



LMH

Lady Margaret Hall

# **BYE-LAWS**

**Michaelmas term 2016**

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# I. THE GOVERNING BODY

## GENERAL

1. Members of Governing Body are charity trustees.
2. Members of Governing Body are expected to attend all meetings unless they have a good reason for not doing so. Members must attend at least three meetings in any academic year unless they have the express permission of the Principal to be absent.

## STATED MEETINGS

3. A Stated Meeting shall be held on Wednesday in the 4<sup>th</sup> week of term.
4. Notices of motions to be brought forward shall be sent to the Secretary not less than ten days before the meeting at which they are to be brought forward. The Secretary shall send out, not less than seven days before each meeting, a list of the Agenda, so far as then known.
5. Supplementary Agenda, circulated before a Stated Meeting, may be considered by permission of at least two-thirds of those present and voting. No business not included in the list of Agenda or Supplementary Agenda may be considered at a Stated Meeting unless the Principal gives notice of such business at the beginning of the Reserved Business of the meeting and the members of the Governing Body present give unanimous consent.

## SPECIAL MEETINGS

6. For Special Meetings the Secretary shall circulate a list of Agenda (as required by Statute I, 4(b).) not less than seven days before each meeting held in full term and not less than fourteen days if out of full term.

## ORDINARY MEETINGS

7. Except as provided below, the Secretary shall circulate a list of Agenda of an Ordinary Meeting of the Governing Body not less than five days before the meeting.
8. In exceptional circumstances a meeting of the Governing Body may be summoned at shorter notice and in this case the Agenda shall state the purpose of the meeting, and no other business shall be transacted at such a meeting.

## REPRESENTATION OF JUNIOR MEMBERS

9. The President, Vice-President and Treasurer of the JCR and the President and Treasurer of the MCR (or, with the approval of Governing Body, their alternates) may attend and speak at all meetings of the Governing Body at which Open Business is to be discussed, and may propose matters for discussion thereat. The decision whether any matter is to fall under Open or Reserved business shall be taken by the Principal and Secretary of the Governing Body, subject to the general direction of the Governing Body.

## MINUTES

10. The Minutes of all meetings of the Governing Body shall be divided into Open and Reserved Business. Both parts of all Minutes shall be circulated to all Members and the Minutes of Open Business shall be circulated to the student representatives mentioned in I.9.

## II. COMMITTEES OF GOVERNING BODY

### GENERAL

1. The agenda of any committee of Governing Body may be divided into Open, Reserved, and Fellows Only Business. The decision whether any matter is to fall under Open, Reserved or Fellows Only Business shall be taken by the chair and secretary of the committee.
2. Except as otherwise provided in these Bye-Laws, the Governing Body may appoint additional members to committees, who need not be members of the Governing Body. Additional members who represent the JCR or MCR may attend and participate only in the Open Business of committees. Only Fellows may attend Fellows Only Business.
3. The list of agenda for that part of a meeting which a member is entitled to attend shall be sent to that member at least four days before each meeting, unless the committee shall decide on a different length of notice.
4. All parts of the Minutes shall be circulated to those members who are Fellows. The Minutes of Open and Reserved Business shall be circulated to those members who are not Fellows and are not student representatives. The Minutes of Open Business shall be circulated to members who are student representatives. The Minutes of all committees shall be available for inspection by any member of the Governing Body.
5. Any committee may appoint a sub-committee of its members to advise it on particular points. The terms of reference of any such sub-committee shall be laid down at the time of its appointment.

### EDUCATION COMMITTEE

6. The Education Committee shall consist of the Principal, the Senior Tutor, the Tutor for Graduates, the Tutors, Lecturers who have tutorial control, the Treasurer, the Senior Tutor's Administrator, the JCR Academic Affairs Officer, the JCR Access and Outreach Officer, and the MCR President. The Senior Tutor's Administrator shall be secretary of the Committee.
7. The Education Committee shall be responsible for the educational arrangements of the College. Matters of major educational policy shall be decided by the Governing Body.
8. It shall among other matters be the duty of the Education Committee
  - a) to make arrangements for admitting new students;
  - b) unless otherwise provided in the conditions attached to any particular Trust, to award, and when necessary renew, all Scholarships, Exhibitions and prizes. Where such awards are conditional upon evidence of financial need, the Committee shall act in association with the Grants Committee;
  - c) to elect when it thinks fit to a Scholarship with or without emoluments any undergraduate or graduate student of the College who is already in residence and who in its judgement deserves the status of Scholar;
  - d) to review the progress of Scholars;
  - e) to receive such reports upon the industry and conduct of undergraduates as may from time to time be made by Tutors and to take appropriate action, provided always that if, in the view of the committee, the suspension or withdrawal of a Scholarship is

desirable, it shall make a recommendation to that effect to the Governing Body, which may take action in accordance with Statute VI.8;

- f) to arrange matters of tutorial control.

## **ACADEMIC POLICY AND SELECTION COMMITTEES**

9. The Academic Policy Committee shall consist of the Principal, the Vice-Principal, the Senior Tutor, the Tutor for Graduates, the Treasurer and four other members of Governing Body, elected by the Governing Body for a period of three years; the JCR President, the JCR Academic Affairs Officer, and the MCR President. One or two elected members shall vacate office every year and shall not be immediately re-eligible. If for any reason an elected member is unable to serve for the whole period, the Governing Body shall elect another Fellow for the period of the vacancy, unless that is two terms or less, in which case the Governing Body may at its discretion either elect or leave the place unfilled. The Senior Tutor shall be secretary of the Committee.
10. The Committee shall:
  - a) meet at least once a term and report to the Governing Body, advising on academic policy, general teaching needs, admissions policy, and elections to supernumerary fellowships, non-stipendiary research fellowships, and visiting fellowships.
  - b) advise Governing Body on the filling of tutorial and stipendiary research fellowships. When the Governing Body has decided to make such an appointment the Committee shall (in the case of an appointment wholly or primarily managed by the College) advise on the setting up of a Selection Committee, but shall itself be responsible for advertising the post and timetabling the selection procedure. In the case of appointments managed primarily by the University, the Committee shall advise the Governing Body on the appointment of such college representatives as may be required.
11. The Selection Committee shall make recommendations to the Governing Body for the election of the tutor or stipendiary research fellow.

## **FINANCE COMMITTEE**

12. The Finance Committee shall consist of the Principal, the Vice-Principal, the Treasurer, the Senior Tutor, the Development Director and four other members of Governing Body, elected by Governing Body for a period of three years; the JCR President, Vice-President and Treasurer and the MCR President and Treasurer. One or two elected members shall vacate office every year and shall not be immediately re-eligible. If for any reason an elected member is unable to serve for the whole period, the Governing Body shall elect another Fellow for the period of the vacancy, unless that is two terms or less, in which case the Governing Body may at its discretion either elect or leave the place unfilled. The Treasurer shall be secretary of the Committee. The Committee shall have power to co-opt the Domestic Bursar and the Accountant.
13. The Committee shall meet at least twice a term and shall report to the Governing Body. The minutes of each meeting shall be circulated to all members of the Governing Body before its next meeting.
14. Subject to the general supervision of Governing Body, the Committee shall be responsible for the financial administration of the College and shall:
  - a) submit to the Governing Body a budget of revenue and expenditure for each financial year;

- b) consider and recommend the adoption of the accounts for approval at the next following Stated or Special Meeting of the Governing Body;
- c) review the state of the College properties from time to time;
- d) consider the stipends payable to members of the Governing Body and to the administrative staff and any relevant allowances and deductions, and any other matters relating to conditions of employment.

#### **GARDEN COMMITTEE**

- 15. The Garden Committee shall consist of the Principal, the Garden Steward, the Domestic Bursar, a representative elected by the MCR and a representative elected by the JCR together with two members of the Governing Body who shall be elected by the Governing Body for three years (renewable). If for any reason an elected member is unable to serve for the whole period, the Governing Body shall elect another Fellow for the period of the vacancy, unless that is two terms or less, in which case the Governing Body may at its discretion either elect or leave the place unfilled. The Committee shall elect a Secretary from among its own members.
- 16. The Committee shall advise Governing Body on all matters concerning the College gardens.
- 17. The Committee shall meet at least once a term.

#### **STRATEGY COMMITTEE**

- 18. The membership and terms of reference of the Strategy Committee are to be reviewed.

#### **DEVELOPMENT COMMITTEE**

- 19. The Development Committee shall consist of the Principal, the Vice-Principal, the Treasurer, the Development Director, two or three members of Governing Body elected by Governing Body for three years (renewable), the Chair or other representative of the Advisory Council, the President or other representative of the Lady Margaret Hall Association, two JCR representatives, and one MCR representative. The Deputy Development Director shall be in attendance. The Development Director shall be secretary of the Committee.
- 20. The Committee shall be responsible for implementing, monitoring, and reviewing the College's fund-raising objectives and alumni relations objectives as laid out in the Strategic Plan, and advising Governing Body on their revision. It shall provide guidance to the Development Office on priorities in achieving these objectives, and shall keep under review the resources necessary, including staff and finances, to achieve them.
- 21. The Committee shall meet at least once a term.

#### **EQUALITY COMMITTEE**

- 22. The Equality Committee shall consist of the Principal, the Vice-Principal, the Senior Tutor, the Treasurer, the Domestic Bursar, the Tutor for Graduates, the Personnel Officer, two JCR representatives, two MCR representatives, and two staff representatives. The Treasurer shall be secretary of the Committee.
- 23. The Committee is responsible for advising Governing Body on the development, implementation, monitoring, prioritisation and review of policies, procedures and practice

to support the College's Equality Policies in relation to staff, students, visitors, and others closely associated with the College.

24. The Committee shall meet and report to Governing Body at least once a year.

### **BUILDINGS COMMITTEE**

25. The Buildings Committee shall consist of the Principal, the Vice-Principal, the Treasurer, the Domestic Bursar, the Estates Manager, three members of Governing Body elected by Governing Body for three years (renewable), two external members appointed by Governing Body for three years (renewable), two JCR representatives, and one MCR representative.

26. The Committee shall advise Governing Body on all matters concerning new buildings. The Committee is to be convened when it is needed, and will then report regularly, as appropriate, to Governing Body.

### **STATUTES COMMITTEE**

27. The Statutes Committee shall consist of the Principal, the Vice-Principal, one member of Governing Body elected by Governing Body, and a lawyer from among the Fellows shall be co-opted as necessary.

28. The Committee shall advise Governing Body on all matters concerning the College Statutes. The Committee is to be convened when it is needed.

### **REMUNERATION COMMITTEE (amended by Governing Body 10 February 2016)**

29. The role of the Committee ('the Role') is to act as an independent body to review and make recommendations to Governing Body on proposed changes to the level of remuneration and direct and indirect benefits ('the Remuneration Terms') for the Principal and Fellows of the College.

30. The Remuneration Terms to be considered by the Committee shall include:

- Salary/Stipend
- Reimbursement of expenses incurred for work purposes
- Housing allowance
- Research and travel allowance
- Tutorial equipment allowance
- Entertainment allowance
- Use, when permitted, of College facilities at rates lower than those which would be charged to external customers
- Extra payments for holders of College Offices
- Contributions to final salary pension scheme (USS)
- Entitlement to free meals (known as Common Table) whenever meals are being served to members of the College
- Common Room Facilities
- Sick Leave and maternity/paternity and parental leave
- Severance pay in the case of the termination of employment
- Provision of a working room in the College
- Provision of living accommodation within the College if required
- Participation in the shared equity housing loan scheme if required
- Entitlement to paid Sabbatical leave
- Any other payments or benefits to the Principal and Fellows

31. The role of the Committee will include acting to review and make recommendations on the Remuneration Terms for the Principal and any Fellow solely employed by the College

at the time that the recruitment process starts. Such Fellows include the Development Director, the Senior Tutor, and the Treasurer. For clarity, the College is able to appoint Domus Fellows to terms on the agreed scale for such Fellows without the Committee's involvement; the appointment should be reported at the next meeting of the Committee following the appointment.

32. The Committee when complete consists of three individuals, only one of whom can be a Professorial Fellow, Supernumerary Fellow or other Fellow who does not receive pecuniary emolument from the College and at least two external members of the College whom the College's Governing Body believes would be suitable members of the Committee and who receive no remuneration of any kind from the College.
33. The members of the Committee shall be elected by Governing Body for periods of up to six years and the Governing Body will receive recommendations for membership from the College's Finance Committee. There is no limit to the number of terms an individual may serve on the Committee, although no member may serve for more than two terms consecutively. Ideally, one member of the Committee shall retire every two years in order to achieve a system of rotation.
34. The Committee must hold at least one meeting each year in the Trinity term and may meet at any other time it determines and a quorum at a Committee meeting is three members.
35. A Chairman shall be appointed by the Committee and either the Chairman or (if the Chairman is unable or unwilling to do so) some other member of the Committee chosen by the members present presides at each Committee meeting.
36. Any member of the Committee in receipt of any form of remuneration from the College shall declare a conflict of interest at the start of any meeting at which a discussion or decision is required on that aspect of remuneration.
37. Every Committee member has one vote on each issue and every issue may be determined by a simple majority of the votes cast at a meeting of the Committee, but a decision which is in writing and signed by all the Committee members is valid as a decision passed at a meeting and for this purpose the decision may be contained in more than one document and will be treated as passed on the date of the last signature. Similarly, a decision made by e-mail voting is also valid as a decision passed at a meeting and will be treated as passed on the date of the last vote by e-mail.
38. A meeting may be held either in person or by suitable electronic means agreed by the members of the Committee in which all participants may communicate with all the other participants.
39. The Treasurer and/or the Principal and/or another Fellow shall normally attend meetings to provide information and answer queries, although he or she shall not participate in any discussion or vote upon their own Remuneration Terms.
40. Members of the Committee are entitled to claim reimbursement of expenses, including travel expenses, incurred in order to attend Committee meetings.
41. The Salaries Committee shall review the Remuneration Terms of members of Governing Body and shall make recommendations for any changes to the Remuneration Terms to the Finance Committee. Any changes agreed by the Finance Committee shall then be presented to the Remuneration Committee for consideration.
42. The Committee will consider the recommendations on the Remuneration Terms put forward by the Finance Committee and will make recommendations to Governing Body to accept, increase or reduce the proposed Remuneration Terms. Governing Body may only



accept or lower but not increase these Remuneration Terms. Members of the Remuneration Committee may be required to attend a meeting(s) of Governing Body to explain their recommendations.

43. In recommending the Remuneration Terms the Committee shall consider the following:
  - a) the need to attract and retain Fellows of the highest quality to the College, consistent with the dynamics of the College's development, in particular by remaining competitive with those academic institutions in the United Kingdom and internationally with which the College is likely to be in competition for such Fellows
  - b) the policy of the University with regard to the basic stipends/salaries of academic staff on University-only or joint appointments, particularly the scales and the points on those scales applied to the University's academic staff
  - c) other colleges' policies with regard to remuneration
  - d) the allowances paid by other colleges (with reference to the Estates Treasurers' annual survey of stipends and allowances, covering such areas as housing allowance, house purchase schemes, research allowances and other benefits)
  - e) principles of equity and fairness among the Fellows of the College, including in particular the need to prevent unlawful discrimination and promote equality of opportunity between people of different groups
  - f) the importance attached by the College to maintaining, and where possible enhancing, collegiality among the Fellows, and members of the College generally
  - g) the potential to encourage, by additional remuneration, enhanced performance of College-specific duties
  - h) trends in remuneration in the relevant levels of the UK public and private sectors
  - i) the Governing Body's judgement, in the light of the financial state of the College's operations, of all the appropriate calls on College resources
  - j) any other relevant factors.
44. The Committee may offer advice on its own motion on issues regarding remuneration on which it considers the College should bring forward proposals.
45. It is expected that the Governing Body will consider any such comments and advice and respond to the Committee concerning the issues raised.
46. The Committee must keep proper records of and promptly report to Governing Body on all proceedings at Committee meetings.
47. Minutes of each Committee meeting shall be kept.
48. These terms of reference may be amended by Governing Body after consultation with the Committee.

### III. THE SEAL

1. The Seal shall be in the custody of the Treasurer and shall not be affixed to any document except in the presence of two members of the Governing Body, one of whom shall be the Principal, the Vice-Principal, or the Treasurer.
2. The form of attestation shall be as follows: 'We testify that this document has been executed as a deed by affixing the seal of the Principal and Fellows of the College of the Lady Margaret in the University of Oxford in our presence'.
3. A register shall be kept recording all applications of the Seal, which shall be reported annually to Finance Committee in Michaelmas Term. Such entries shall be initialled by those members who witness the application.

## **IV. ELECTIONS AND APPOINTMENTS**

### **HONORARY, EMERITUS, RESEARCH, FOUNDATION, HONORARY RESEARCH AND VISITING FELLOWS**

1. Any two or more members of the Governing Body may propose that a person be considered for election to an Honorary, Emeritus, Research, Foundation, Honorary Research, or Visiting Fellowship. The nomination shall be made in writing to the Secretary of the Governing Body and circulated with the agenda of the next meeting of the Governing Body. It shall be considered at that meeting, without a vote, and the election shall be made at the following meeting, provided that it is a Stated or Special Meeting, and that at least two-thirds of those present and voting are in favour.

### **PART-TIME COLLEGE OFFICERS**

2. The offices of Vice-Principal, Tutor for Graduates, Fellow Librarian, Fellow Archivist, Dean, and Dean of Degrees shall normally be tenable for five years. The offices of Tutor for Visiting Students, and Garden Steward shall normally be tenable for three years. The holders may be eligible for reappointment. Notification of impending vacancies in any of these offices shall be circulated to the Governing Body early in the preceding Hilary Term. Nominations shall be made in writing to the Secretary of the Governing Body and circulated with the agenda of the Stated Meeting of the same term. Elections shall then be made in that Stated Meeting. When a vacancy occurs before a term of office is complete the announcement and election shall be made in the same way at the next two meetings of the Governing Body, provided that the meeting at which the election is made is either a Stated or a Special Meeting. The office shall then be held in the first instance for the remainder of the unexpired term.
3. The Governing Body shall elect such part-time college officers as it may require. These offices may be held without term but shall be reviewed annually at the first meeting of the Governing Body in Trinity Term. Nominations of any vacancy shall be made in writing to the Secretary of the Governing Body and circulated with the agenda of the next meeting of the Governing Body. The election shall be made at that meeting.

### **ADMINISTRATIVE OFFICERS**

4. The Treasurer, the Senior Tutor, the Development Director, the Domestic Bursar, the Accountant, the ICT Manager, and the Librarian shall, whether or not they are Fellows of the College, be Administrative Officers under the Statutes.
5. Holders of other administrative posts may at the discretion of the Governing Body be appointed Administrative Officers under the Statutes.
6. Any proposal for the appointment of an Administrative Officer shall be circulated to the Governing Body with the agenda for the Stated or Special Meeting at which the appointment is to be made.

## **V. SALARIES**

### **ROLE OF REMUNERATION COMMITTEE**

1. The Remuneration Committee acts as an independent body to review and make recommendations to Governing Body on proposed changes to the level of remuneration and direct and indirect benefits for the Principal and Fellows of the College.
2. The procedure is as set out in Bye-Law II.

### **THE PRINCIPAL**

3. The Principal's salary shall be approved from time to time by the Governing Body and may be reviewed when there is a change in University stipends. The Principal shall also receive an entertainment allowance to be approved by the Governing Body.

### **THE TUTORS**

4. The salaries of Tutors shall be approved from time to time by the Governing Body. Finance Committee, in making its recommendations to Remuneration Committee, and Remuneration Committee, in making its recommendations to the Governing Body, will consider their experience and any Associate Professorship, University or CUF Lectureship or other University appointment that they may hold, in such a way that the total salaries received by all tutors from their combined tutorial and University appointments shall as nearly as is practicable fall within a single scale.
5. Tutors shall be free to arrange external tuition for their pupils and to undertake outside work themselves, provided that they obtain the permission of the Governing Body for any work undertaken in term outside the University except for occasional academic work or for external examining in other universities. They shall pay to the College any fees they receive for undergraduate tutorial work outside the College, but may at the discretion of the Governing Body be permitted to keep any retaining or direction fees which they receive as Lecturers of other colleges.

### **PART-TIME COLLEGE OFFICERS**

6. Part-time College Officers may each receive, in addition to their salaries as tutors, such stipends as shall be approved from time to time by the Governing Body. Any of them may also receive an entertainment allowance to be approved by the Governing Body.

### **ADMINISTRATIVE OFFICERS**

7. The salaries of Administrative Officers shall be approved by the Governing Body in relation to their appointment.

### **LECTURERS**

8. College Lecturers shall be paid for the tuition they provide at the rate determined for external tuition in the University. They may, if approved by the Governing Body, receive a guaranteed minimum salary based on as many hours of teaching as the Governing Body may determine. In addition to that guaranteed minimum, or instead of it, they may receive a retaining fee or direction fee to be approved by the Governing Body.
9. Any person appointed, on the advice of the Education Committee, to teach or direct the studies of pupils of the College in the temporary absence of a tutor, shall be paid at the rate for external tuition and shall in addition receive a direction fee to be approved by the Governing Body.

## VI. RESIDENCE AND DINING RIGHTS

1. The minimum number of Fellows not including the Vice-Principal residing in the College shall be three.
2. The Principal shall be provided free of charge with lodgings comprising a sitting-room, dining-room or office, two bedrooms, and usual offices, all of which shall be heated, lit, cleaned and generally serviced by the College. Further accommodation may be provided at the discretion of the Governing Body.
3. Every Fellow who is a Tutor, and any other Fellow in a case approved by Governing Body for the better performance of her or his duties, is entitled to have a teaching-room or office, bedroom, and the use of a kitchen and bathroom, either in College or in College property, and to have the teaching-room or office and bedroom furnished, heated, lit, cleaned and generally serviced by the College. Any Tutor who is given permission to live outside the College, or other Fellow who foregoes her or his entitlement under this paragraph, may participate if he or she should so desire in the College's Joint Equity Housing Scheme, under the terms and conditions determined by the Governing Body from time to time; or instead shall receive an allowance, to be determined by the Governing Body from time to time, in respect of the accommodation beyond the teaching-room or office which is not occupied. Any Fellow who occupies College accommodation beyond the entitlement shall pay for it at a rate to be determined by the Governing Body.
4. The Vice-Principal shall be entitled to one room beyond entitlement as a Tutor and on the same terms.
5. Members of Governing Body, Administrative Officers and salaried Research Fellows shall be entitled to free meals in College throughout the year except during those periods when the Governing Body in consultation with the Domestic Bursar may determine that the College shall be closed.
6. Honorary and Emeritus Fellows shall be entitled to free meals on the same terms as members of the Governing Body, and those who live more than twenty miles from Oxford may in addition have one week's free residence in College each year at a time convenient to the College.
7. Honorary Research Fellows, Lecturers and other College Officers may be granted such free meals as the Governing Body may determine.

## VII. STUDY LEAVE, SICK LEAVE AND MATERNITY LEAVE

1. Study leave granted to Tutors under the Statutes shall normally be one term for every six terms of service. No account shall be taken of terms of service more than seven years before the end of the period for which leave is sought.
2. Tutors granted study leave shall inform the Education Committee of arrangements made for the direction and teaching of their pupils during their absence.
3. Tutors shall normally receive full salary for up to three terms' leave (which need not be consecutive) in any seven years, provided that they shall inform the Governing Body of any stipend to be received from elsewhere during the leave. The Governing Body may at its discretion make deductions from the Tutor's salary in respect of each term during which such stipend is received.
4. *[repealed]*
5. Administrative Officers may apply to the Governing Body for leave of absence once in every seven years, and leave may be granted on such terms as the Governing Body may determine.
6. Any Tutor, Lecturer, Research Fellow, or Administrative Officer who is prevented by illness from carrying on his or her work shall receive his or her full stipend or a lesser amount on such terms as the Governing Body may determine. Any sickness benefit to which he or she is entitled under the Social Security and Housing Benefits Act (1982) as amended by the Statutory Sick Pay Act (1991) and any subsequent legislation shall be deducted from these payments.
7. Tutors, Lecturers and Administrative Officers shall receive maternity or paternity leave or be allowed to resign on grounds of maternity or paternity on such terms as the Governing Body may determine, taking account of any statutory requirements.

## VIII. PENSIONS

1. The Principal and all Tutors and Administrative Officers shall be offered membership of the principal contributory pension scheme operated by USS Limited, but should they decline, the College may not contribute to any other pension arrangements, as a condition of its participation in that scheme. Lecturers and Research Fellows and academic-related staff who are not Administrative Officers may also participate in this scheme if they wish.
2. Members of USS and the College shall respectively contribute such sums to the superannuation schemes as the rules of the scheme shall from time to time require.
3. A supplementary pension may be paid to a Principal, Tutor, or Administrative Officer who has retired from the service of the College at the age of 60 or over. The amount of such supplementary pension shall be determined by the Governing Body.

## IX. CONFLICT OF INTEREST

1. Members of Governing Body, of committees reporting directly to Governing Body and senior members of staff ie all Administrative Officers and managers having budgetary and/or personnel responsibilities, are all required to abide by the College's current Conflict of Interest Policy.
2. In summary, these individuals are required to:
  - a) complete an annual Declaration of Interests Form at the start of each Michaelmas Term to be retained in the Register of Interests; and
  - b) disclose at the earliest practicable opportunity any interests (including substantial gifts or hospitality) that they, or a family member, or any organisation in which they hold office or employment may have in any transaction under consideration between the College and a third party, as set out in the College's Conflict of Interest Policy. In a case of conflict of interest in a meeting, they should declare the interest at the beginning of discussion of the relevant agenda item, take no part in the relevant discussion, and withdraw, unless expressly invited to remain, solely in order to provide information. They may not participate in decision-making processes that affect their individual interests; and
  - c) declare all gifts or hospitality received (above the value of £50 in each case) by notifying the Treasury by e-mail (or otherwise in writing).



## X. LADY MARGARET HALL ASSOCIATION

### GENERAL

1. There shall be an Association called the Lady Margaret Hall Association.
2. The members of the Association shall be
  - a) such persons as were members of the Association of Senior Members of Lady Margaret Hall on 1 October 1985;
  - b) members of the College who successfully complete a course leading to a degree or diploma of the University;
  - c) members of the College who successfully complete a course leading to a degree or diploma of one of the partner universities in an exchange scheme with this University;
  - d) members of the College who do not complete any of the above listed courses, but who are nominated by the Governing Body;
  - e) members of the College who are Visiting Students;
  - f) members of the Governing Body, Honorary and Research Fellows and Administrative Officers of the College;
  - g) such other persons (excluding those who are otherwise eligible under sub-clause e) above but have not been nominated by the Governing Body) as may be accepted by the Committee of the Association. Recommendations must be supported by two members of the Association, who shall have ascertained that the person recommended wishes to become a member. The Committee may grant membership on payment of such fee as it may direct, but may waive the fee at its discretion.
3. The Governing Body shall appoint the Development Director or some other person to maintain a register of current members and former members of the Association with their last known addresses, and to make the register and amendments thereto available to the officers of the Association.
4. Members of the Association shall be entitled to receive the Brown Book, to attend all meetings of the Association, and shall be entitled to such other privileges as may be decided by the Governing Body (such as an invitation to the Gaudy).
5. Membership of the Association shall be for life, or until notice of resignation by the member is given to the College.

### OFFICERS AND COMMITTEE

6. There shall be a President of the Association elected by the Association at its Annual General Meeting. The President shall normally hold office for three years but may be eligible for re-election for a further term of 3 years. After a 1 year interval a former President may be elected as a member of the Committee. The President, in consultation with the College and members of the Association shall guide and direct the activities of the Association and preside at its meetings and those of its committee.
7. There may be not more than three Vice-Presidents elected by the Association who shall hold office for life or until resignation and who may be invited to attend meetings of the Committee of the Association.

8. There shall be a Secretary and a Treasurer of the Association both elected by the Association at its AGM for a term of five years and eligible for re-election.
  - a) The duties of the Secretary will include support to the President, communication with officials and members of the Association, liaison with the College and the maintenance of proper records of the proceedings and decisions of the Association.
  - b) The duties of the Treasurer will include the management, in consultation with the President and the College, of the Association's finances and the preparation of proper reports on these to the Association and its Committee. Any expenditure shall be authorised by the Treasurer in consultation as needed with the President and the College. Cheques and other transfers shall be signed or otherwise authorised by one of the two nominated members of the Committee of the Association whom the Committee shall be designated as signatories of the account.
9. There shall be an Editor of the Brown Book elected by the Association at its AGM for a period of 5 years and eligible for re-election. The Editor shall be responsible to the Committee for the collection and editing of material for The Brown Book and its production and distribution. The Editor may choose a team to assist with work on The Brown Book.
10. There shall be a Committee consisting of the President, the Secretary, the Treasurer, the Editor of the Brown Book, together with up to nine ordinary members elected at the Annual General Meeting to hold office for a term of three years. Three of the nine ordinary members shall retire each year, but shall be eligible for re-election for two further terms. On retirement after the maximum period of 9 years they shall not be immediately eligible for election again. However, after 1 year has elapsed they may be candidates again.
  - a) Five members shall constitute a quorum.
  - b) Appointments as Officers of the Association shall be honorary.
11. The Committee may appoint a Deputy Chairman from among its members who will, in the absence of the President, preside at meetings of the Association. In the absence of both the President and the Deputy Chairman, the Committee shall elect a chairman of the meeting from among those present.
12. The Committee may from time to time co-opt such additional members as are necessary to support the Committee in its work; co-opted members will be invited to participate in Committee meetings but without voting rights; the terms of the co-option will be specified in the notice of the invitation.

## **FINANCE OF THE ASSOCIATION**

13. The Treasurer of the College shall, on the application of the Committee of the Association, pay to the Treasurer of the Association such money as the Governing Body may from time to time determine.
14. The Committee of the Association shall from this income pay for the production and distribution of the Brown Book and any associated communications.
15. The Committee of the Association may also pay from this income any reasonable and properly documented expenses incurred by the Officers of the Association and Committee.
16. The College, in addition to payments made under X.13 and the cost of producing and circulating any notices of meetings and other expenditure not mentioned in X.14 and 15

shall organise and pay for the cost of distributing each year to members of the Association and, in addition, for the postal distribution of material for any Extraordinary General Meeting.

## **DUTIES OF THE COMMITTEE**

17. The Committee shall supply the Development Director or other person in charge of the register with the names of any persons elected under X.2g) above.
18. The Committee shall meet before each Annual General Meeting of the Association to consider nominations and resolutions of which due notice has been given, and to prepare the Agenda. The Committee shall be responsible for such activities as from time to time may be agreed upon by the Association. In Particular it shall actively promote membership of the Association, recommend functions which will be of interest to members and support the Development Office in organising functions for the Association. The Committee will approve The Brown Book before its publication.
19. The Committee shall forward to the Governing Body all resolutions which shall have been passed at a meeting of the Association.
20. The Committee shall consult with the Development Director and the Governing Body of the College on the development and future use of electronic communication and record keeping.

## **MEETINGS OF THE ASSOCIATION**

21. There shall be an Annual General Meeting of the Association in or after Trinity Term on such date as the Governing Body may determine. The business of the meeting shall include the election of the officers of the Association and the members of the Committee and such other matters as may be necessary. The date of the Annual General Meeting shall be announced in the Brown Book and in other College communications and circulated to all members of the Association with a notice of any vacancies amongst the officers of the Association and the ordinary members of the Committee.
22. Nominations of persons to serve as officers of the Association or as ordinary members of the Committee must be received by the Committee through its secretary by such date preceding the Annual General Meeting as the Committee shall notify to members of the Association. Every nomination must be accompanied by the names of a proposer and seconder, who shall have ascertained that the person nominated is able and willing to stand for election.
23. Any members of the Association who may wish to propose a resolution to be considered by the Annual General Meeting shall send it in writing to the Committee by such date as the Committee shall notify to members of the Association. The names and addresses of the mover and seconder of the resolution must be given.
24. At the Annual General Meeting there shall be circulated to every member of the Association present, a list of Agenda which shall include any resolutions of which due notice has been given together with the names of all person nominated for election as officers of the Association or ordinary members of the Committee. Each member of the Association shall be entitled to one vote for each of the President, Vice-President(s), Secretary, Treasurer and Editor of the Brown Book, and one vote for each ordinary member of the Committee.
25. The Committee may at its discretion summon an Extraordinary General Meeting and shall do so at the request of two hundred or more members of the Association. At least twenty-eight days' notice of such a meeting shall be circulated to members of the Association together with the Agenda to be submitted to the meeting.

26. At any meeting of the Association twenty members shall form a quorum. Voting shall be by a majority of those present and voting. In the event of equality, the President or person chairing the meeting shall have one additional casting vote.

## XI. MEMBERS IN STATU PUPILLARI

1. Every person admitted in statu pupillari (i.e. as a student) of the College shall be sent a copy of the College Regulations and the Academic Disciplinary Procedure in force at the time. Alterations to College Regulations and the Academic Disciplinary Procedure shall be notified to students in residence annually.
2. All undergraduate students are required to pass the First Public Examination. A pass in Honour Moderations is defined as a pass at Honours level (minimum 3<sup>rd</sup> class honours). Two attempts are permitted unless a student has previously been placed on Academic Probation under the procedures outlined in 4. A student who does not pass the First Public Examination at the second attempt must withdraw from the College and the University.

### GOOD ACADEMIC STANDING

3.
  - a) All students<sup>1</sup> are expected to be in good academic standing with the College. A student shall be deemed to be in 'good academic standing' if he/she complies with all the following criteria:
    - i) Keeps the residence requirements laid down both by the University in the Examinations Regulations and by the College in the College Regulations. This includes gaining permission from the student's Personal Tutor or the Senior Tutor for all absences from College during full term.
    - ii) Attends on time all tutorials, classes and other required academic engagements, except where permission on adequate grounds is obtained, normally in advance, from the tutor(s) concerned or from the Senior Tutor.
    - iii) Produces all assignments (essays, problem sheets, practical reports etc.) on time, except where permission on adequate grounds is obtained, normally in advance, from the tutor(s) concerned or from the Senior Tutor.
    - iv) Produces work (for tutorials, practicals, collections and University examinations) of an appropriate standard, given the student's particular level of academic ability. This is normally at least a 2.1 standard, or work that the Personal Tutor would consider consistent with graduation with a 2.1 classification.
    - v) Sits Collections (College examinations) with the regularity required by the Personal Tutor, academic tutor(s) or Senior Tutor, except where permission on adequate grounds is obtained, normally in advance, from the Personal Tutor or Senior Tutor.
    - vi) Has not engaged in academic dishonesty, which includes plagiarism in tutorial essays or problem sheets, and cheating in Collections. Plagiarism is clearly defined in the Proctors' and Assessor's Memorandum.
    - vii) Complies with all the academic commitments made in the College contract.
    - viii) Where the student is a member of the University, complies with all the University academic requirements outlined in the Proctors' and Assessor's Memorandum, and all academic commitments made in the University contracts.

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<sup>1</sup> In this bye-law, 'student' will refer to all undergraduate students including visiting students and senior status students and to foundation year students. Graduate students are covered by University regulations.

## ACADEMIC DISCIPLINARY PROCEDURE

4.
  - a) If a student is not in good academic standing according to any of the criteria in 3, they may become subject to the Academic Disciplinary Procedure which has the stages set out in the following subsections and summarised in the flowchart in 4.d).

### **Stage 1: First Formal Warning**

When academic concerns arise, these will be raised, typically by a subject tutor(s) and reported to the Personal Tutor. The Personal Tutor will meet with the student, and discuss the concerns and the required improvement. The Personal Tutor will inform the Senior Tutor of these concerns and if the student so desires, he/she may discuss these concerns with the Senior Tutor. If the student reports any mitigating or complicating factors they should (with the permission of the student) be noted. The Personal Tutor or Senior Tutor will give advice, which may be academic advice, but may include reference to College welfare support and to professional services such as the College Doctor, the University Counselling Service or the Disabilities Office. An email outlining the concerns, any advice offered and the improvement expected over a specified time period will be sent to the student and, if sent by the Personal Tutor, normally copied to the Senior Tutor. At the end of the specified time period, if the expected improvement has been made, the student will be considered to be in good academic standing. The sending of this email will be reported to the Education Committee.

### **Stage 2: Second Formal Warning**

If the Personal Tutor and Senior Tutor (taking into account reports from subject tutors) believe that the necessary improvement has not been made, the Senior Tutor will give the student a Second Formal warning. The Senior Tutor will call the student to a meeting. The student may meet with the Senior Tutor alone. The student may choose to be accompanied to this meeting by another student in the University, another member of the College, or an OUSU representative if he/she informs the Senior Tutor in advance of the meeting. In the latter case the Senior Tutor will invite a note-taker to the meeting. During vacations this meeting may be conducted over the telephone.

The Senior Tutor will specify to the student what is expected of him or her in the future (for example, attendance at tutorials, completion of assignments and/or attainment of appropriate levels in academic work or special Collections). Any special Collections set at this stage would be marked internally, but may differ from those set for other students.

The student will have the opportunity to raise any mitigating or complicating factors, including medical conditions, and must do so at this stage. The Senior Tutor will give advice, which may be academic advice, but may include reference to College welfare support and to professional services such as the College Doctor, the University Counselling Service or the Disabilities Office.

The Senior Tutor will draw the student's attention to these procedures and to the consequences of these procedures. Following the meeting, the Senior Tutor will write to the student as a Second Formal warning and record of the meeting, noting any recommendations and expectations of improvement in a specified time period and will note any mitigating factors raised. The sending of this letter will be reported to the Education Committee. At the end of the specified time period, if the expected improvement has been made, the student will be considered to be in good academic standing.

If a student fails to attend this meeting, it may be deemed to have happened and a Second Formal warning letter with academic conditions will be sent. In exceptional cases (see 4.b) below), a student may be placed directly on a Second Formal warning.

### **Stage 3: Academic Probation (Final Formal Warning)**

If the student fails to comply with one or more of the conditions set out in the Second Formal warning, the Senior Tutor will call the student to a further meeting. The student may meet with the Senior Tutor alone. The student may choose to be accompanied to this meeting by another student in the University, another member of the College, or an OUSU representative if he/she informs the Senior Tutor in advance of the meeting. In the latter case the Senior Tutor will invite a note-taker to the meeting. During vacations this meeting may be conducted over the telephone.

The Senior Tutor will issue a Final Formal warning which will place the student on Academic Probation. The Senior Tutor will set academic conditions (for example, attendance at tutorials, completion of assignments and/or attainment of appropriate levels in Penal Collections). The Senior Tutor will draw the student's attention to these procedures and that failure to comply with any of these conditions may lead to suspension (rustication) or termination of the course (sending down). The student will have the opportunity to make known any mitigating factors, including medical conditions, and must do so at this stage.

The Personal Tutor (with advice from subject tutors) will advise the Senior Tutor on the appropriate conditions and levels of attainment for the particular student, including target grades for any Penal Collections. The target will normally be set at a 2.1 level. These may be discussed by the Senior Tutor and the student during the meeting.

Following the meeting, the Senior Tutor will write to the student as a Final Formal warning and record of the meeting. This letter will detail the conditions of Academic Probation and performance targets set within a specified time period. Any mitigating factors which were raised will be recorded. The sending of this letter will be reported to the Education Committee. At the end of the specified time period, if the expected targets or conditions have been met, the student will return to the Second Formal warning stage for a further specified period.

If a student fails to attend this meeting, it may be deemed to have happened and a Final Formal warning letter with academic conditions will be sent. In exceptional cases (see 4.b) below), a student may be placed directly on Academic Probation without the preceding stages.

### **Stage 4: Penal Collections**

Where Penal Collections are set as a condition of Academic Probation the student will be given at least 4 weeks' notice of these Collections. Penal Collections may be invigilated in a room apart from the standard termly Collections and may be set at any time during the term or vacation. If there are non-academic factors that a student feels will adversely affect their performance on Penal Collections, they must inform the Senior Tutor (or other person nominated by the Senior Tutor) in advance of the start of the Collection. If the mitigating factors are accepted by the Senior Tutor, the date of the Penal Collection may be postponed, or the student may be permitted to intermit with academic conditions on their return. Where the factors are medical, these must be supported by a medical certificate. Any problems affecting performance during the course of the Penal Collection must be reported to the invigilator. No mitigating factors reported after the end of the Penal Collection will be considered.



Penal Collections will be marked by two independent external examiners, who will be postholders in the University or other Colleges. The examiners will not be made aware of the identity of the student, or of the target grade set, but will be informed of the stage in the course that the student has reached and instructed to take this into account when deciding on an appropriate mark. Where the marks given are close (within 4 marks) the College will accept the average of the two marks. Where the marks differ by more than 4 marks, the examiners will be asked to discuss the paper and agree a mark.

### **Stage 5: Formal disciplinary hearing**

In the event of non-compliance with any of the terms of Academic Probation, including the failure of Penal Collections, the Senior Tutor shall refer the matter, and recommended penalty, to an Academic Disciplinary Committee.

An Academic Disciplinary Committee is composed of three members of the Governing Body, chosen from a panel of ten agreed by the Governing Body at its first meeting in Michaelmas term. The panel must include five members with at least 10 years seniority, and must not include the Principal, Vice-Principal, Senior Tutor, or Dean. The three members will be chosen by lot, but must include at least one member with at least 10 years seniority. An Academic Disciplinary Committee will not include the student's Personal Tutor, any of the student's subject tutors nor any other member who has had any significant involvement with the student.

The Senior Tutor and Personal Tutor will be asked to present evidence to the Committee, but will withdraw prior to any decision being taken by the Committee. The Senior Tutor may recommend to the Committee that the student should be suspended (rusticated) or their course terminated (sent down).

The student has a right to appear at the formal disciplinary hearing and to bring one advisor or representative at their own expense. The student will be given at least two weeks' notice of the meeting. The student will be given copies of all materials that will be presented to the Academic Disciplinary Committee and will be informed of the names of the members of the Committee. The student may submit a written case to the Committee up to 48 hours before the meeting, and is encouraged to do so. This must include evidence of any mitigating factors raised, e.g. medical certificates.

If the student chooses not to appear at the meeting, the Academic Disciplinary Committee will review the evidence presented by the Senior Tutor and Personal Tutor and any written case presented by the student and make a decision.

The Academic Disciplinary Committee may uphold the Senior Tutor's recommendation, modify the Senior Tutor's recommendation, or it may reject the Senior Tutor's recommendation and then either impose a lesser penalty or impose a further period of Academic Probation. Should a further period of Academic Probation be imposed, the Academic Disciplinary Committee would set the conditions. If a period of suspension (rustication) is imposed, the Academic Disciplinary Committee may impose academic or non-academic conditions for a student to return to their course.

The Chair of the Academic Disciplinary Committee will ensure that a careful record is made of the proceedings and the Chair may invite a note taker to the hearing. The report will clearly set out the grounds for action, the factors that were taken into account, and the final decision. A written copy will be sent to the student and to the Governing Body.

## **Stage 6: Governing Body**

The decision of the Academic Disciplinary Committee shall be reviewed by the Governing Body. This review shall afford the student the opportunity to appeal against the Committee's decision. The Governing Body shall proceed as follows:

The Governing Body will consider procedural matters and will not question the academic judgement of the Academic Disciplinary Committee. It will review the Committee's report, and ask questions of members of the Committee, the Senior Tutor, the student's Personal Tutor and subject tutor(s) in order to verify the facts of the case. The members of the Committee, the Senior Tutor, the student's Personal Tutor and subject tutor(s) shall then withdraw.

If the student chooses to accept the decision of the Academic Disciplinary Committee, the Governing Body will confirm or rescind the decision at this stage. The Governing Body may also vary the penalty. If any penalty recommended, such as suspension (rustication) or termination (sending down), is confirmed by Governing Body, the penalty will then have immediate effect, and the College procedure is considered closed.

If the student chooses to appeal the decision of the Academic Disciplinary Committee, he/she will make a written submission to the Governing Body. The student may appear in person before the Governing Body, and may choose to be accompanied to this meeting by one advisor or representative at their own expense, if he/she informs the Governing Body in advance of the meeting. Alternatively, the student may ask a Fellow or other representative to speak on his/her behalf at the meeting. The Governing Body may question the student, if present, on the facts of the case. The student and his/her companion or representative shall then withdraw for the Governing Body's final deliberations and decision.

The Governing Body will confirm or rescind the decision of the Academic Disciplinary Committee. The Governing Body may also vary the penalty. The decision of the Governing Body on the penalty will have immediate effect, and at this point the College procedure is considered closed.

The Principal will normally convey Governing Body's decision in writing to the student within two days.

## **Stage 7: Appeal to the Conference of Colleges' Appeal Tribunal**

If the student wishes to appeal against the decision of the Governing Body, he or she may do so to the Conference of Colleges' Appeal Tribunal (CCAT) within 5 days of the date of the decision. The student may also apply for a further review of the appeal to the Office of the Independent Adjudicator (OIA) within three months of the date of the decision, but such an appeal must follow an appeal to CCAT.

### **b) Exceptional cases**

In exceptional cases, the Senior Tutor, in consultation with the student's Personal Tutor, may place a student directly on a Second Formal warning, or place a student directly on Academic Probation, or recommend directly to a formal disciplinary hearing that a student's course be suspended or terminated. Exceptional circumstances will include, but are not restricted to, the examples given in this section. Any student who engages in academic dishonesty will be considered to have committed serious misconduct, and may be placed directly on Academic Probation or referred directly to a Formal disciplinary hearing

Exceptional cases which will lead to the termination of a course will include:

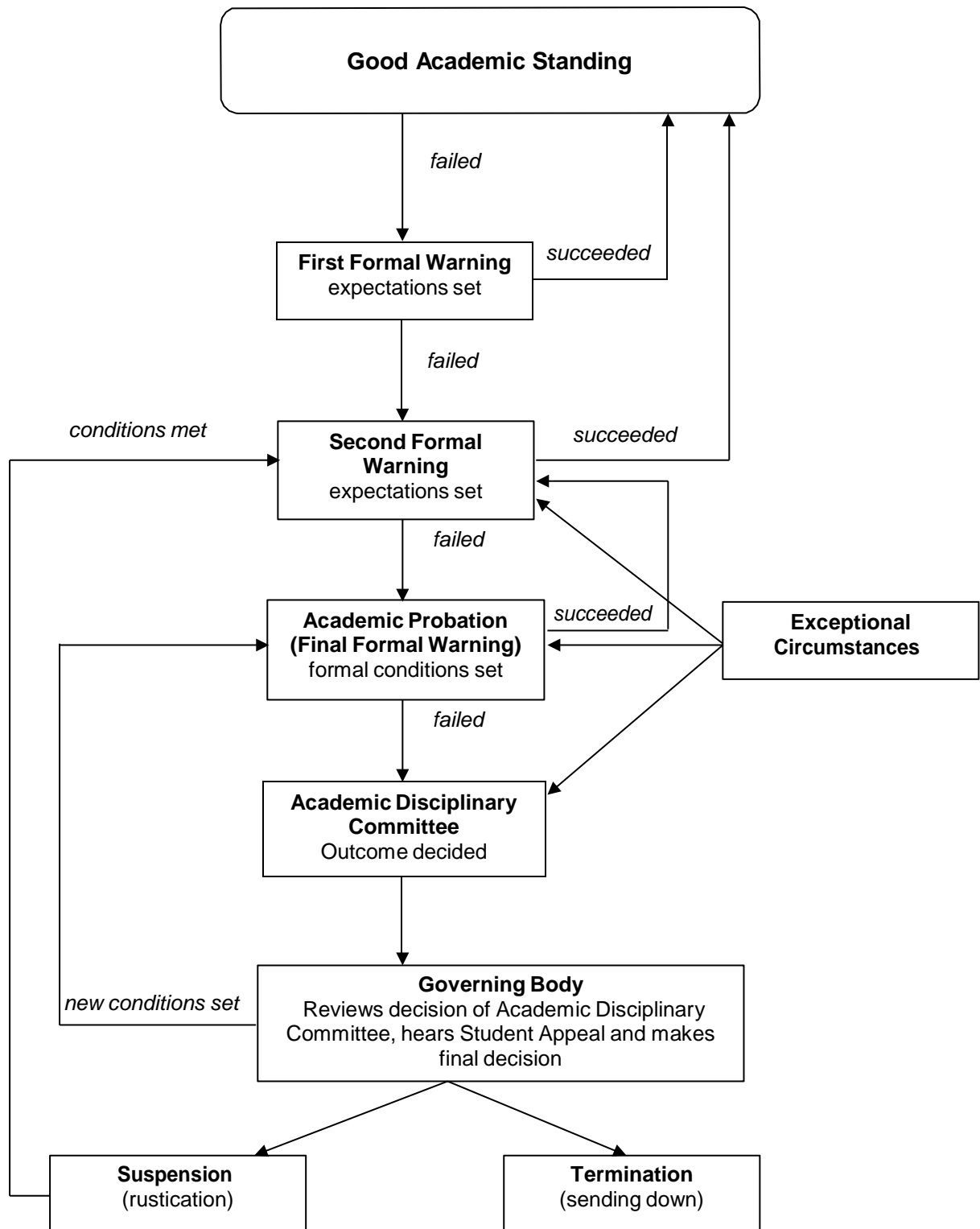
- i) Any student who fails a University Examination which contributes to their degree classification, or fails to pass any other compulsory component of their degree course, or fails to complete any other compulsory requirements (e.g. practicals or fieldwork) laid down by the University as a necessary part of his/her course.
- ii) Any student who has engaged in significant academic dishonesty, e.g. plagiarism, in multiple tutorial essays or cheating on one or more Collection.
- iii) Any student who has gained admission to the College dishonestly.

Any student who is found to have engaged in academic dishonesty, e.g. plagiarism on a single tutorial essay or cheated in a single Collection may be placed directly on Academic Probation.

Any student who fails any examination within the First Public Examination at the first sitting (even if they pass overall) may be placed directly on Academic Probation.

- c) Throughout these procedures, any letter delivered to a student's College pigeonhole during term time, or message sent to a College email address will be deemed to have been received within 24 hours of being sent. Any letter outside term time sent to the home address held on the College database, or sent to a College email address, will be deemed to have been received within 3 days of being sent. If a student does not attend any meeting, that meeting may be deemed to have happened or may proceed without the student in attendance. Any examination is only considered to be passed where the pass is at Honours level (university standard marks of 40 or above).

d) Academic Disciplinary Procedure Flowchart



## DISCIPLINARY PROCEDURE

5. All students<sup>1</sup> are expected to observe good standards of behaviour. When a disciplinary offence has been committed, it will be dealt with appropriately. The Dean will decide which category of offence is appropriate.

### 6. Minor offences

a) Minor offences include:

- small-scale damage and vandalism;
- noisy or unruly behaviour that might be disruptive but not threatening;
- parking violations;
- misuse of ICT (email and internet), or Library services;
- smoking in designated non-smoking areas;
- rudeness towards staff, visitors, members of the public, other students;
- objectionable or insulting behaviour;
- failure to abide by general health and safety rules and procedures.

(Note that these are examples only and not an exhaustive list.)

Minor offences, if committed to a sufficient degree or repeatedly, may be deemed major.

b) Minor offences would be normally brought to the attention of the Dean or, more usually in the first instance, the Junior Deans (the latter being on call), often via the Porters, who may have been alerted to a disturbance. If the matter can be peaceably resolved on the spot, no further action will be taken. For example, the student can be asked to reduce noise late at night.

c) If an interview with the Dean is appropriate, the Dean will meet with the offender, in the presence of a Junior Dean. Details of the offence will be sought. The matter will be recorded in an email to the offender, copied to the Personal Tutor, and to other interested parties. No further record will be kept.

d) The Dean, by delegation of powers from the Principal may impose community service, fines, restitution payments or restrictions on the use of College services and facilities by way of penalty. In these cases the matter would be brought to the attention of the Domestic Bursar and/or the Treasurer. Penalties will be proportionate and determined after discussion with the offender.

e) Minor offences are not subject to appeal.

### 7. Major offences

a) Major offences include:

- serious vandalism;
- harassment of others, bullying;
- grossly indecent or offensive behaviour;
- acts of unlawful discrimination;
- violent or threatening behaviour, fighting or physical assault;
- possession, supply or use of illicit drugs;
- theft, or unauthorised possession of money or property, whether belonging to the College, another student, or a third party;
- negligent destruction/sabotage of College property, or any property on the premises;
- serious breaches of health and safety rules that endanger the lives of or may

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<sup>1</sup> In this bye-law, 'student' will refer to foundation year students, to all undergraduate students including visiting students and senior status students and to graduate students..

cause serious injury to themselves or any other person;

- refusal to comply with reasonable requirements by the Porters, Junior Deans, or other members of staff to discontinue unacceptable behaviour and/or withdraw from the scene.

(Note that these are examples only and not an exhaustive list.)

- b) Major offences are referred to the Principal. Penalties include rustication, suspension, temporary exclusion from the premises of the College and, in the most serious cases, expulsion. The nature of the current offence together with the disciplinary record of the student will be taken into account in determining the penalty. Definitions are given after XI.11 below.

## 8. Process Followed for Major Offences

- a) When the Dean considers that a serious disciplinary offence has been committed (that is one for which, if proved, rustication, suspension, temporary exclusion from the premises of the College, or expulsion would be an appropriate penalty) she shall inform the Principal in writing of the nature of the alleged offence. The Principal shall within three days write to the student concerned informing the student of the charges made and asking whether the student wishes to have the matter settled informally by the Principal or wishes to choose a formal hearing with the right of appeal to the Disciplinary Appeals Committee. The student shall reply in writing within 48 hours. If the student does not so reply, the informal procedure shall apply.
- b) If the student opts for the informal procedure, the Dean shall supply the Principal and the student with a full written statement of the nature of the alleged offence and the Principal shall summon the student before her within three days of the receipt of the statement. The Principal alone shall hear the student's explanation and immediately determine an appropriate penalty, except that if the statement submitted by the Dean contains evidence which might lead the student to reconsider the decision to choose the informal procedure the student shall be given the opportunity to do so. The Dean shall not be present at the interview with the Principal, but the Principal may at her discretion have with her a member of the College secretarial staff to keep a record. Any decision involving rustication or expulsion shall require ratification by Governing Body.

Notwithstanding a student's decision to opt for the informal procedure, there shall always be a right of appeal to the Disciplinary Appeals Committee if in fact the Principal decides that expulsion is the appropriate penalty.

- c) If the student elects to have the matter decided formally, the Principal shall ask the Dean to report in writing on the alleged offence with a statement of the available evidence. The Principal shall send a copy of these written statements to the student and indicate her intention to have a preliminary hearing within 7 days of the student's receipt of the statements. The student must within that time submit to the Principal a written statement of the student's case but may change it or add to it in the hearing before the Principal. At this hearing before the Principal, the student may bring either another student of LMH or a member of the Governing Body (who may be the student's tutor) to help put the student's case. Witnesses may be called or asked to submit written evidence at the discretion of the Principal and the hearing may be adjourned at her discretion. The Dean and the student shall be present throughout the proceedings. Should she so wish, the Dean may elaborate upon her original statement or comment upon the other evidence presented. The Principal, when she is satisfied that she has heard all the evidence she needs, shall reach a decision which she shall communicate in writing to the student giving the reasons for the decision and any penalties which may attach to it.

In formal procedure cases resulting in rustication, expulsion, or suspension, the student has the right of appeal to the Disciplinary Appeals Committee. If the student

wishes to appeal s/he must do so within 7 days. If the student does not so appeal, the decision shall be reported to the Governing Body for ratification.

#### 9. Protective discretion

The Principal, in exercise of a protective discretion on behalf of other members and employees of the College, may require a student to leave the premises of the College, and not to re-enter them except on such terms and under such conditions as the Principal in her absolute discretion may impose, if, in the opinion of the Principal, the student's health or conduct is such as to damage or put at risk the safety and welfare of the student or other members or employees of the College.

- a) Without prejudice to the generality of the above, the following are examples of circumstances in which the Principal might need to exercise protective discretion:
  - (i) if the student is charged with or convicted of a criminal offence and, in the opinion of the Principal, the circumstances are such that it would be inappropriate for the student to remain on College premises;
  - (ii) if the student's conduct is threatening to persons or property, or disruptive of the proper functioning or activities of the College, and, in the opinion of the Principal, is likely to continue to be so if the student remains in or enters College premises pending the completion of the appropriate disciplinary procedures;
  - (iii) if the medical or psychological condition of the student is such as, in the opinion of the Principal, to present a risk to the safety and welfare of the student or of other members or employees of the College;
  - (iv) if the medical or psychological condition of the student is such that the student requires supervision and/or care which, in the opinion of the Principal, is beyond that which the employees of the College are qualified or able to provide;
  - (v) if the medical advice concerning the student is that the student should, in the interests of his or her physical or mental health, return home, engage in outpatient support incompatible with remaining of course, or seek admission to hospital;
  - (vi) if the student refuses to see a doctor or medical specialist or other appropriate professional, such as a counsellor, when the Principal has reason to be anxious about the student's physical or mental health or psychological condition.
- b) The duration of any order made by the Principal under these procedures shall not extend beyond the end of the term in which the order was made, unless the Governing Body decides that it should be extended.
- c) The Principal's decision in exercise of her protective discretion under these procedures shall in any case be reviewed by the Governing Body for confirmation, modification or rejection, at its first meeting after the action in question has been taken.
- d) Before the matter is considered by Governing Body, the Principal shall write to the student to invite him or her to bring forward any relevant matter for consideration by the Governing Body.
- e) For the avoidance of doubt, the premises of the College include the buildings and grounds within the College perimeter and the houses and gardens of houses in Fyfield Road occupied by members and employees of the College.



## 10. Appeal

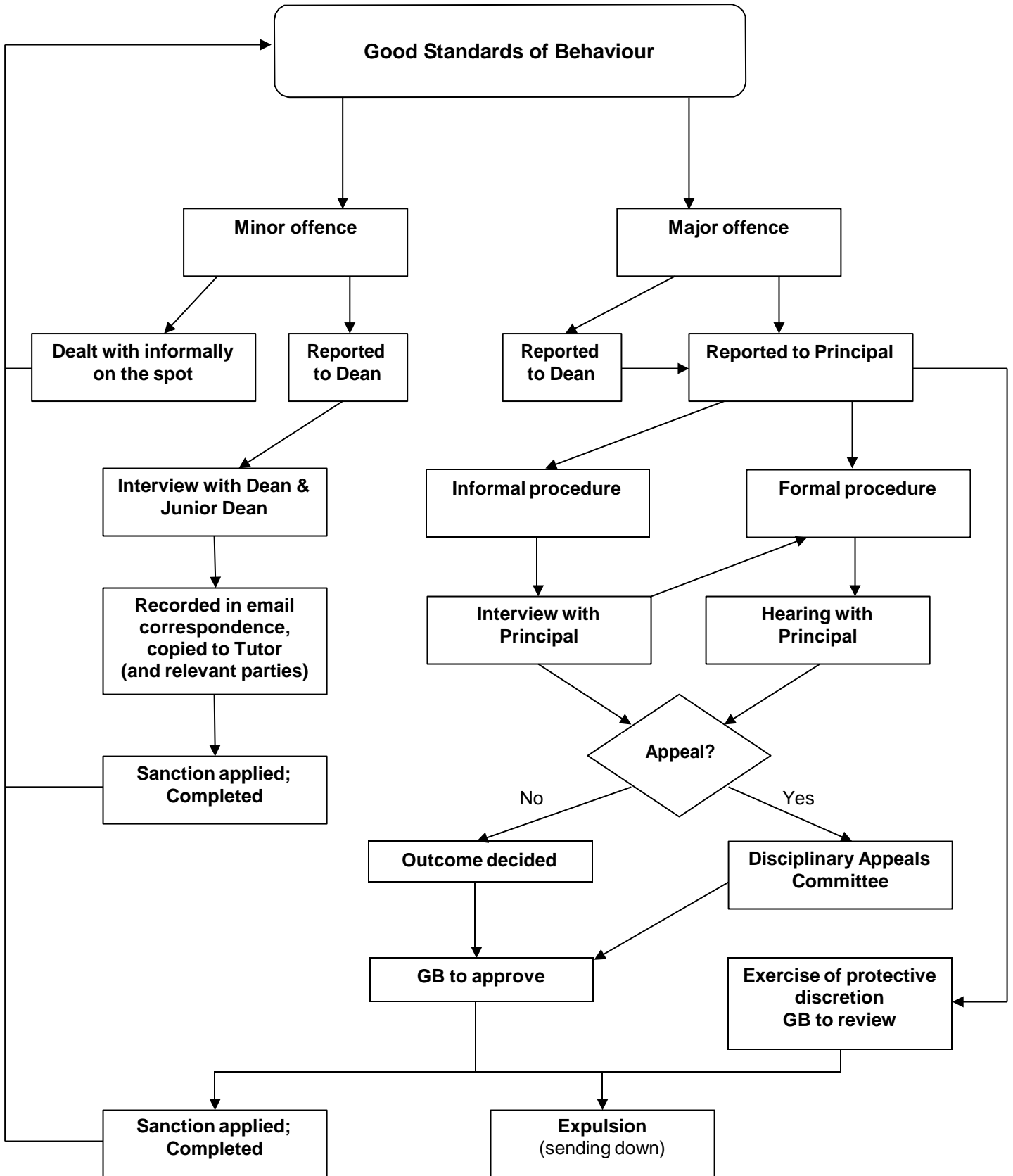
- a) A student affected by a penalty of rustication, expulsion, or suspension may appeal to the Disciplinary Appeals Committee, and the penalty is subject to confirmation by the Governing Body, whose decision is final. A student expelled from membership of the College automatically loses her University membership. A student rusticated or suspended by the College is also rusticated or suspended by the University.
- b) A Disciplinary Appeals Committee is composed of three members of the Governing Body, chosen from a panel of ten agreed by the Governing Body at its first meeting in Michaelmas term. The panel must include five members with at least 10 years seniority, and must not include the Principal, Vice-Principal, Senior Tutor, or Dean. The three members will be chosen by lot, but must include at least one member with at least 10 years seniority. A Disciplinary Appeals Committee will not include the student's Personal Tutor, any of the student's subject tutors nor any other member who has had any significant involvement with the student.
- c) The Disciplinary Appeals Committee shall investigate the case as it thinks fit but must ensure that the student has an opportunity to state his or her case in person to the Committee. The student may bring either another student of LMH or a member of Governing Body (who may be the student's Tutor) to help put the student's case. The Committee shall review all the existing written evidence, and shall hear the Dean and the student concerned. It may also ask for other written statements and may call additional witnesses. It may propose any penalty it deems appropriate. Its decision shall be reported with reasons to the full Governing Body for ratification at the earliest opportunity.
- d) If the student wishes to appeal against the decision of the Disciplinary Appeals Committee, he or she may do so to the Conference of Colleges' Appeal Tribunal within 5 days of the date of the decision. The student may also make an appeal to the Office of the Independent Adjudicator (OIA) within three months of the date of the decision.

11. The College shall respect and concur in any decision of the University Proctors or of the Disciplinary Court of the University or of the Appeal Court of the University to rusticate or expel a student from the University, to the effect that the College shall be regarded for all purposes and in all respects as part of the University and the terms of the penalty of rustication or expulsion shall be interpreted accordingly. The College shall act *mutatis mutandis* to reflect at the College level decisions by the University to suspend a student. A student affected by any such decision shall have no right to appeal or submit a statement in mitigation to the Governing Body.

## DEFINITIONS

- 'Expel' means deprive a member permanently of his or her membership of the College;
- 'Rusticate' means withdraw the right of access to all of the land, buildings and facilities of the College including teaching, examinations and all related academic services for a fixed period or until the fulfilment of specified conditions;
- 'Suspend' means withdraw the right of access referred to above for a fixed or indeterminate period or until the fulfilment of specified conditions where action is taken as an interim measure pending further investigation, or where action is taken under the LMH Statutes or Bye-Laws for non-disciplinary reasons.
- A penalty of suspension or rustication shall also apply to university land, buildings, facilities, or services (subject to a right of appeal to the Student Disciplinary Panel).
- 'Temporary exclusion from the premises of the College' applies only to College premises, not to University premises.

12. Disciplinary Procedure Flowchart





## Appendix to Bye-Law XI

### **CONFERENCE OF COLLEGES – APPEAL TRIBUNAL (“THE TRIBUNAL”) REGULATIONS (Revised February 2012)**

- 1.1 The functions of the Tribunal shall be to consider appeals on disciplinary decisions imposing a substantial penalty, made by the body with final jurisdiction within any participating College (for these purposes the Visitor shall be deemed not to be such a body). Disciplinary decisions means the imposition of penalties for breach of College statutes, by-laws, regulations or rules relating to academic or any non-academic matters. Substantial penalty includes the penalties of expulsion, rustication or suspension, substantial fines, and other penalties of similar severity. Substantial penalty does not include measures such as the imposition of probation or specially assessed collections.
- 1.2 The Tribunal shall not have appellate jurisdiction in relation to decisions which are exclusively within the province of the University disciplinary organs.
2. Each member of the Conference of Colleges which is a College shall nominate no more than three persons from their own Governing Body to serve, if appointed to do so as provided herein, upon the Tribunal. Each member of the Conference of Colleges which is a Hall shall nominate one person from their own Governing Body to serve, if appointed to do so as provided herein, upon the Tribunal. A list of those persons so nominated (“the list”) shall be maintained at the Secretariat of the Conference of Colleges.
3. Conference of Colleges shall elect a chair (“the Chair”) and a deputy chair (“the Deputy Chair”) for such Tribunal, who will serve for three years from date of appointment. Such appointments can be renewed for a further term of three years only. The Deputy Chair will exercise the functions of the Chair if for any reason the Chair is unable to do so.
4. Any student member of a participating College (“an appellant”) who wishes to bring before the Tribunal an appeal shall file a written application with the Secretariat of the Conference of Colleges normally within 5 days of the date of the decision appealed against. The Chair shall have power to extend such time if he considers that there is good and sufficient reason for so doing.
5. The application shall include
  - a) a copy of the decision being challenged
  - b) a brief statement of the facts
  - c) a statement of the arguments on which the application is based
  - d) the appellant’s request for a remedy
  - e) where applicable an application for a stay of the effects of the decision being challenged or for any other preliminary relief of an urgent nature
  - f) the appellant’s address, telephone number and, where applicable, the electronic mail address at which he/she can be reached for the purpose of the proceedings.
6. Upon the receipt of the application the Chair shall constitute a Panel composed of three members appearing on the list (“the Panel”), and appoint a President of the Panel (“the President”), who thenceforth shall have responsibility for the proceedings of the Panel.
7. The President shall be the holder of a degree in law or a professional legal qualification. If no such person is available from among those on the list, the Chair

shall, at his discretion, appoint (with his or her consent) such a person with such qualifications from among other senior members of Colleges.

8. No person sitting on a Panel shall be a member of, or have any direct connection with, the College against whose decision the appeal is brought.
9. Any defence of lack of jurisdiction of the Panel must be raised as soon as possible or at the latest at the start of the hearing. The question whether an appeal falls within the Panel's jurisdiction can be considered by the Panel at a hearing, or by the President under regulation 12, even if it is not raised by either party.
10. Both the appellant and the College can challenge a Panel member (including the President) if circumstances give rise to legitimate doubts as to his or her independence or impartiality. The Chair is empowered to resolve any such challenge as soon as possible after giving the parties and the Panel member concerned, so far as circumstances permit, the opportunity to be heard. The challenge must be brought as soon as the reasons for the challenge become known. 11. In any case of extreme urgency the President may rule on any application for a stay of the effects of the challenged decision or for any other preliminary relief without hearing the College first. When deciding whether to award any preliminary relief the President shall consider whether the relief is necessary to protect the appellant from irreparable damage, the likelihood of success on the merits of the claim, and whether the interests of the appellant outweigh those of the College or other interested persons.
12. The President may summarily dispose of an appeal that does not fall within the Tribunal's jurisdiction without consulting the other members of the Panel and without summoning the parties to a hearing. The President should invite the parties to make written observations on the matter before deciding whether it is appropriate to exercise this power. Where the President decides to dispose of an appeal under this provision the decision shall be written, dated and signed and immediately communicated to the parties, via the Secretariat. Brief reasons will be stated with or as soon as possible after communication of the decision. The decision and the brief reasons will be public documents unless, in the President's judgment, the interests of justice or other compelling public or private interest otherwise require.
13. Except where it considers another form of procedure more appropriate, the Panel shall as soon as possible summon the parties to a hearing which normally should be held no later than 14 days from the Secretariat's receipt of the application. The President shall arrange via the Secretariat for details of the date, time, and venue of the hearing, and any additional information required, to be conveyed to the parties. The parties should notify the Panel as soon as possible of their proposed witnesses.  
It shall be the duty of the parties, to work together and produce no later than 48 hours before the hearing, an agreed bundle of relevant documents, (paginated) and an outline of each's respective submissions (which should be no longer than 10 pages in length).
14. The Panel may, either before or at the hearing, require of its own motion the production of documents, information or other evidence. At the hearing the Panel shall hear the parties who shall produce their witnesses and introduce their other evidence. The Panel shall have complete discretion as to the evidence which it admits and will be the sole judge of the weight to be given to any such evidence.
15. Both the appellant and the College may be represented by a third party, including at the Panel's discretion, by Counsel and/or a solicitor. The hearing itself (not including the Panel's internal deliberations) shall be in public unless, in the Panel's

judgment, the interests of justice or other compelling public or private interest otherwise require.

16. The Conference Secretariat shall arrange for the hearing to be recorded, and arrange for transcription, if required, at a later stage. With the exception of cases where the hearing was not held in public the recording shall be made available to anyone upon request. Any costs of transcription shall be borne by those making such a request.
17. If one party or both parties fail to appear at the date fixed for the hearing, without reasonable excuse, the Panel may nevertheless proceed to determine the appeal.
18. The Panel shall have full power to establish the facts on which the application is based; but, it will normally assume that the facts as found by the body against whose decision the appeal is brought were correct.
19. The Panel shall rule on the dispute pursuant to the statutes, by-laws and other regulations or rules of the College, and any general principles of law applicable to the application which it deems appropriate.
20. The decision shall be taken by a majority of the Panel. It shall be written, dated and signed and immediately communicated to the parties, via the Secretariat. Brief reasons will be stated with or as soon as possible after communication of the decision. The President shall be responsible for ensuring that these tasks are performed. The decision and the brief reasons will be public documents unless, in the Panel's judgment, the interests of justice or other compelling public or private interest otherwise require.
21. The Panel shall use its best endeavours to give a decision normally within 7 days of the hearing of the appeal.
22. The participating Colleges shall agree to give to the Tribunal and/or the Panel such assistance as either may require and to abide by the outcome of the decision of the Panel.
23. Except that where express provision is made herein, the Chair, the President and the Panel shall have discretion as to appropriate procedure. In all or any of their activities each shall be guided by the principles of natural justice.

Michael J Beloff QC  
Nicholas Bamforth

July 2005

Revised  
Roderick Bagshaw  
Alison Young

February 2012

## XII. THE BYE-LAWS

1. The Governing Body shall review the Bye-Laws annually at a meeting in Michaelmas Term to be determined by the Principal and the Secretary of the Governing Body. The Secretary of the Governing Body shall circulate with the agenda for the meeting the text of any proposed alterations to the Bye-Laws. The Governing Body may pass these amendments in accordance with Statute I.6 at the same meeting, provided it is a Stated or Special meeting. Any further alterations or amendments to those already circulated shall be circulated with the agenda for the following Stated or Special meeting and may be passed at that first meeting in the same way.
2. The Governing Body may alter the Bye-Laws at any other Stated or Special meeting in accordance with Statute I.6, provided that the text of the alteration shall have been circulated with the agenda for that meeting.
3. A Copy of the Statutes, Bye-Laws and College Regulations and any amendments thereof shall be sent to every member of the Governing Body and to every Administrative Officer who is not a member of the Governing Body of the College on appointment.

### XIII. INTERPRETATIONS

For the purpose of the Bye-Laws, the following interpretations shall apply:-

'Students', means the graduate, undergraduate, foundation year, and visiting student members in statu pupillari.

'JCR' means the Junior Common Room.

'MCR' means the Middle Common Room.

'NUS' means the National Union of Students.

'OUSU' means the Oxford University Students' Union.

'USS Limited' means the Universities Superannuation Scheme Limited.



## XIV. REDUNDANCY PROCEDURE

### **Stage 1 - Governing Body Meeting (Clause 10(2) of Statute XVIII)**

1. 1 In the event that a reduction in academic staff or activity is contemplated for any reason whatsoever, the Principal shall call a special meeting of the Governing Body to consider and determine upon the matters set out in Clause 10(2) of Statute XVIII.
1. 2 If any member is unavoidably unable to attend and reasonably considers that he may be personally affected by a decision under Clause 10(2), for example because the Governing Body may be considering deleting a subject altogether, he shall be entitled to seek a postponement of the meeting by written notice to the Principal to be delivered to him at least three days prior to the date set for the meeting.
1. 3 Prior to the special meeting, the Principal shall cause a detailed memorandum of information to be prepared on a confidential basis for the Governing Body. The memorandum shall contain all relevant available information including financial and academic matters, setting out in detail the position of the College and the matters to be considered both in favour of and against making any reductions in general terms and in so far as possible without reference at this stage to the position of any individual members of academic staff who may be affected.
1. 4 The memorandum shall put all considerations forward fairly and in an even-handed manner and shall not make recommendations for any specific course of action. The memorandum shall evaluate as far as possible the impact of any reduction on the principles established by Clause 1 of Statute XVIII.
1. 5 To provide members with an opportunity to consider, and respond to, the memorandum of information, it shall be circulated at least seven days before the relevant meeting of the Governing Body and representations shall be invited. Any representations which are received by the Secretary of the Governing Body by 12 p.m. on the third day before the day of the meeting shall be circulated to all members of the Governing Body.
1. 6 Prior to making any decision under Clause 10(2) the Governing Body shall consider the impact of such a decision on relevant Faculty and subject boards and shall consult with the relevant University bodies. Such consultation may be commenced at any stage by the Principal (or his delegate).

### **Stage 2 - Redundancy Procedure – Initial Stage**

- 2.1 Once a decision has been reached in principle under Clause 10(2) of Statute XVIII, the Governing Body shall appoint a Redundancy Committee (“the Committee”) unless it determines that it will carry out the task of handling
- 2.2 Members of the Committee shall be selected in accordance with the provisions of Clause 11 of Statute XVIII. However no members who appear to be personally affected or likely to be so affected shall be chosen. No-one on a fixed-term appointment shall be eligible for selection and no-one to whom Statute XVIII applies shall be eligible for selection unless he has been employed by the College for at least two years. The Chairman of the Committee shall be expressly so appointed by the Governing Body.
- 2.3 In the case of potential collective redundancies the Governing Body shall, and in all other cases may, consider and establish appropriate procedures for consultation with representatives of the members of staff potentially affected. Such consultation shall generally be carried out by the Redundancy Committee or, if none is appointed, the Governing Body itself. Such consultation shall be either with a recognised trade union or specially elected "workplace" representatives as defined by any relevant legislation

currently in force, and shall commence in good time with a view to reaching agreement in relation to the matters set out in any legislation in force for the time being.

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

### **Stage 3 - Decision to Dismiss**

- 3.1 Upon receipt of the report and recommendations of the Redundancy Committee a special meeting of the Governing Body shall be convened to consider the matter further.
- 3.2 Any member whose dismissal on grounds of redundancy is recommended by the Redundancy Committee, shall be permitted at least two weeks between the date of the Committee's report and the special meeting of the Governing Body to prepare and submit any representations he considers appropriate to the Governing Body. Any representations which are received by the Secretary of the Governing Body by 12pm on the third day before the day of the meeting shall be circulated to all members of the Governing Body.
- 3.3 In addition to submission of written representations, the person concerned shall have the opportunity to make oral representations to the Governing Body at the special meeting prior to any decision being made and shall be entitled to be accompanied and/or represented by a person (who may be a professional and/or trade union representative) of his choice.
- 3.4 The Governing Body may request a member of the Redundancy Committee (where appointed), being the Chairman or his delegate, to attend the Governing Body formally in that capacity to present the Committee's recommendations and to answer questions from the Governing Body and/or the person or persons concerned. If the Governing Body so determines, the Redundancy Committee may be asked to carry out further consultation with affected members or any other appropriate person.
- 3.5 Prior to making any decision to dismiss in accordance with recommendations of the Redundancy Committee, the Governing Body shall specifically canvass any alternative employment opportunities or any other means of avoiding a dismissal for redundancy. In addition the Governing Body shall ensure that it has been fully apprised of any USS options which the person affected may be able to exercise in the event of redundancy.

- 3.6 In the event that the Governing Body accepts the recommendations of the Redundancy Committee and votes to dismiss any member on grounds of redundancy, a written note of the decision of the Governing Body together with a copy of the procedures establishing a right of appeal shall be provided to the person affected and his representative. No decision shall be implemented until after any appeal has been determined under Part V of Statute XVIII.
- 3.7 If the Governing Body decides upon the dismissal of any member on grounds of redundancy, it shall ensure that provision is made to assist the person concerned with financial and career planning, with reasonable expenses to be met by the College.

## XV. DISCIPLINARY PROCEDURE

### 1. Informal Stage

1.1 Where it appears to the Principal 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 Principal 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 Principal may appoint a colleague (being a Fellow or Emeritus or Honorary Fellow of the College) to conduct the informal discussions with the person concerned either with the Principal or alone. The informal discussion shall not be viewed as a disciplinary act but as an opportunity to explore together any problems that appear to have arisen and consider solutions that may be available. A record of this initial meeting may be kept, provided the member of staff agrees and a copy of any note is made available to him. If the person concerned prefers, the discussion may be kept confidential at this stage.

### 2. Disciplinary Warnings

2.1 In any case where it seems to the Principal that the performance and/or conduct of a member of academic staff appears not to meet acceptable standards but where the circumstances do not appear to raise prima facie grounds for dismissal (for example, after investigation of a complaint submitted to the Principal under Clause 14(1) of Statute XVIII which is not to be referred to an Academic Disciplinary Committee), the Principal 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 Principal.

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 colleague or representative from any professional body or trade union of which he is a member such as the AUT. The individual shall not normally be permitted legal representation at this stage.

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

#### (a) Oral *Warning*

The oral warning is the first stage of the disciplinary procedure. It shall normally be issued in front of a witness and shall state clearly that it comprises the first stage of the disciplinary process. The reasons for the warning shall be specified, together with any 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 personal file and shall be regarded and marked as spent after one year.

#### (b) Written *Warning*

In the event that the person's conduct and/or performance does not improve, or gives further cause for concern whether of a similar nature or not, within the twelve month period during which the oral warning remains live, and in any case

where the seriousness of the matter so merits, the disciplinary action which the Principal may take short of dismissal is a written warning. The written warning shall specify the reason and set out the improvement required and the time for achieving it. It shall be dated and a copy shall be provided to the individual as well as being kept in the individual's personal file. A written warning remains "live" for a period of two years after which it shall be regarded and marked as spent.

- 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(4) of Statute XVIII.

### 3. **Dismissal**

In any case before the Principal, 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 Principal that there are prima facie grounds for dismissal for good cause as defined in Clause 5 of Statute XVIII, the Principal 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 Statute XVIII. The Principal may suspend the person concerned at this stage in accordance with Clause 14(3).

- 3.1 Upon receipt of a request under Clause 15 of Statute XVIII from the Principal, the Governing Body shall appoint the Academic Disciplinary Committee (the "Committee") as soon as reasonably practicable and shall inform the person to be charged by written notice that the Committee has been appointed to consider any charge or charges to be brought. The written notice shall include the names of the members of the Committee and shall enclose a copy of this Bye-Law. At the same time the Governing Body shall appoint a solicitor or other suitable person to formulate charge(s) and to conduct or arrange for the conduct of the hearing. The Committee shall elect one of the members to act as Chairman.
- 3.2 Subject to the provisions of Statute XVIII and any provision to the contrary in this Bye-Law, the Committee shall have power to regulate its own proceedings. In the event that any member of the Committee is unable to attend for any period of time, the Committee shall be discharged and a new Committee shall be appointed in accordance with the provisions of Statute XVIII. The Committee shall be entitled to appoint a secretary to support it in discharging its function at any time and to take notes of evidence at any hearing.
- 3.3 The person appointed to formulate the charge or charges ("the prosecutor" - which expression may include a firm of solicitors or any person instructed to act on that person's behalf) shall notify the person charged of the date and time set for the hearing of the charge or charges.
- 3.4 The person charged shall notify the prosecutor of any representative he has appointed to act for him/her and any further communications shall be addressed to the person charged and to any representative appointed by him. Any fees or expenses payable to the representative (other than reasonable travel costs and out of pocket disbursements) shall be at the charge of the person accused.
- 3.5 The Committee Chairman may make any interlocutory directions he 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 Principal 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

Committee shall set the date, time and place for the hearing and may also set appropriate time limits for each stage (including the hearing), to the intent that any matters be heard and determined expeditiously. If the Chairman considers it appropriate in all the circumstances of the case he may request the Principal to consider the suspension of the person charged under Clause 14(3).

- 3.6 At least 21 days before the date set for the hearing, the prosecutor shall forward the following to the Committee and person charged and any other parties to the hearing:
  - a) the charge or charges;
  - b) copies of any documents specified or referred to in the charge or charges;
  - c) a list of witnesses to be called by the prosecutor;
  - d) copies of statements containing the witnesses' evidence.
- 3.7 At least seven days before the date set for the hearing, the person charged shall forward to the prosecutor copies of any documents on which he 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 Committee as soon as practicable.
- 3.8 The jurisdiction and power of the Committee shall not be restricted by the fact that the person charged has been, or is liable to be, prosecuted in a court of law in respect of any act or conduct which is the subject of proceedings before the Committee. The Committee may postpone or adjourn a hearing, if it considers it appropriate, to enable a prosecution to be undertaken.
- 3.9 Subject to the consent of the Committee, both the prosecutor and the person charged may introduce new evidence at the hearing save that in the case of the prosecutor such new evidence shall not be admitted except for good reason. In the event that new evidence is admitted, the other party shall have the right to an adjournment to allow him time to consider the evidence and its effect on the case and may then submit further evidence in response, provided that the Committee consents, such consent not to be unreasonably withheld.
- 3.10 The Committee may proceed with the hearing in the absence of any party but shall not do so in the absence of the person charged or his representative unless it is satisfied that it is reasonable to do so in all the circumstances of the case or unless the person charged agrees or so requests.
- 3.11 Subject to the right of the person charged, his representative and the prosecutor to be present throughout the hearing, the Committee may decide whether to admit any persons to, or exclude them from, the hearing or any part of it.
- 3.12 Each party to the proceedings shall be entitled to give evidence at the hearing, to make an opening statement, to call witnesses, and to question any witness. Closing statements may be made by the prosecutor first and then any other parties, with the person accused being given the opportunity to speak last.
- 3.13 Without prejudice to the Committee's general power to regulate its own conduct, it shall specifically have the power to set time and other limits on the evidence to be called for each side consistent with providing a fair opportunity for each party to present its relevant evidence whilst ensuring that the charge is heard and determined as expeditiously as is reasonably practicable. The Committee shall have power to adjourn the proceedings from time to time as it sees fit.

- 3.14 The Committee shall ensure that its secretary or some other appropriate person is present throughout the hearing so that a full and accurate record of the evidence may be taken.
- 3.15 It is for the prosecutor to prove the charge or charges. In deciding whether any charge has been proved the Committee shall apply a civil standard of proof, namely balance of probabilities.
- 3.16 If the Committee decides that a charge has been proved, it shall give each party an opportunity either orally or in writing at the option of the Committee to address it on the question of penalty and/or mitigation prior to determining any recommendations that it may make to the Principal.
- 3.17 The decision of the Committee shall be recorded in a document in which the Committee's findings of fact, its reasons for the decision and any recommendations as to penalty are contained. The document shall be signed by the Chairman of the Committee and at least one other member. The document shall be sent directly by the secretary of the Committee to the person charged and to his representative in addition to the other parties specified in Clause 19 of Statute XVIII. The person charged shall be notified of his right of appeal against the decision or against any recommendation of the Committee as to penalty.
- 3.18 Where any charge has been upheld and the Committee has recommended dismissal, the Principal 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 Principal at this stage.
- 3.19 If the Principal decides to dismiss the person charged he may do so forthwith or upon such terms as he considers fit. If the Principal decides not to dismiss, the actions he may take are as set out in Clause 20(2) of Statute XVIII. Any warning given under Clause 20(2)(c) shall be recorded in writing and shall remain live for two years. In all cases the Principal's decision shall be communicated to the person charged in writing as well as to the Governing Body.
- 3.20 No decision as to dismissal or otherwise implementing recommendations of the Committee shall be implemented until after any appeal has been determined under Part V of Statute XVIII.

## XVI. PROCEDURE FOR REMOVAL ON MEDICAL GROUNDS

### 1. Preliminary Stage

- 1.1 Where from the conduct or performance of a member of academic staff it appears to the Principal that there may be cause for concern about that person on medical grounds, and in any case where the member of staff has been absent on medical grounds for an aggregate period of six months in any twelve month period, the Principal 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 Principal 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 Principal 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 Principal 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 Principal 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 Principal shall do all that is reasonably practicable to respect the confidentiality of the member of staff if he so wishes. The Principal 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 Principal 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 Principal shall consider the removal of the member of staff in accordance with the provisions of Clauses 23 and 24 of Statute XVIII. Prior to taking any action under this section, the Principal 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 Principal 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 Principal 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 Principal shall have regard to the provisions of the Disability Discrimination Act 1995 and associated Codes of Practice, as appropriate.

- 2.3 The Principal 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 Principal, 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 Principal 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 Principal may be exercised instead by a duly appointed alternate or other appropriate officer and references to the Principal shall, throughout this Bye-Law be construed as including references to the alternate.

### **3. Medical Board**

- 3.1 If after considering all the circumstances of the case the Principal 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 Principal shall notify the person concerned that a Medical Board (the 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 Board. If, within a reasonable period of time, the person concerned fails to nominate a person who is willing and able to sit on the Board reasonably expeditiously, the Principal shall presume a default and shall himself nominate someone.
- 3.2 At the same time as notifying the individual, the Principal shall also convene a special meeting of the Governing Body to consider the matter confidentially and shall request the Governing Body to nominate a member to sit on the Board. If possible the member nominated by the Governing Body shall have some experience of the mental or physical incapacity apparently affecting the person concerned. The Governing Body shall canvass and propose the names of three medically qualified people to the person concerned to act as Chairman of the Board. For this purpose the Governing Body may seek the advice of the College doctor or any other suitable person on a confidential basis. In the event that agreement cannot be reached between the Governing Body and the person concerned as to the appropriate person to chair the Board, the Governing Body shall request the Principal for the time being of the Royal College of Physicians to nominate a Chairman. The Governing Body shall nominate an appropriate person from among the Fellowship who is unconnected with the case to act as secretary to the Board.

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

- 4.1 Where a Medical Board has been appointed to determine a case referred to it under Clause 23(3) of Statute XVIII, the Chairman shall appoint the time, date and place for

the hearing and the secretary shall notify all parties in writing. The Board shall have power to adjourn the hearing from time to time as it sees fit.

- 4.2 At least 21 days before the hearing, the Principal 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 Principal 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 Board. Witnesses may be called by the person presenting the case, in which case copies of their statements shall be made available to the Board and the person concerned at least 14 days prior to the date set for the hearing.
- 4.4 The person concerned shall be entitled to an oral hearing before the matter is determined by the Board. The parties to the hearing shall be the person concerned (including any person appointed to act for or instead of him), anyone appointed to present the case for removal and any other party which the Board may join at its own discretion. The secretary to the Board, the person concerned and/or his representative and the person presenting the case shall be entitled to remain throughout the hearing; otherwise it shall be for the Board to determine who may be present at any time.
- 4.5 The person concerned shall be entitled to present whatever evidence he considers relevant, subject to the overall right of the Board to regulate its own conduct of the hearing. At least 10 days before the hearing, the person concerned shall provide the secretary to the Board with copies of any evidence, including medical evidence, on which he wishes to rely. The secretary to the Board shall be responsible for ensuring that copies are made available to Board members and other parties as soon as possible. The person concerned and the person presenting the case for removal may each call one expert witness whose statement shall first be presented in writing to the other parties.
- 4.6 Any party may produce additional evidence during the hearing subject to the Board's consent and subject to any adjournment that may be required to give the parties time to consider and respond.
- 4.7 Each party to a hearing shall be entitled to give evidence at the hearing, to make opening and closing statements (either personally or through a representative) and to call witnesses and to question any witness concerning any relevant evidence. Subject to the provisions of this Bye-Law and of the Statute, the Board may regulate its own procedure and shall ensure that the case is heard and determined as expeditiously as is reasonably practicable.
- 4.8 The Board may proceed with the hearing in the absence of any party but shall not do so in the case of the person concerned and/or his 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. If at any time a member of the Board is unable to continue, the 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 Board to the provisions of the Disability Discrimination Act 1995 and provide the Board with information as to what adjustments have been considered to avoid the removal of the person concerned from his employment, together with information as to cost and effectiveness of the adjustment(s).

- 4.10 At any stage before making its decision the Board may call for additional information including requiring the person concerned to undergo medical examination by a medical practitioner chosen or agreed by the Board, at the College's expense. In the event that the person concerned fails to undergo any medical examination required by the Board, or if the medical evidence is inconclusive, the Board shall exercise its judgement on the basis of the evidence available to it.
- 4.11 The Board's decision shall be recorded in writing and shall contain its findings on the main facts and on the medical evidence available to it, as well as its conclusion as to whether the person concerned should be required to resign on medical grounds. The Board shall specifically record the matters it has taken into consideration in determining whether any reasonable adjustments can be made to enable the person concerned to remain in employment. If the Board concludes that the person concerned should be required to retire on medical grounds it shall clearly so state and, in the case where the person concerned is a member of the USS, confirm that in its opinion he is suffering from permanent ill-health or infirmity.
- 4.12 It is the responsibility of the Board secretary to ensure that the Principal 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 Board's decision, the Principal 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. Provided he acts within 14 days of receiving the decision document, the person concerned shall have the right to make further representations to the Principal at this stage. Prior to making any decision to terminate the employment of the person concerned on medical grounds, and depending on the circumstances of the case, including the length of time taken, the Principal 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 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 Principal 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 a Committee is appointed, it shall proceed in accordance with the procedures established under Part III of Statute XVIII save that any findings of fact made by the Board shall be binding on the Committee.
- 4.16 No decision as to termination or otherwise implementing the conclusion of the Board shall be implemented until after any appeal has been determined under Part V of Statute XVIII.

## XVII. APPEALS PROCEDURE

1. A Notice of Appeal against any decision under Parts II, III or IV of Statute XVIII must be served on the Principal within 28 days of the decision. The Principal shall bring the fact that an appeal has been made to the attention of the Governing Body and inform the appellant that he has done so. If in all the circumstances of the case the Principal in his discretion considers it appropriate he shall call a special meeting of the Governing Body for the purpose of bringing the appeal to the attention of the Governing Body and in any event will ensure that the appeal is brought to the attention of the Governing Body within 28 days. The Principal shall consider any appropriate action, including suspension, that may be required in relation to the appellant and/or his position in the College pending the outcome of the appeal.
2. The Governing Body shall appoint a person to hear the appeal in accordance with Clause 29 of Statute XVIII who shall be called the Chairman, and the two further persons in accordance with Clause 29(4) of Statute XVIII who shall sit with the Chairman if the Chairman so decides under Clause 4 of this Bye-Law.
3. In the event that the notice of appeal is not served in time in accordance with Clause 28 of Statute XVIII, 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 shall, if joined as a party to the appeal by the Chairman<sup>3</sup>, 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.

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<sup>3</sup> As it may be, the Governing Body, Academic Disciplinary Committee or Medical Board. Under Clause 26(4) the parties to the appeal are the appellant and the Principal and any other person added as a party at the direction of the Appeal Body.

9. Except as provided in Clause 8 of this Bye-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 Statute XVIII and of this Bye-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 Statute XVIII 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 Statute XVIII. In the event that the Appeal Body remits the appeal in accordance with Clause 30(3)(a)–(d) 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)-(d), shall be recorded in writing and shall be sent to the Principal 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.

## XVIII. GRIEVANCE PROCEDURES

### 1. Bringing a Complaint

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

### 2. Investigating a Complaint

- 2.1 The Principal (which expression includes anyone appointed to act instead of him) shall consider any complaint made to him as quickly as he reasonably can and shall take steps to investigate the matter. At this stage he may appoint one or more people to investigate the issues on his behalf but shall whenever possible meet with the complainant for the purpose of considering the complaint generally and agreeing or establishing the further steps which may be taken. In any case where the complaint relates directly to the conduct of the Principal, the latter shall appoint the Vice-Principal to act in his stead.
- 2.2 The Principal shall consider in the first instance whether other remedies available to the complainant have been exhausted and may, if in all the circumstances of the case it seems right, refer the complainant to the appropriate channels for resolution of his complaint prior to taking any further action.
- 2.3 If in any case other than an appeal against a disciplinary warning the Principal 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 Statute XVIII, he shall so inform the complainant and invite his views before taking further action. Upon receipt of the complainant's response, or in the event that no response is received within 21 days, the Principal shall consider the matter further and shall take such action as seems to him right including dismissing the complaint. The Principal shall notify the complainant and the Governing Body of his decision at the earliest opportunity.
- 2.4 Provided that he acts within 7 days of receiving the decision of the Principal under clause 2.3 above, the complainant may refer the matter to the Governing Body. If a majority of the Governing Body so determines, it may appoint a Grievance Committee to hear the complaint notwithstanding it has been dismissed by the Principal.
- 2.5 In any case where, upon due consideration, the Principal 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 Statute XVIII, 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.
- 2.6 In any case where upon investigation the Principal 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, shall consider whether, and if so what, further action may be taken in relation to the complaint within the College's grievance procedure.

### **3. Informal Resolution**

- 3.1 In any case where the Principal does not dispose of the appeal or defer it under Clause 34(3) of Statute XVIII or under the provisions of this procedure, he shall consider whether it may be capable of informal resolution. The Principal 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 Principal shall consider whether the complainant or any other person may benefit from the assistance of a third party in connection with the complaint and shall consider in particular whether professional advice should be sought.
- 3.2 If the complainant objects to informal resolution the Principal 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 Principal shall have regard to confidentiality as far as possible and shall ensure that the interests of the parties to the matter are considered at all stages.

### **4. Grievance Committee**

- 4.1 In any case where the complaint has not been disposed of by the Principal, or where an appeal is made under Clause 13(4) of Statute XVIII, the Principal shall refer the matter to a Grievance Committee ("the Committee") established in accordance with the provisions of Clause 36 of the Statute. The Committee shall appoint one of its members to act as Chairman. The Principal shall notify the Committee of the nature of the complaint or appeal and shall provide the Committee with copies of any statements or other relevant documents which he considers will assist in the fair disposal of the matter. Any appeal under Clause 13(4) of the Statute shall be in writing and shall specify with sufficient detail the grounds of appeal and any supporting information.
- 4.2 The Principal shall notify the individual concerned that the matter has been referred to the Committee and shall provide the individual concerned with copies of the documents which he has provided to the Committee.
- 4.3 The Committee shall meet as soon as is reasonably practical to consider the matter on a preliminary basis. At this stage, the Committee may appoint someone to act as secretary or clerk to assist in all aspects of the grievance hearing or appeal and the preparatory steps. The Committee may call for written statements from the individual concerned or any other person and may cause such investigations to be conducted as appear appropriate, if necessary by an independent person specifically appointed for the purpose. The Committee shall appoint a time for the matter to be heard and may make such arrangements as it considers fit for the fair and just hearing of the matter. The Committee may appoint its Chairman to act in its stead in all preliminary matters. The Committee shall have power to adjourn the proceedings from time to time as it sees fit.
- 4.4 The matter shall not be disposed of without an oral hearing at which the individual concerned, and any person against whom the grievance or appeal lies, shall be entitled to be heard and to be accompanied by a friend or representative. Save that the hearing may proceed in the absence of the individual concerned or any other party who fails to attend without reasonable cause.
- 4.5 Provided that due regard is had to the interests of justice and fairness, the conduct of the hearing and any associated matters may be determined by the Committee. In particular, the Committee may determine whether and to what extent oral examination of witnesses shall be permitted, whether any evidence may be taken in the absence of the individual concerned (or the person against whom any complaint is made) and whether and what time limits shall be set for the proceedings.

- 4.6 The reasoned decision of the Committee as to whether the complaint or appeal is well-founded shall be notified in writing to the individual concerned and any person against whom any complaint is made, as well as to the Governing Body. In the event that any part of the grievance or appeal is upheld, the Committee shall also notify the Governing Body of its recommendations as to the proper redress for the individual concerned and any other recommendations as it sees fit.
- 4.7 No appeal lies from the decision and/or recommendations of the Committee.