defer any further action on it until such time as the complaint, determination or appeal has been heard or the time for instituting has passed.

2.6 In any case where upon investigation the President is satisfied that the complaint concerns an act or omission which may amount to a criminal offence, he or she shall so notify the complainant and, subject to any representations the complainant may make, shall consider whether, and if so what, further action may be taken in relation to the complaint within the College's grievance procedure.

3. Informal Resolution

3.1 In any case where the President does not dispose of the appeal or defer it under Clause 34(c) of the Statute or under the provisions of this procedure, he or she shall consider whether it may be capable of informal resolution. The President 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 President shall consider whether 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 President shall consider whether to refer the matter to a Grievance Committee or take any other action as he or she sees fit.

3.3 In any attempt at informal resolution the President 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.

Grievance Committee Procedure

4. Grievance Committee

4.1 In any case where the complaint has not been disposed of by the President, or where an appeal is made under Clause 13(c) of the Statute, the President shall refer the matter to a Grievance Committee ("the Committee") established in accordance with the provisions of Clause 36 of the Statute. The Committee shall appoint one of its members to act as Chairman. The President 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 he or she considers will assist in the fair disposal of the matter. Any appeal under Clause 13(c) of the Statute shall be in writing and shall specify with sufficient detail the grounds of appeal and any supporting information.

4.2 The President shall 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 he or she has 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 or clerk 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 Chairman 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 or appeal lies, shall be entitled to be heard and to be accompanied by a friend or representative other than a lawyer. 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 or appeal 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 or appeal 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.

4.7 No appeal lies from the decision and/or recommendations of the Committee.

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