

**BYLAWS**  
**OF**  
**ORIEL COLLEGE**  
**OXFORD**

(As at 30<sup>th</sup> April 2021)

## **BYLAWS OF ORIEL COLLEGE, OXFORD**

### **I. College Meetings**

1. The first Stated General Meeting in the academic year shall be held on the Wednesday in the first week of Michaelmas Full Term.
2. The second Stated General Meeting shall be held on the Wednesday in the fifth week of Michaelmas Full Term.
3. The third Stated General Meeting shall be held on the Wednesday in the fourth week of Hilary Full Term.
4. The fourth Stated General Meeting shall be held on the Wednesday in the first week of Trinity Full Term.
5. The Provost may at any time, if he thinks fit, and shall at the request of not less than five Fellows, summon a Special General Meeting, giving not less than a fortnight's notice to every Fellow of the date of such meeting and of the business to be transacted thereat.
6. Ordinary Meetings shall be summoned by the Provost at such times and as often and with such reasonable notice as he may think necessary.
7. If in the opinion of the Provost, there is a urgent need to take and implement a decision before the Governing Body can reasonably next meet, in that failure to do so would significantly prejudice the objectives of the College, then the Provost must consult with at least five Fellows, including any Officers with a need to know and anyone else as s/he considers appropriate and, in the light of that consultation act on behalf of the Governing Body, seeking ratification of that decision at the next Governing Body meeting. At that meeting, the Provost shall give a full account of the decision, the reasons for it, the reasons why it could not be delayed, and the consultation carried out prior to the decision being taken and implemented.
8. Notice of business which can only be transacted at any Stated General Meeting shall be given by the Provost to every Fellow as near as may be one month before such Meeting.
9. The Minutes of the business transacted at every meeting shall be entered by the Provost after the close of the meeting in a book to be kept for that purpose. At every meeting the Minutes of the previous meeting so entered shall be produced, and, if and as confirmed, shall be signed by the provost. The Minute Book shall be open to the inspection of any Fellow at any time.
10. Proper records shall be made, as heretofore, of the election and admission of Provosts, Fellows and Officers, and of such other matters as have been usually recorded as well as of all such other matters as the Provost or the Provost and Fellows shall think proper to be so recorded.

## **II. Admission of Fellows**

The admission of Fellows, other than Professorial Fellows appointed by virtue of their office, shall take place upon, or as soon as may be after, the day of their election. The admission of Professorial Fellows shall take place as soon as may be after their appointment to their office. The customary Latin Formulas shall be used at the admission of Fellows.

## **III. Election of Officers**

1. The Vice-Provost shall be elected either at a Stated General Meeting, or at a Special General Meeting summoned for the purpose, for a period of three years. No one who has held the office for three years shall be re-eligible until at least three years have elapsed, unless this rule be on any occasion suspended by a majority of not less than two-thirds of those present and voting.
2. The Treasurer, Bursar, Senior Dean, Senior Tutor, Tutor for Graduates, Tutor for Admissions, Fellow Librarian, Dean of Degrees, and Secretary to Governing Body shall be appointed at a Stated General Meeting, or at a Special General Meeting summoned for the purpose, on such terms and for such period as the Provost and Fellows may think fit.
3. In the case of any officer of the College dying, resigning, or being removed from office, the Provost and Fellows shall nominate an officer to carry on the duties of the post until a successor is appointed.

## **IV. Application of Statute XVII (Dismissal of Academic Staff or Removal from Office)**

1. In addition to its general application, Statute XVII applies specifically to those holding the following classes of Fellowship: Professorial, Senior Research, by Special Election, Junior Research, and Supernumerary, even if not employed by the College to carry out teaching and/or research.
2. In addition to its general application, Statute XVII applies specifically to those holding the following College Offices: Vice-Provost, Treasurer, Bursar, Senior Dean, Senior Tutor, Tutor for Graduates, Tutor for Admissions, Fellow Librarian, Dean of Degrees, Secretary to Governing Body, and Adviser to Governing Body on Statutes and Related Matters.
3. In addition to its general application, Statute XVII applies specifically to the Chaplain.
4. Statute XVII does not apply to decanal officers (other than to the Senior Dean), nor to those holding Non-Stipendiary Lectureships by reason of the limited nature of their duties. The Provost and Fellows may dispense with the services of any such officer or lecturer at any general meeting, provided they are satisfied that this is consistent with the terms of any relevant contract and with the principles of justice and fairness.

## V. Grievance Procedures for Academic Staff

### 1. Bringing a Complaint

- 1.1. Any member of academic staff to whom Statute XVII applies may bring a complaint under Clause 34 of the Statute about the matters specified in Clause 33 provided that all other relevant avenues of complaint have been exhausted.
- 1.2. Any complaint under Clause 34 of the Statute should be addressed in the first instance to the Provost and should be made in writing. The complainant should specify whether he wishes any aspect of the matter to be kept confidential at this stage.
- 1.3. Anyone subject to a disciplinary warning under Clause 13 of the Statute may appeal by way of complaint in writing to the Provost within 14 days of receipt of an oral or written warning. Any such appeal shall be heard by a Grievance Committee established in accordance with Clause 36 of the Statute.

### 2. Investigating a Complaint

- 2.1. The Provost (or anyone appointed to act instead of him or her) shall consider any complaint made to him or her as quickly as he reasonably can and shall take steps to investigate the matter. The Provost may appoint one or more people to investigate the issues on his or her behalf. In any case where the complaint relates directly to the conduct of the Provost, the Vice-Provost shall act in his or her stead and may act in other cases where appropriate and consistent with justice and fairness, if called upon to do so by Governing Body.
- 2.2. The Provost 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 matter to the appropriate channels for resolution, before taking any further action.
- 2.3. If in any other case other than an appeal against a disciplinary warning the Provost forms the *prima facie* view that the complaint should be dismissed or that no further action should be taken for the reasons set out in Clause 34(2) of the Statute, he shall so inform the complainant and notify Governing Body of his decision at the earliest opportunity.
- 2.4. In any case where, upon due consideration, the Provost 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 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.

- 2.5. In any case where upon investigation the Provost is satisfied that the complaint concerns an act or omission which may amount to a criminal offence, he shall so notify the complainant and, subject to any representations the complainant may make, suspend the College's grievance procedures pending criminal investigation and proceedings.

### 3. Informal Resolution

- 3.1. In any case where the Provost does not dispose of the appeal under Clause 34(2) or defer it under Clause 34(3) of the Statute or under the provisions of this procedure, he shall consider whether it may be capable of informal resolution. The Provost 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 Provost shall consider whether the complainant or any other person may benefit from the assistance of a third party in connection with the complaint.
- 3.2. If the complainant objects to informal resolution the Provost shall consider whether to refer the matter to a Grievance Committee or take any other action as he sees fit.
- 3.3. In any attempt at informal resolution the Provost shall have regard to confidentiality as far as possible and shall ensure that the interests of the parties to the matter are considered at all stages.

### 4. Grievance Committee

- 4.1. Any appeal under Clause 13 of the Statute shall be in writing and shall specify in sufficient detail the grounds of appeal and identify any supporting information. The Grievance Committee may quash, vary, or uphold the warning and its decision shall be final.
- 4.2. In any case where a complaint has not been disposed of by the Provost he shall refer the matter to a Grievance Committee established in accordance with Clause 36 of the Statute. The Provost shall notify the Grievance Committee of the nature of the complaint and shall provide the Grievance Committee with copies of any statements or other relevant documents which he considers will assist in the fair disposal of the matter.
- 4.3. The Provost shall notify the individual concerned that the matter has been referred to a Grievance Committee and shall provide the individual concerned with copies of the documents which he has provided to the Grievance Committee.
- 4.4. The Grievance Committee shall meet as soon as is reasonably practical to consider the matter on a preliminary basis. At this stage, the Grievance Committee may appoint someone to act as secretary or clerk to assist in the preparatory steps and all aspects of the grievance hearing. The Grievance Committee may call for written statements from

the individual concerned or any other person and may cause such investigations to be conducted as appears appropriate, if necessary by an independent person specifically appointed for the purpose. The Grievance 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 Grievance Committee may appoint its Chairman to act in its stead in all preliminary matters. The Grievance Committee shall have power to adjourn the proceedings from time to time as it sees fit.

- 4.5. The matter shall not be disposed of without an oral hearing at which the individual concerned, and any person against whom the grievance lies, shall be entitled to be heard and to be accompanied by a friend or representative. Those choosing legal or other professional representation do so at their own expense.
- 4.6. The hearing may proceed in the absence of the individual concerned or any other party who fails to attend without reasonable cause.
- 4.7. Conduct of the hearing and associated matters may be determined by the Grievance Committee, subject to the overriding interests of justice and fairness. In particular, the Grievance 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 reasonable time limits shall be set for the proceedings.
- 4.8. The reasoned decision of the Grievance Committee as to whether the complaint is or is not well-founded shall be notified in writing to the individual concerned and any person against whom any complaint is made, as well as to the Governing Body. In the event that any part of the grievance is upheld, the Grievance 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.
- 4.9. No appeal lies from the decision and/or recommendations of the Grievance Committee.

## **VI. Disciplinary Procedures for and Dismissal of Academic Staff**

### **1. Informal Stage**

- 1.1. Where it appears to the Provost 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 otherwise in difficulties, the Provost 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 conduct or performance. The Provost may appoint a Fellow, an Emeritus Fellow, or an Honorary Fellow of the College to conduct informal discussions with the person concerned either with the Provost 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 such note shall be made available to him.

## 2. Disciplinary Warnings

- 2.1. In any case where it seems to the Provost 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, the Provost 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 and an opportunity to respond and until the matter has been properly investigated by or at the behest of the Provost.
- 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 shall have the opportunity to be accompanied or represented by a friend, or a colleague, or representative from any professional body or trade union of which he is a member such as the AUT. Those choosing legal or other professional representation at this stage do so at their own expense.
- 2.3. In the event that it appears to the Provost 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 Provost 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 the presence 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 agreed plan of action for improvement, where applicable. The oral warning shall be recorded in a dated written note, a copy of which shall be provided to the individual. The note shall be kept in the individual's employment file and shall be treated as spent and so endorsed 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 in effect, and in any case where the seriousness of the matter so merits, the disciplinary action which the Provost may take short of dismissal is a written warning. The written warning shall specify the reasons 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

[specify file]. A written warning remains in effect for a period of two years after which it shall be treated as spent and so endorsed.

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

### 3. Dismissal

- 3.1. In any case before the Provost, whether on a complaint under Clause 14(1) or otherwise, he shall consider all the circumstances of the case including the outcome of any enquiries instituted under Clause 14(2) and any comments from the person concerned invited under Clause 14(3). If, after such consideration, it appears to the Provost that there are *prima facie* grounds for dismissal for good cause as defined in Clause 5 of the Statute, the Provost 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 Provost may suspend the person concerned at this stage in accordance with Clause 14(3).
- 3.2. Upon receipt of a request under Clause 15 of the Statute from the Provost, the Governing Body shall appoint the Academic Disciplinary Committee as soon as reasonably practicable and shall inform the person to be charged by written notice that an Academic Disciplinary 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 Academic Disciplinary 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. Governing Body shall appoint one of the three members to act as Chairman.
- 3.3. Subject to the provisions of the Statute and any provision to the contrary in this Bylaw, the Academic Disciplinary Committee shall have power to regulate its own proceedings. The Academic Disciplinary 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 Academic Disciplinary Committee which is tied, the Chairman shall have a casting vote. In the event that either the Chairman or both members of the Academic Disciplinary Committee are unable to attend for any significant period of time, the Academic Disciplinary Committee shall be discharged and a new Academic Disciplinary Committee shall be appointed in accordance with the provisions of the Statute. The Academic Disciplinary 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.
- 3.4. 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.



- 3.5. The person charged shall notify the prosecutor of any representative he has appointed to act. The accused shall be liable for any fees or expenses payable to any such representative.
- 3.6. The Chairman of the Academic Disciplinary Committee may make any interlocutory directions he 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 own motion. The Chairman may also remit any matters to the Provost for further consideration and has power to join further parties to the case if he considers it appropriate to do so upon notice to the parties of such joinder. The Chairman of the Academic Disciplinary 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.
- 3.7. At least 21 days before the date set for the hearing, the prosecutor shall forward the following to the Academic Disciplinary Committee and to the person charged and any other parties to the hearing:
  - a) the charge(s);
  - b) copies of any documents specified or referred to in the charge(s);
  - c) a list of witnesses to be called by the prosecutor;
  - d) copies of statements containing the witnesses' evidence.
- 3.8. At least 7 days before the date set for the hearing, the person charged shall forward to the prosecutor copies of any documents on which he wishes to rely, a list of his witnesses and copies of their statements of evidence. The prosecutor shall ensure that copies of all these are prepared and forwarded to the Academic Disciplinary Committee as soon as practicable.
- 3.9. The jurisdiction and power of the Academic Disciplinary 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 Academic Disciplinary Committee. The Academic Disciplinary Committee may postpone or adjourn a hearing, if it considers it appropriate, to enable a prosecution to be undertaken.
- 3.10. Subject to the consent of the Academic Disciplinary 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 time to consider the evidence and its effect on the case and may then submit further evidence in response, provided that the Academic Disciplinary Committee consents, such consent not to be unreasonably withheld.
- 3.11. The Academic Disciplinary 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 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.

- 3.12. Subject to the right of the person charged, his representative and the prosecutor to be present throughout the hearing, the Academic Disciplinary Committee may decide whether to admit any persons to, or exclude them from, the hearing or any part of it.
- 3.13. 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.
- 3.14. Without prejudice to the Academic Disciplinary 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 Academic Disciplinary Committee shall have power to adjourn the proceedings from time to time as it sees fit.
- 3.15. The Academic Disciplinary 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.
- 3.16. It is for the prosecutor to prove the charge or charges. In determining whether the charges or any of them are proved the Academic Disciplinary 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 or any charge before it.
- 3.17. If the Academic Disciplinary 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 Academic Disciplinary Committee to address it on the question of penalty and/or mitigation prior to determining any recommendations that it may make to the Provost.
- 3.18. The decision of the Academic Disciplinary Committee shall be recorded in a document in which the Academic Disciplinary Committee's findings of fact, its reasons for the decision and any recommendations as to penalty are contained. This document shall be signed by the Chairman of the Academic Disciplinary Committee and by at least one other member. The document shall be sent directly by the secretary of the Academic Disciplinary Committee to the person charged and to his representative in addition to the other parties specified in Clause 19 of the Statute. The person charged shall be notified of his right of appeal against the decision or against any recommendation of the Academic Disciplinary Committee as to penalty.
- 3.19. Where any charge has been upheld and the Academic Disciplinary Committee has recommended dismissal, the Provost or his delegate shall inform and consult the

Governing Body prior to making any decision as to penalty. He 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 Provost at this stage.

- 3.20. If the Provost decides to dismiss the person charged he may do so forthwith or upon such terms as he considers fit. If the Provost decides not to dismiss, the actions he may take are as set out in Clause 20(2) of the Statute. Any warning given under Clause 20(2)(c) shall be recorded in writing and shall remain in effect for two years. In all cases the Provost's decision shall be communicated in writing to the person charged and to Governing Body.
- 3.21. 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.

## **VII. Procedure for Removal of Members 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 Provost 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 three months in any twelve month period, the Provost 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 Provost 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 full contractual duties. If the Provost considers it advisable, he 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 Provost may also, with the consent of the member of staff, arrange for him 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 Provost 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 Provost shall do all that is reasonably practicable to respect the confidentiality of the member of staff if he so wishes. The Provost 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 Provost 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 duties, the Provost shall consider the removal of the member of staff in accordance with the provisions of Clauses 23 and 24 of Statute XVII. Prior to taking any action under this section, the Provost shall consult with the individual and/or any representative(s) nominated by him 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 Provost suspends the member of staff under the provisions of Clause 23(1)(b) he shall ensure that the member of staff has adequate access to materials and/or colleagues to enable him 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 Provost shall not consider the removal of the person concerned from his 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 Provost shall have regard to the provisions of the Equality Act 2010 and associated Codes of Practice, as appropriate.
- 2.3. The Provost shall seek to obtain a medical report concerning the member of staff from the medical practitioner who has had clinical care of him 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 clear notification is given to the Provost, 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 Provost 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 Provost may be exercised instead by a duly appointed alternate or other appropriate officer and references to the Provost shall, throughout this By-law be construed as including references to the alternate.

### 3. Medical Board

- 3.1. If after considering all the circumstances of the case the Provost concludes that the removal on medical grounds of the member of staff (hereafter the person concerned) should be considered, he 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 Provost shall notify the person concerned that a Medical Board is to be appointed to consider whether he shall be removed from office on medical grounds, and shall request the person concerned to nominate someone to sit on the Medical 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 Medical Board reasonably expeditiously, the Provost shall presume a default and shall himself nominate someone.
- 3.2. At the same time as notifying the individual, the Provost 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 Medical 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 at least 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 Medical 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 to act as secretary to the Board.

### 4. Procedures for a Medical Board Hearing

- 4.1. Where a Medical Board has been appointed to determine a case referred to it under Clause 23(3) of the Statute, the Chairman shall appoint the time, date and place for the hearing and the secretary shall notify all parties in writing. The Medical 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 Provost shall refer whatever relevant evidence he has in confidence to the Board and shall make the evidence available to the person concerned and/or any representative he 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 Provost shall consider the case and, if he thinks it necessary, may appoint someone to present the case for removal as well as the relevant oral and documentary evidence to the Medical Board. Witnesses may be called by the person presenting the case, in which case copies of their statements shall be made available to the Medical 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 Medical 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 Medical Board may join at its own discretion. The secretary to the Medical Board, the person concerned and/or his representative and the person presenting the case shall be entitled to remain throughout the hearing; otherwise it shall be for the Medical Board to determine who may be present at any time.
- 4.5. The person concerned shall be entitled to present whatever evidence he considers relevant, subject to the overall right of the Medical 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 Medical Board with copies of any evidence, including medical evidence, on which he wishes to rely. The secretary to the Medical Board shall be responsible for ensuring that copies are made available to Medical Board members and other parties as soon as possible. The person concerned and the person presenting the case for removal may each call not more than two expert witnesses whose statements shall first be presented in writing to the other parties.
- 4.6. Any party may produce additional evidence during the hearing subject to the Medical 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 Medical 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 Medical 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 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 Medical Board throughout, no proceedings of the Medical Board shall be invalid because a member has been unable to continue but if the Chairman of the Medical Board is unable to continue, the Medical Board shall be discharged and a new one appointed in

accordance with the procedure set out under Clause 3 above.

- 4.9. The person presenting the case for removal shall specifically draw the attention of the Medical Board to the provisions of the Equality Act 2010 and provide the Medical Board with information as to what adjustments have been considered to avoid the removal of the person concerned from his employment, together with information as to cost and effectiveness of the adjustment(s).
- 4.10. At any stage before making its decision the Medical Board may call for additional information including requiring the person concerned to undergo medical examination by a medical practitioner chosen or agreed by the Medical Board, at the College's expense. In the event that the person concerned fails to undergo any medical examination required by the Medical Board, or if the medical evidence is inconclusive, the Medical Board shall exercise its judgment on the basis of the evidence available to it.
- 4.11. The Medical 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 Medical Board shall specifically record the matters it has taken into consideration in determining whether any reasonable adjustments can be made to enable the person concerned to remain in employment. If the Medical 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 is suffering from permanent ill-health or infirmity.
- 4.12. It is the responsibility of the Medical Board secretary to ensure that the Provost 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 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 Medical Board's decision, the Provost 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 shall arrange for a special meeting of the Governing Body for this purpose and shall keep the person concerned and/or his representative informed as to the process. 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 Provost may afford him an opportunity to retire on such grounds in accordance with the rules of the USS where applicable.
- 4.14. In the event that the Medical 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 is incapacitated on medical grounds, the Provost shall consider the position

and, if he 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 an Academic Disciplinary Committee is appointed, it shall proceed in accordance with the procedures established under Part III save that any findings of fact made by the Medical Board shall be binding on the Committee.

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

### **VIII. Appeals Procedure for Academic Staff**

1. A Notice of Appeal against any decision under Parts II, III or IV of the Statute must be served on the Vice-Provost within 28 days of the decision. The Vice-Provost shall bring the fact that an appeal has been made to the attention of the Governing Body at a special meeting called for the purpose and in any event will ensure that the appeal is brought to the attention of all members of Governing Body within 28 days. The Provost shall consider any appropriate action, including suspension, that may be required in relation to the appellant and/or his position in College pending the outcome of the appeal.
2. The Governing Body shall in consultation with the Visitor 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(4) 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 on the Vice-Provost 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 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 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 right at his 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 (such as the Governing Body, Academic Disciplinary Committee, or Medical Board) 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 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 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(3) 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(3) of the Statute. In the event that the Appeal Body remits the appeal in accordance with Clause 30(3)(a)–(e) the Chairman may set such time limits for further consideration as he considers appropriate.
13. The reasoned decision of the Appeal Body, including any decision under Clause 30(3)(a)–(e), shall be recorded in writing and shall be sent to the Provost 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.

### **IX. Entry of Undergraduates and Graduates**

After having carried out such selection processes as they may deem appropriate, Tutors shall submit the names of such candidates for admission as undergraduates as they shall consider

suitable; and the Provost and Fellows shall confirm the admission of the requisite number of candidates.

On the advice of individual Tutors, the Tutor for Graduates shall submit the names of such candidates for admission as graduates as s/he shall consider suitable; and the Provost and Fellows shall confirm the admission of the requisite number of candidates.

## **X. Term of Residence**

Every undergraduate member of the College shall reside for eight weeks in each full Term, unless he has obtained leave of absence under Statute IV. 9 of the College Statutes. Leave of absence under this bylaw may be granted on behalf of the Provost and Fellows by the Provost or the Dean.

## **XI. Expenditure of Student Members within the College**

1. The Tutor for Admissions or the Treasurer shall notify each student Member of the College before he or she comes into residence the authorised charges for fees and normal objects of expenditure within the College and shall seek such guarantees or assurances as to the student's ability to pay such charges as the Finance and Estates Committee shall agree from time to time.
2. The Treasurer shall monitor Battels accounts and bring to the notice of the Dean and the Tutor concerned any significant outstanding payment from a student member of the College.

## **XII Student Disciplinary Procedures**

In this Bylaw 'student' shall include any member of the College in *statu pupillari*. In this Bylaw references to "the Provost" shall include the Vice Provost.

### **A. Non-Academic Disciplinary Procedures**

#### **1. Suspension or Expulsion for Disciplinary Reasons**

- (1) No student shall be suspended or expelled or required to remove his or her name from books for disciplinary reasons other than by a majority vote of the Provost and Fellows.
- (2) Before the Provost and Fellows act under 1(1) there shall be convened a Disciplinary Commission of Enquiry ("the Commission") which will at the conclusion of its proceedings prepare a report ("The Commission's Report") for the benefit of the Provost and Fellows, which will include its findings, its reasons for those findings and the penalty it recommends. The Commission's findings are binding on the Provost and Fellows but its recommendation as to penalty is not.

- (3) A Commission must be convened by the Provost as soon as reasonably practicable following receipt from the Senior Dean of a report (“the Senior Dean’s report”) of alleged misconduct by a student (“the Student”), if the Senior Dean indicates (i) that the misconduct alleged might reasonably result in a recommendation for suspension or expulsion by a Commission inquiring into the alleged misconduct and (ii) in the opinion of the Senior Dean, following an investigation by him/her, that there is a case to answer.
- (4) The Commission shall consist of three Members from the Non-Academic Disciplinary Panel appointed by the Provost and may appoint a Lay Assessor, recommended by the Provost, to advise it in respect of all matters within its jurisdiction including the application of this Bylaw to its proceedings.
- (5) The Non-Academic Disciplinary Panel shall consist of seven Fellows elected at a College meeting, who shall hold office for three years, such office being renewable, but shall not include the Vice-Provost, the Senior Dean or the Senior Tutor. Not all Fellows elected need be Members of Governing Body. Vacancies on the panel shall be filled by election as they occur.
- (6) The Commission shall select its own President (“the President”) by a majority vote and, subject to the principles of natural justice and the content of this Bylaw, the Commission shall determine its own procedure.
- (7) The President must consider whether it is appropriate to make a determination as to privacy under 1(8) and any such determination must be made in advance of the hearing of the Commission (“the Hearing”).
- (8) All Hearings shall be held in public unless either the Student elects otherwise (in accordance with 1(13)) or the President determines, at the President’s absolute discretion, that the interests of and/or welfare of any person affected by its enquiry, including any witness to be called to the Commission’s hearing, require that the Commission shall meet in private. Absent notification by the student in accordance with 1(13) or a determination by the President in accordance with this paragraph, the hearing will be in public unless the President determines that it would be just to allow the Student’s request that the hearing be in private.
- (9) The President must consider whether it is appropriate to make a determination under 1(10) and any such determination must, wherever possible, be made in advance of the Hearing.
- (10) If the President determines that the welfare and interest of any particular witness (a “Particular Witness”) to be called by the Senior Dean in accordance with 1(19) or the Student in accordance with 1(20) or the Commission in accordance with 1(21) requires that the Student be prohibited from personally questioning that Particular Witness, the Commission will prohibit such questioning by the Student but will either allow questions to be put by a person selected by the Student in accordance with 1(14)

or the Commission may determine, in its absolute discretion, to appoint a solicitor or barrister, whose reasonable fees shall be borne by the College, to put questions to that Particular Witness. The Commission may require, in its absolute discretion, that questions are put to that Particular Witness through the President.

- (11) The Student may elect not to be heard by the Commission by communicating that decision in writing to the Commission, in which case the Provost and Fellows may proceed at once to a decision under 1(1) above based upon the Senior Dean's Report and any written communication received from the Student in accordance with 1(13), but, if the Student indicates in any such written communication any substantial dispute of the misconduct alleged or any reason why he/she should not be expelled or suspended, there shall be a Hearing.
- (12) At least 14 days before the Hearing the Student shall by notice ("the Hearing Notice") be informed of the following by the Senior Dean: (i) the charge(s); (ii) any particulars of those charge(s); (iii) the possible penalties; (iv) the time and place of the Hearing; (v) any determinations made pursuant to 1(8) and/or 1(10); (vi) the identity of any witnesses who may be called by the Senior Dean to give evidence at the Hearing; (vii) his/her obligations under 1(13) of this Bylaw; and shall be provided with a copy of this Bylaw, the Senior Dean's Report and any other written evidence which the Senior Dean will ask the Commission to consider, including the statements of witnesses the Senior Dean will call in accordance with 1(19).
- (13) No later than seven days prior to the date of the Hearing, the Student shall submit to the Commission any written evidence, including the statement of any witness he/she will call, which he/she would like the Commission to consider; he/she shall indicate in writing whether, subject to the Commission's decision made pursuant to 1(8), he/she wishes the Hearing to be in public or in private; he/she shall indicate in writing whether he/she disputes the charge(s), and if so in what respect(s) he/she disputes the charge(s); he/she shall indicate whether he/she will be represented pursuant to 1(14), and if so by whom; and whether he/she intends to call any witness as to fact or penalty, and if so the identity of any such witness.
- (14) The Student may select a third party (including a solicitor or barrister) to assist him or her, and that person shall be heard by the Commission [subject to notification of that person's identity in accordance with 1(13), absent which the Commission will only hear from that person if it considers it just to do so], but if that third party is not a solicitor or barrister, he/she may only put questions to witnesses with the permission of the Commission.
- (15) The Student shall be entitled to be heard and to call witnesses, as to fact or penalty, at the Hearing [subject to notification of the identity of those witnesses pursuant to and provision of copies of their statements in accordance with 1(13), absent which the Commission will only allow such witnesses to be called if it considers it just to do so] who may be questioned by the Senior Dean or the solicitor or barrister appointed by the Senior Dean, and the Commission's members, if they see fit may question such

witnesses in order to clarify evidence given or to glean further relevant evidence.

- (16) The Student, subject to 1(10), or a third party (selected pursuant to 1(14) or appointed pursuant to 1(10)) shall be entitled to question witnesses called by the Senior Dean and the Commission's members, if they see fit, may question any such witness in order to clarify evidence already given by the witness or to glean further relevant evidence from the witness.
- (17) At the Hearing the Student will indicate, if he/she has not already done so, in writing pursuant to 1(13), whether he/she disputes the charge(s) and if so in what respect(s).
- (18) The Commission will determine whether it is necessary, for the purpose of determining any disputed fact, to hear from any witness the Senior Dean has indicated an intention to call, pursuant to 1(12), or which the student has indicated an intention to call, pursuant to 1(13), or which the Commission has allowed the Student to call, pursuant to 1(15).
- (19) The Senior Dean, or a solicitor or barrister appointed by the Senior Dean, shall be heard and will present written evidence served in accordance with 1(12) and call witnesses whose statements have been served in accordance with 1(12) and who may be questioned in accordance with 1(16).
- (20) The Commission will hear from the Student and any witnesses, whom he/she calls, whose statements have been served in accordance with 1(13), and any such witness called may be questioned in accordance with 1(15). The Commission will consider any written evidence the Student may present which has been served in accordance with 1(13).
- (21) The Commission may hear from witnesses it calls of its own motion who may be questioned by the Senior Dean, or the solicitor or barrister appointed by him/her, and by the student or the third party selected by the student in accordance with 1(14) or appointed in accordance with 1(10).
- (22) The Commission shall determine any disputed charges on the balance of probabilities provided that a majority of the commission are in agreement.
- (23) The Commission will prepare a report ("The Commission's Report") of its enquiry including its findings in respect of any disputed fact(s); its reason for any such findings; its recommendation as to penalty; and its reasons for that recommendation.
- (24) The Provost and Fellows will meet to decide the appropriate penalty in accordance with 1(1). When doing so they will be bound by the findings of fact contained in the Commission's Report and must take into account the Commission's recommendation but will not be bound by that recommendation.

- (25) No Fellow whose evidence is considered at a Hearing (whether in writing or orally), nor the Senior Dean, nor any Fellow selected by the Student under paragraph 1(14) above, shall act as a Member of the Commission, or take part in any meeting of the Provost and Fellows pursuant to 1(24).
- (26) No Member of the Commission who participated in the Hearing shall take part in any meeting of the Provost and Fellows pursuant to 1(24).
- (27) The Provost shall within seven days of the meeting held pursuant to 1(24) notify the Student in writing of its decision (“the Decision”) and provide a copy of the Commission’s Report; and the reasons for the Decision, should it depart from the Commission’s recommendation as to penalty.
- (28) Within 28 days of service of the Decision the Student, by writing to the Provost, may request of the Governing Body that it reconsider the Decision, and the Governing Body will, within 28 days of receipt of the request, consider the Commission’s Report, the Decision and any representations made in writing by the Student, and either confirm, quash or amend the Decision.
- (29) At the conclusion of the procedure herein the Student shall be given a Completion of Procedure letter confirming the final decision.
- (30) In accordance with its terms of reference and regulations, any student who has exhausted internal proceedings and who remains dissatisfied may take the matter to of the Conference of Colleges’ Appeal Tribunal.
- (31) In accordance with the provisions of the Higher Education Act 2004 any student who has exhausted internal proceedings and who remains dissatisfied may take the matter to the Office of the Independent Adjudicator within three months of the date of receipt of the Completion of Procedure letter.

## 2. Exclusion from College Premises Pending the Outcome of an Investigation

- (1) Where a panel of three Fellows (“the Exclusion Panel”), on the basis of a recommendation made by the Senior Dean and pending the outcome of an investigation into an allegation of student misconduct by either the Senior Dean, the Proctors, or the Police, or the outcome of the disciplinary process set out in 1(3) to 1(31), decides that it is necessary for any of the following purposes: (i) the maintenance of College discipline, or (ii) to ensure that a full and proper investigation of alleged student misconduct can be carried out, or (iii) for the protection of any person affected by alleged student misconduct, for a student (“the Student”) to be excluded from College premises or to be permitted to have access to College premises only on stipulated conditions, the Exclusion Panel may make an order (“the Exclusion Order”) excluding the Student from all or some College premises or permitting entry to all or some College premises on stipulated conditions by proceeding in accordance

with 2(4).

- (2) The Senior Dean's recommendation should explain why the proposed conditions are necessary for the purposes of achieving the purposes mentioned in (i) to (iii) in paragraph 2(1), and why no conditions, less onerous to the Student, are capable of achieving the relevant purpose or purposes; it should include an assessment of the risk to the welfare of students who may have been affected by the Student's alleged misconduct if the proposed conditions are not imposed and an assessment of the risk to the welfare of the Student if the proposed conditions are imposed. In cases where, due to the urgent nature of the matter, it is not possible or appropriate to complete such an assessment prior to a recommendation, such an assessment should be carried out as soon as possible thereafter.
- (3) The terms of the Exclusion Order, in so far as they adversely affect the Student, must be reasonable and proportionate to the Exclusion Panel's assessment of the risk that the Student presents of acting in a way contrary to all or any of the purpose(s) of the Exclusion Order mentioned in 2(1)(i)–(iii) inclusive, that is they must be clearly necessary to achieve those purposes; no more onerous to the Student than is strictly necessary to achieve those purposes; and the extent to which they are onerous must be proportionate to the risk the Student presents to the welfare of students who may have been affected by the Student's alleged misconduct if the conditions are not imposed.
- (4) The Exclusion Panel shall consist of the Vice Provost, the Senior Tutor and the Tutor for Graduates or, in cases where a conflict of interest prevents one or more of them serving on the Exclusion Panel, one or more other Senior College Officer or Senior Fellow.
- (5) The Exclusion Panel must, if the Senior Dean has not already done so, provide the Student with a copy of the Senior Dean's recommendation and a copy of this procedure, and must invite the Student to make representations why The Exclusion Panel should not impose an Exclusion Order in the terms recommended. The Exclusion Panel must provide the Student with a reasonable opportunity to make such representations. Such representations must be in writing and delivered to the Chair by email.
- (6) The Exclusion Panel will meet in private. Its meeting may be in person or by telephone if a meeting in person is not possible. The Exclusion Panel shall make its decision which must accord with paragraphs 2(1) and 2(3).
- (7) The Exclusion Panel, having made its decision, shall give notice to the Senior Dean and to the Student of its decision ("The Exclusion Notice"). The Exclusion Notice must explain the Exclusion Panel's reasons and the terms of the Order, if any, it imposes. The Exclusion order will take effect upon service of the Exclusion Notice on the Student and will last for a period of no more than 28 days.

- (8) The Student may at any time during the term of an Exclusion Order make written representations to the Exclusion Panel why the Exclusion Panel should modify or withdraw the Exclusion Order.
- (9) Where the Student makes written representations in accordance with 2(8), the Exclusion Panel will consider those representations and may either confirm, modify or withdraw the Exclusion Notice.
- (10) Where the Student is dissatisfied with a decision of the Exclusion Panel made in accordance with 2(6), he or she may appeal that decision by writing to the Provost who will consider any written representations made by the Student, and may either confirm, modify or withdraw the Exclusion Notice.
- (11) At the expiration of the Exclusion Order the Exclusion Panel may make a further Exclusion Order by proceeding in accordance with paragraph 2(1)-(7). The Exclusion Panel's judgement as to whether a further Exclusion Order is warranted should be informed by an up-to-date risk assessment of the sort mentioned in paragraph 2(2), which should be carried out prior to the expiry of the previous Exclusion Order. Service of any further Exclusion Notice shall trigger the provisions of section 2(5), 2(6) and 2(7).

## **B. Academic Disciplinary Procedures**

### **1. Introduction**

From time to time the College has concerns about the academic performance and/or progress of some of its undergraduate students. In such cases it needs to be remembered that continued membership of the College is conditional upon a satisfactory record of work which includes evidence of diligence and application both in tutorials and in College and University examinations. The following procedures will be applied where a student is believed to be lacking the required diligence towards his/her academic work, e.g.(s)he is producing work of a standard significantly below that of which his/her tutors believe him/her to be capable, and/or (s)he is not fulfilling his/her academic obligations (e.g. not handing in work, or missing classes/tutorials without good reason). A student who performs significantly less well than expected in a University Examination may be placed on the Academic Disciplinary Procedures, even if they have passed the examination.

A student would normally, in the absence of improvement, progress through the following four stages. A student may, however, be placed immediately on Stage 2, Stage 3 or Stage 4, depending on the seriousness of the situation. At any time, a tutor may require that a student whose work is causing concern meets the Senior Tutor and/or Provost.<sup>1</sup>

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<sup>1</sup> Any involvement by the Provost at Stages 1-3 of these procedures is on an informal basis and is without prejudice to his formal role at Stage 4.



No student can be suspended or expelled for unsatisfactory work by a vote of the Provost and Fellows other than for failure to meet the College progress rules for University Examinations unless he or she has reached or been placed on Stage 4 of the Academic Disciplinary Procedures.

## 2. Academic Disciplinary Stages

Stage 1 – Informal Written Warning: The College Tutor<sup>2</sup> meets the student to discuss the issue with him/her: if the Tutor wishes to proceed, (s)he gives the student an informal warning verbally. The College Tutor will then write a letter to the student to confirm that (s)he has been given an informal warning and copies the letter to the Senior Tutor. The letter must state what improvements are to be made and define the time within which they must be made (normally 2 – 4 weeks).

The decision to place a student on Stage 1 must be reported by the College Tutor (or another Fellow or Lecturer acting on his/her behalf) to the Tutorial Committee at its next meeting.

At the end of the required period, the College Tutor will review the student's progress in consultation with other Fellows/Lecturers/Outside Tutors as appropriate. The College Tutor may recommend to the Senior Tutor that:

1. The student should be removed from the Disciplinary Procedures.
2. The student should remain on Stage 1 for a further defined period (this may be to allow assessment of progress to be made in Collections).
3. The student should be moved to Stage 2.
4. The student should be moved to Stage 3.
5. The student should be moved to Stage 4 (only in exceptional circumstances).

Stage 2 – Formal Written Warning: If the College Tutor has recommended to the Senior Tutor that the student be placed on Stage 2, the Senior Tutor will decide whether or not to accept the recommendation. If the Senior Tutor decides to accept the recommendation, the student will be called to a meeting with the College Tutor, which may be attended by other Tutorial Fellows and/or College Lecturers and/or the Senior Tutor. Following the meeting, the Senior Tutor will write a letter to the student stating that (s)he has been placed on Stage 2 and that this constitutes a formal written warning. The letter will set out the conditions that need to be satisfied if the student is to be removed from Stage 2 and the time that will be given to fulfill these conditions (normally 2 – 4 weeks). The decision to place a student on Stage 2 must be reported by the Senior Tutor to the Tutorial Committee at its next meeting.

Should the student disagree with the decision of the Senior Tutor, (s)he may ask the Senior Academic Fellow to mediate.

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<sup>2</sup> 'College Tutor' would normally be the Director of Studies for the course being pursued by the student, but may be another Tutorial Fellow or College Lecturer deputising for the Director of Studies if appropriate.

At the end of this period the College Tutor will review the student's progress in consultation with other Fellows/Lecturers/Outside Tutors as appropriate. The College Tutor may recommend to the Senior Tutor that:

1. The student should be removed from the Disciplinary Procedures.
2. The student should be moved back to Stage 1.
3. The student should remain on Stage 2 for a further defined period (this may be to allow assessment of progress to be made in Collections).
4. The student should be moved to Stage 3.
5. The student should be moved to Stage 4 (only in exceptional circumstances).

This person should act on behalf of, and consult with, all the Tutorial Fellows, College Lecturers and Outside Tutors in the student's subject(s) as appropriate.

*Stage 3 - Academic Probation:* If the College Tutor has recommended to the Senior Tutor that the student be placed on Stage 3, the Senior Tutor will decide whether or not to accept the recommendation. If the Senior Tutor decides to accept the recommendation, (s)he will write a letter to the student setting out the conditions of Academic Probation and the time within which certain conditions must be fulfilled. This period must be long enough to give the student a reasonable opportunity to fulfill the conditions, and will be decided by the Senior Tutor, on the recommendation of the College Tutor. The decision to place a student on Stage 3 must be reported by the Senior Tutor to the Tutorial Committee at its next meeting.

Should the student disagree with the decision of the Senior Tutor, (s)he may ask the Senior Academic Fellow to mediate.

The conditions of the Probationary Period will normally include achievement of target marks in Special Collections. The nature of the collections and the target mark(s) will be decided by the subject tutors. The student will be given reasonable notice of Special Collections (normally at least four weeks, which could include time during a vacation). Special Collections will be marked by two people, at least one of whom will be external to the College. Where Special Collections are to be sat during a vacation, they must be sat at least two weeks before the commencement of term; they must then be marked before the commencement of term. At the time that Special Collections are agreed, the Senior Tutor will inform the Vice-Provost, who will select the membership of the Academic Disciplinary Sub-Panel (see below).

The conditions of the Probationary Period may include a condition that the student is required to satisfy the Moderators in all papers or specified papers in the First Public Examination at the first attempt. In this case the letter to the student will be sent at least four weeks before the beginning of the Examination and will explicitly warn him/her that a specified number of failures on identified papers or other elements of the Public Examination at the first attempt will lead to termination of his/her course of study.

At the end of the probationary period, and when Collection marks are available, the Senior Tutor will decide, in consultation with the College Tutor and other Fellows or Lecturers as appropriate, whether the conditions have been satisfied, and which course of action to take. In the event of failure to satisfy the conditions of the probationary period, the Senior Tutor may wish to take extenuating circumstances including but not limited to

illness or personal problems into consideration when considering which course of action to take. Such extenuating circumstances will only normally be taken into consideration if they have been communicated to the Senior Tutor by the student or a Fellow of the College acting on behalf of the student before the end of the relevant Examination (i.e. before the end of the final paper). Only in the most exceptional circumstances will information be considered if it is not communicated to the College until after the Examination has ended.

1. If the conditions have been satisfied the Senior Tutor may decide that:
  - a. The student should be returned to Stage 1 or Stage 2, OR
  - b. The student should be removed from the Academic Disciplinary Procedures.
2. If the conditions have not been satisfied, the Senior Tutor may decide that:
  - c. The student should be placed on Stage 4, OR
  - d. The student should be placed (in exceptional circumstances) on a further period of probation (normally not more than four weeks of term) which may include further Special Collections.

*Stage 4 - Recommendation for suspension or expulsion:* If the Senior Tutor recommends to the Governing Body that the student should be either suspended or expelled and withdrawn from any impending University Examination, (s)he will write a letter to the student detailing the recommendation being made. The student will be asked whether (s)he wishes his/her case to be heard by the Academic Disciplinary Sub-Panel. If the student elects for his/her case to be heard, the Senior Tutor will inform the Vice-Provost who will convene the Academic Disciplinary Sub-Panel previously selected. If the student elects not to be heard by the Sub Panel, the Provost and Fellows will proceed at once to a decision at the next meeting of the Governing Body.

#### *Academic Disciplinary Panel and Sub-Panel*

The Academic Disciplinary Panel consists of ten Governing Body Fellows, and is selected by the Provost at the start of each academic year. The Vice-Provost selects three members from the panel to form an Academic Disciplinary Sub-Panel which would normally include the Vice-Provost, who would chair the Sub-Panel. Should the Vice-Provost not be a Sub-Panel member, (s)he will appoint a chair.

The Academic Disciplinary Sub-Panel will determine the format of the hearing. The student shall be reminded in writing of the academic reasons that have caused matters to reach this stage, of the possible recommendations open to the Sub-Panel, and of the time and place of the hearing, and shall be provided with a copy of the Academic Disciplinary Procedures. The student will be given the opportunity to appear before the Sub-Panel, and if (s)he wishes, may be accompanied or assisted by another person (excluding the Senior Tutor, members of the sub-Panel or one whose academic judgment is necessary to the panel). Any medical evidence that the student wishes the panel to consider must be submitted to the Senior Tutor at least three days in advance of the hearing. Should medical evidence be submitted, the student must permit the panel to consult the practitioner(s) concerned.

The Academic Sub-Panel will report its recommendations to the Governing Body, which will make the decision as to the appropriate course of action at a meeting, which may be called specially. The student may appear before the Governing Body at this meeting and

may be accompanied or assisted by another person (excluding the Senior Tutor, members of the sub-Panel or one whose academic judgment is necessary to the Governing Body). The Governing Body will make the final decision within the College. No member of the Sub-Panel who participated in the original hearing can take part in the decision of the case by the Provost and Fellows, which shall be taken by majority vote.

If the Provost and Fellows wish to consider a more serious penalty than that recommended by the Academic Sub-Panel, they must give the student the opportunity to present his/her case at a future meeting of the Governing Body, which may be convened specially. As above, the student may appear in person and be accompanied or assisted by another person. Any further medical evidence that the student wishes the College to consider must be submitted to the Senior Tutor at least three days in advance of the Governing Body meeting. Should further medical evidence be submitted, the student must permit the Governing Body to consult the practitioner(s) concerned.

No Tutor whose academic judgment forms part of the academic grounds of concern, nor the Senior Tutor, nor any Fellow selected by the student as above shall act as a member of the Sub-Panel, nor take part in the decision of the case by the Provost and Fellows.

Should the student disagree with the decision of the Governing Body, (s)he may appeal to the Appeals Tribunal of the Conference of Colleges, and/or to the Office of the Independent Adjudicator.

### 3. Plagiarism

If it is suspected that a student has committed an act of plagiarism, (s)he will be asked whether or not (s)he admits responsibility. Following the student's declaration, the Senior Tutor, in consultation with Fellows and/or College Lecturers and/or Outside Tutors as appropriate, will make a judgment as to whether or not the student committed an act of plagiarism, and will decide on the appropriate course of action. The student will normally be required to rewrite and resubmit the offending piece of work within a specified time limit. In addition, the student will normally be placed on a particular stage (normally Stage 3 or Stage 4) of the Academic Disciplinary Procedures as described above, according to the severity of the plagiarism.

### 4. Suspending/Repeating study

An undergraduate students will not be allowed to withdraw from a University Examination, to repeat study, or to suspend study, save in exceptional circumstances (e.g. on the basis of medical reports, belated change of course, or where there is an exceptional need for study over and above that normally required for the particular Final Honour School which they are reading). Students should be aware that Examination Regulations and syllabi change from year to year, and only in exceptional circumstances (e.g. on the basis of medical reports) will the University give permission for a candidate to sit an Examination under 'Old Regulations' or according to a previous syllabus. A student seeking to suspend or repeat study for personal/medical/academic reasons should first consult his/her College Tutor, then make his/her request in writing to the Senior Tutor, who will make a recommendation to the Tutorial Committee, which will in turn make a recommendation to the Governing Body.

When a student is suspended, or is granted permission to suspend his/her studies, the Senior Tutor, in consultation with the College Tutor, will normally set conditions which must be

fulfilled by a particular deadline before the student may return into residence, and/or conditions which must be fulfilled by a particular deadline before the student is entered for any impending University Examination(s). (If the Examination Entry date is a long way in advance of the projected start date for the Examination, the student may be withdrawn from the Examination if the conditions are not fulfilled by the deadline).

When a student is suspended solely, or partially, on academic grounds, or is granted permission to suspend his/her studies on a similar basis, the Senior Tutor may decide, in consultation with the College Tutor, that when the student returns into residence, (s)he will be placed immediately on either Stage 1, Stage 2 or Stage 3 of the College's Academic Disciplinary Procedures.

When the Governing Body has decided to suspend a student, or to agree to a student's request to suspend their studies, the Senior Tutor will write a letter to the student, informing him/her of the College's decision, and setting out any conditions for returning into residence or for examination entry.

A student whose status is suspended does not have any automatic rights to use College or University facilities, to be provided with tuition, or to live in College accommodation. The College will recommend to the University authorities whether or not the student should be allowed to retain their University Card and/or e-mail account and/or access to University Library/Online facilities.

#### 5. Failure to fulfill conditions for examination entry or return into residence

If a suspended student has been set conditions for returning into residence by a specified date and fails to fulfill those conditions, the Senior Tutor will decide, in consultation with the College Tutor, to take one of the following courses of action:

- a. To set a further deadline by which the conditions must be fulfilled. If the examination entry date is imminent, the student may be entered for the examination and subsequently be withdrawn from the examination if the conditions are not fulfilled by the new deadline.
- b. To allow the student to return into residence but to place him/her on either Stage 1, Stage 2 or Stage 3 of the Academic Disciplinary Procedures.
- c. To recommend to the Governing Body either a) that the student be suspended for a further period of time (bearing in mind the University's 'overstanding for honours' regulation) or b) that the student be expelled, in which event, Stage 4 of the Academic Disciplinary Procedure will be followed.
- d. To allow the student to return into residence and/or be entered for the impending University Examination(s). This would only occur in exceptional circumstances.
- e. To allow the student to request a further period of suspension of status. If this request is agreed, the student will normally be set conditions for returning into residence, which may be the original conditions or may be modified according to changed circumstances. At this point the student will normally be warned

that if (s)he should fail to fulfill the conditions, the College will be unlikely to agree to a further period of suspension.

#### 6. College progress rules for University Examinations

The College progress rules referred to in section 1 above are as follows:

- (1) A candidate who fails to satisfy the Moderators in his or her first attempt at the First Public Examination shall be permitted to re-enter for the First Public Examination on one further occasion (in accordance with the regulations governing the resit in that subject). The sole exception to this shall be where College academic disciplinary procedures are already in process at the time of the first attempt, and the student has received a written warning which explicitly provides, at least four weeks before the first examination (and subject to the normal College appeal mechanism), that a specified number of failures on identified papers or other elements of the Public Examination at the first attempt will lead to termination of the student's course of study.
- (2) Students who take a classified First Public Examination and who do not obtain Honours will be required to sit an Examination in College at approximately the same time as the University resit and must reach Honours standard if they wish to continue their course of study. Students who do not reach Honours standard on their second attempt at the Examination will not be permitted to progress.
- (3) The College will normally terminate the course of a student who fails to satisfy the Moderators in the First Public Examination at the second attempt.
- (4) Students who fail or who do not obtain Honours in any part of any Final Honours School (e.g. Part A of a two-part FHS) will not normally be permitted to progress.
- (5) In the event of failure to comply with the rules in paragraphs (1) to (4) above, the College may wish to take extenuating circumstances including but not limited to illness or personal problems into consideration when applying the rule. Such extenuating circumstances will only normally be taken into consideration if they have been communicated to the College by the student or a Fellow of the College acting on behalf of the student before the end of the Examination (i.e. before the end of the final paper). Only in the most exceptional circumstances will information be considered if it is not communicated to the College until after the Examination has ended.
- (6) Special Requirements for Some Science Subjects
  - (1) Chemistry: Continuation to Part II, having completed Part I, will normally be conditional on the student (i) being in good standing as regards motivation and industry, and (ii) having completed in full the practical project and course work requirements of the course.
  - (2) Engineering: Continuation to Part II, having completed Part I, will normally be conditional upon the candidate's having satisfied the University requirements specified in the Examination Decrees.

- (3) Mathematics/Mathematics and Computer Science/Computer Science:  
Undergraduates reading for the four-year course will be permitted to proceed to Part C following completion of Part B if, in the opinion of the College and their tutors, their academic ability and commitment to their work indicates that their education will benefit from a fourth year reading the subject(s). Otherwise they will be required to accept classification after the Part B examination.
- (4) Continuation to Part B of the 4-year M.Phys. Degree will normally be conditional upon the student having achieved marks equivalent to a 2(ii) or better in the Part A examination in Hilary Term of the 3rd year. Students who fail to reach that standard will normally be required to proceed to Part B of the 3-year BA Degree.

#### 7. Suspension or Expulsion from the University

When a student is suspended by the University authorities, their student status at the College is automatically suspended until reinstated by the University. When a student is expelled from the University, they are automatically expelled by the College.

#### 8. Students with Medical or Personal Problems

If it is apparent that a student is suffering from a medical condition or personal problem which is affecting their academic work adversely over an extended period of time (i.e. several weeks), the student's College Tutor(s) will consult the College's decanal team. This will normally happen before the student is placed on one of the Academic Disciplinary Stages.

- a) If the problem is medical, the student will usually be asked to consult one of the College Doctors, and to give permission for the College Doctor to release information to the relevant members of staff at the College. The student will normally be asked to agree a treatment plan with the College Doctor. If the student does not co-operate with this plan, the College Tutor(s) and Senior Tutor will normally proceed to follow the Academic Disciplinary Procedures as they would in the case of a student who did not have a medical problem.
- b) If the problem is partly one of a personal nature, the decanal team, the College Tutor(s) and the student will agree a plan of action which will help the student to do his or her work academic work satisfactorily. If the student does not co-operate with this plan, the College Tutors and Senior Tutor will normally proceed to follow the Academic Disciplinary Procedures as they would in the case of a student who did not have a personal problem.

If the student is co-operative about following either a medical or welfare plan but (s)he is still unable to work at a satisfactory level, then the following procedure will normally be followed.

- a) The College Tutor(s), the Senior Tutor and the decanal team will agree adjustments to enable the student to work satisfactorily. Adjustments may

include study skills tuition, repeat study, or a request to the Proctors for special examination methods or arrangements. The College Doctors and University Disability office may be consulted as appropriate during this process.

- b) The student may be advised voluntarily to suspend his/her student status for a fixed period of time. If there are medical reasons for the suspension, the student will normally be required to name a doctor with whom (s)he will agree a treatment plan and must provide a letter from one of the College Doctors to certify that (s)he is fit to return into residence before his/her due date of return. The student may also be set academic and/or other conditions to be fulfilled before (s)he is allowed to return into residence.
- c) If a student is set conditions for returning into residence but fails to meet them by the specified deadline, the procedure given in section 5 ('Failure to fulfill conditions for examination entry or return into residence') will normally be followed.

### **XIII. Divine Service**

Divine Service shall be performed in the College Chapel once daily during Full Term.

### **XIV. Financial Governance**

There shall be an Audit Committee comprising four independent members and one fellow (who is not an officer or otherwise a member of a standing committee concerned with the financial management of the College). One of the independent members should normally be the Estates Bursar or holder of such equivalent post at another college in Oxford. The terms of reference for the Audit Committee shall be annexed to the Standing Orders.

There shall be an Investment Advisory Committee comprising an external chairman and such other external members with relevant professional expertise as the College may agree together with the Provost, the Treasurer and two other fellows. The terms of reference for the

Investment Advisory Committee shall be annexed to the Standing Orders. There shall be a Remuneration Committee comprising an external chairman, two fellows not receiving any remuneration from the College, and another external member. The terms of reference for the Remuneration Committee shall be annexed to the Standing Orders.

### **XV. Investment Policy**

1. *The General Investment Policy of the College* shall be determined and reviewed at least once a year by the Finance and Estates Committee and confirmed by Governing Body. In discharging these functions the Finance and Estates Committee shall be bound to take advice from the Investment Advisory Committee but shall not be bound to accept all or any such advice.



2. *The General Investment Policy of the College* shall form the basis of any written delegation to any Investment Manager.
3. *Routine Decisions Within the General Investment Policy of the College* may be taken by any Investment Manager in respect of assets within any written delegation to that Investment Manager.
4. *Routine Decisions Within the General Investment Policy of the College* may be taken by the Treasurer in respect of assets not within any written delegation to an Investment Manager, whom failing by the Provost and the most senior member of the Finance and Estates Committee available at the time, whom failing by the two most senior members of the Finance and Estates Committee available at the time.
5. *Sales or Purchases Requiring Immediate Decision Within the General Investment Policy of the College* may be conducted by any Investment Manager in respect of assets within any written delegation to that Investment Manager.
6. *Sales or Purchases Requiring Immediate Decision Within the General Investment Policy of the College* may be conducted by the Treasurer in respect of assets not within any written delegation to an Investment Manager, whom failing by the Provost and the most senior member of the Finance and Estates Committee available at the time, whom failing by the two most senior members of the Finance and Estates Committee available at the time.
7. *Emergency Decisions Within or Not Within the General Investment Policy of the College* may be taken by any Investment Manager in respect of assets within any written delegation to that Investment Manager. Any such decision shall be communicated to the Treasurer, whom failing to the Provost, as a matter of urgency.
8. *Emergency Decisions Within or Not Within the General Investment Policy of the College* may be taken by the Treasurer in respect of assets not within any written delegation to an Investment Manager, whom failing by the Provost and the most senior member of the Finance and Estates Committee available at the time, whom failing by the two most senior members of the Finance and Estates Committee available at the time. Any such decision shall be communicated to the Finance & Estates Committee or to Governing Body, whichever happens to be meeting first after any such emergency decision.
9. *Exceptional Investment Decisions Not Within the General Investment Policy of the College* may be taken by any Investment Manager in respect of assets within any written delegation to that Investment Manager only with the prior written consent of the Treasurer and such written consent shall not be given by the Treasurer other than with the approval of the Finance and Estates Committee which shall be bound to take advice from the Investment Advisory Committee but shall not be bound to accept all or any such advice.
10. *Exceptional Investment Decisions Not Within the General Investment Policy of the College* may be taken by the Treasurer in respect of assets not within any written delegation to an Investment Manager only with the approval of the Finance and Estates Committee which

shall be bound to take advice from the Investment Advisory Committee but shall not be bound to accept all or any such advice.

### **XVI. Senior Common Room Membership**

There shall be the following categories of membership of the Senior Common Room:

- i. Full
- ii. Honorary
- iii. Associate
- iv. Visiting

Details and privileges of each category are set out in Standing Orders.

