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- (a) Loans to Fellows who are members of the Governing Body may be made for the purpose of land purchase or house purchase or improvement.
- (b) Loans of five hundred pounds or more shall be secured by a mortgage (which may be a second mortgage) on the property concerned, and by a term life assurance policy for the amount of the loan.
- (c) The mortgage deed and the deed of assignment of the life assurance policy shall be drawn up by the College solicitors, and the legal charges paid by the borrower.
- (d) If the borrower shall cease to be a member of the Governing Body the terms of the loan shall remain in force for six months after the termination of her membership. The loan shall then be repayable in full. If there are special circumstances the Governing Body may permit repayment to be deferred but may increase the rate of interest payable on any sums outstanding.
- (e) The maximum amount of any loan or loans made to a member of the Governing Body shall be as laid down by the Governing Body and recorded in the financial appendix to these By-Laws.
- (f) The rate of interest payable, the method of payment of interest and repayment of principal, the maximum duration of loans, the type and the term of the assurance policy, shall be as laid down by the Governing Body and recorded in the financial appendix to these By-Laws.
- (g) Special provisions may be made by the Governing Body for loans not exceeding five hundred pounds and these provisions shall be recorded in the financial appendix to these By-Laws.
- (h) Loans may be made in accordance with the foregoing stipulations at the discretion of the Bursar and the Principal.
- (i) The Bursar shall report to the General Purposes Committee in each Michaelmas Term the total number and amount of loans outstanding at the previous 31st July and the amount of interest paid in the year.

**8 Order of Precedence**

After the Principal and Vice-Principal, Fellows shall rank in order of the dates of their formal elections at a Stated or Special General meeting of the Governing Body.

Last amended 16.10.19

## **BY-LAW XX. JUNIOR MEMBERS**

### **Definitions**

- 1 For the purpose of this By-Law, the following words shall have the following meaning
- 'Junior Member' shall include any person admitted by the College to read for a First or Higher Degree or Diploma who is, or is to be, matriculated, any Visiting Student and any visitor accepted by the College as a member of the Junior or Middle Common Room.
  - 'expulsion' shall mean the permanent loss of membership of the College and of the University.
  - 'rustication' shall mean the withdrawal of the right of access to all of the premises or facilities of the College and may be for a fixed period or pending the fulfilment of specified conditions or indefinite.
  - 'suspension' shall mean the withdrawal of the right of access as above either as an interim measure pending further investigation or where action is required in a non-disciplinary situation and may be for a fixed period or pending the fulfilment of specified conditions or indefinite.
  - 'harassment' shall mean a course of unwarranted behaviour such as to cause and as may reasonably be expected to cause such distress or annoyance as seriously to disrupt the work or substantially to reduce the quality of life of another person.
  - 'Fitness to Study Panel': the University has established a Fitness to Study panel to determine matters concerning a student's fitness to study within a common framework across departments/faculties and colleges.

### **Disciplinary Code**

- 2 No Junior Member shall intentionally or recklessly
- (a) disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social or other activities of the College or properties managed directly or indirectly by the College including the Jacqueline du Pré Music Building;
  - (b) disrupt or attempt to disrupt the lawful exercise of freedom of speech by members or employees of the College or visitors to the College;
  - (c) obstruct or attempt to obstruct any Officer, employee or agent of the College in the performance of his or her duties;
  - (d) damage or deface any property of the College or of any member, Officer or employee of the College, or knowingly misappropriate such property;
  - (e) occupy, use, or attempt to occupy or use any property or facilities of the College except as may be authorised by the University or College authorities concerned;
  - (f) forge or falsify any University or College certificate or document or knowingly make false statements concerning standing or results obtained in examinations;

## By-Law XX

- (g) engage in any activity likely to cause injury or impair safety;
  - (h) engage in violent, indecent, disorderly, threatening or offensive behaviour or language;
  - (i) engage in the harassment of any member, visitor, employee or agent of the College;
  - (j) engage in any fraudulent or dishonest behaviour in relation to the College or the holding of any College Office;
  - (k) refuse to disclose her name and other relevant details to an Officer or an employee or agent of the College in circumstances where it is reasonable to require such information to be given;
  - (l) use, offer, sell or provide to any person, drugs, the possession or use of which is illegal;
  - (m) engage in conduct in breach of the Statutes and Regulations of the University published from time to time;
  - (n) use unfair means in any College examination or test;
  - (o) engage in conduct in breach of regulations for the use of the College Library published from time to time;
  - (p) engage in conduct in breach of any other College regulation or order published from time to time;
  - (q) engage in any improper conduct which is substantially detrimental to the interests of the College.
- 3 Every undergraduate shall abide by the requirements stated in the Official Student Handbook.
- 4 Every member of the Middle Common Room shall abide by the requirements stated in the Official Student Handbook.

### **Disciplinary Procedures**

- 5 The Dean shall be responsible for maintaining the discipline of Junior Members and initiating appropriate action if there is reason to believe that a breach of the Code of Discipline has occurred. The Dean shall be empowered to impose on any Junior Member guilty of a disciplinary offence an appropriate penalty including but not limited to a fine not exceeding £250, 'community service', or rustication for a period not exceeding one week. The Dean may also exclude a Junior Member's name for consideration in the annual room ballot for College accommodation.
- 6 The Dean shall investigate any alleged breach of the Code by a Junior Member and shall be empowered (where the seriousness of the alleged breach justifies it) to suspend the Junior Member with immediate effect until the disciplinary process is complete.
- 7 The Dean may require any Junior Member to attend for interview at a time and place specified. The notification shall normally be in writing and give at least 24 hours notice. The

## By-Law XX

notification shall give particulars of the alleged breach. At a disciplinary interview with the Dean a Junior Member may

either

(a) admit the alleged breach, in which case the Dean shall elicit all information relevant to the penalty and impose an appropriate penalty or warning.

or

(b) deny the alleged breach, in which case the Dean shall continue an investigative process. Either the Dean or the Junior Member may request evidence to be provided by other persons.

8 At any stage in the procedure the Dean may, if she considers it appropriate in all the circumstances, refer the matter to the Disciplinary Committee. A Junior Member may herself appeal to the Disciplinary Committee if she disputes either the Dean's finding of a breach or the penalty imposed.

9 On receipt of a reference or appeal under paragraph 8, the Chair of the Disciplinary Committee shall arrange for the matter to be considered at a hearing at a time and place stipulated, giving written notice to the Junior Member concerned and any witnesses whose attendance is required. The notice of the hearing shall state the details of the alleged breach of rules. The Junior Member may be accompanied by a junior or senior member of the College community if she so wishes.

10 At the hearing, the Chair shall explain the procedure to be followed and shall read out, in the case of a reference from the Dean, the alleged breach of the rules, or, in the case of an appeal by the Junior Member against a ruling by the Dean, the finding of the breach and the penalty against which the appeal is directed. The Committee shall invite evidence from the Junior Member and from any witness whose evidence they consider may be significant.

11 At the conclusion of the hearing the Junior Member shall withdraw and the Committee shall reach a determination as to whether any breach of the rules has been established and, if so, the appropriate penalty. The Committee may impose a penalty including but not limited to fine not exceeding £500, "community service", rustication or suspension for a period not exceeding one term. Alternatively, it may recommend to the Governing Body that it should consider a longer period of suspension, or expulsion.

12 The Committee shall inform the Junior Member in writing, as soon as possible, of its determination, and shall report the same in writing to the Governing Body which may, after taking account of any further representations from the Junior Member, accept, modify or reject the determination. A decision of the Governing Body shall be final (except in so far as an appeal may lie to the Appeal Tribunal of the Conference of Colleges [see By-Law XX, 18 viii]).

### **Proceedings in relation to a criminal offence**

13 If an alleged breach of discipline involves conduct which is liable to be prosecuted in a court of law then the Dean and/or the Disciplinary Committee shall not proceed, if at all, unless they are satisfied either that any criminal proceedings in respect of that conduct have been completed (whether by conviction or acquittal or discontinuance) or that the alleged offender is unlikely to be prosecuted in a court of law.

## By-Law XX

- 14 In the event that criminal proceedings are pending against a Junior Member, or that the Dean is of the opinion that action is necessary to safeguard the interests of other members of the College, the Dean may suspend the Junior Member pending the outcome of such criminal proceedings.
- 15 The Governing Body may, after taking into account any representations made by or on behalf of the Junior Member, expel or rusticate any Junior Member who is convicted of a criminal offence capable of attracting an immediate sentence of imprisonment, or may impose such lesser penalty as they think fit.

### **Fees and Charges**

- 16 The Governing Body may, after taking into account any representations made by or on behalf of the Junior Member, suspend any Junior Member who is in default in the payment of any fee or charge due to the College or to the University until payment has been made.

### **Academic Discipline**

- 17 Requirements for the maintenance of good academic standing: undergraduates.
  - i. For the purposes of By-law XX, 17-19, 'undergraduates' includes graduates reading for a Final Honour School.
  - ii. Undergraduates are required to produce work of a standard commensurate with their individual ability and circumstances and appropriate to the stage which they have reached in their course: normally of 2.1 standard, but in no case of below Third Class standard. Undergraduates are not admitted to read for a Pass School.
  - iii. Undergraduates must keep the residence requirements laid down by the University. An undergraduate who fails to do so will be sent down, unless she is granted dispensation by the University.
  - iv. Attendance at tutorials, collections and at classes required by tutors is compulsory. Undergraduates must not absent themselves without prior permission except for illness or other urgent cause, which must be explained to the tutor as soon as possible afterwards. Undergraduates must satisfy any conditions required by the Examination Regulations and Faculty handbooks relating to the particular School for which they are studying, e.g. for practical work or vacation courses.
  - v. Every undergraduate is required to produce assignments (essays, problem sheets etc.) with the regularity required by the tutor(s), except where permission on adequate grounds is obtained, preferably in advance, from the tutor(s) concerned.
  - vi. Every undergraduate is required either to sit a written invigilated collection at the beginning of each term, or to submit by the end of 0<sup>th</sup> Week written work specified by her tutor and produced during the vacation, unless dispensed by her tutor. Collections take precedence over all other engagements.

### 18 **Academic Deficiency**

- i. 'Academic deficiency' means breach of 17 ii, iv, v or vi above. It shall be dealt with



according to the following Academic Disciplinary Procedure. Every breach of 17 vi, and every breach of 17 iv or v lasting two consecutive weeks, shall normally entail the immediate initiation of the procedure.

#### Academic Disciplinary Procedure

- ii. **Stage 1: Informal Warning:** Academic deficiency is dealt with initially by an informal warning, given by the subject tutor(s) after consultation with the Senior Tutor. Such a warning may be given on the basis of information concerning academic deficiency received from an external tutor or college lecturer. An informal warning shall be issued at a special interview, at which should first occur a full discussion with the undergraduate, so that the latter can put her case and make the college aware of any mitigating or complicating circumstances. Any such factors which come to light should (with the undergraduate's permission) be noted on her file, and may affect the course of action to be taken and the outcomes of the interview. The tutor should explain to the undergraduate what improvements she is required to make within a defined timescale (normally within 1-4 weeks). Beyond this deadline, the undergraduate will remain on probation against failure to sustain the improvements, normally until the start of the next term but one following that in which the warning is given. The tutor must write to the undergraduate, normally within 3 working days of the meeting, confirming what improvements she is required to make and the timescale. A copy of the relevant part of By-Law XX, giving details of the Academic Disciplinary Procedure, should be enclosed with the letter. A copy of the letter must be sent to the College Academic Registrar, to be kept in the undergraduate's file.
- iii. **Stage 2: Formal Warning:** If the undergraduate fails to produce the improvements required in Stage 1 during the specified timescale or to sustain them during the specified probation period, she shall be called to a special interview with the Senior Tutor at which should first occur a full discussion with the undergraduate, so that the latter can put her case and make the college aware of any mitigating or complicating circumstances. Any such factors which come to light should (with the undergraduate's permission) be noted on her file, and may affect the course of action to be taken and the outcomes of the interview. If the Senior Tutor and the subject tutors believe that the student is genuinely trying to achieve the level of performance required by Clause 17(ii), then Clause 18(x) should apply. If a Formal Warning is issued then the Senior Tutor should explain to the undergraduate what required improvements she is required to make within a defined timescale (normally within 1-4 weeks). Beyond this deadline, the undergraduate will remain on probation against failure to sustain the improvements (normally until the start of the next term but one following that in which the warning is given). The Senior Tutor must write to the undergraduate, normally within 3 working days of the meeting, confirming what improvements she is required to make and the timescale. This will be copied to the relevant subject tutor and the Academic Registrar.
- iv. **Stage 3: Penal Collections:** If the undergraduate fails to produce the improvements required in Stage 2 during the specified timescale or to sustain them during the specified probation period –
  - a) if the academic deficiency includes the submission of substandard work, the undergraduate may be set penal collections. The form of, date (which shall be as early as practicable) for, and standard to be attained in these collections

shall be notified to the Tutorial Committee on the advice of the subject tutor(s) and Senior Tutor, which advice shall be formulated after discussion with the undergraduate; the standard to be attained should not without good reason diverge from that required of the undergraduate in her previous warnings. These details shall be communicated by the Senior Tutor in writing to the undergraduate. Penal collection papers shall be set externally, and blind marked by two external assessors. The outcome will be communicated to the undergraduate as soon as possible, and normally within two weeks. Failure to attain the required standard shall be referred to the Academic Disciplinary Committee. Attainment of the required standard shall be followed by probation against failure to sustain it, for the remainder of the undergraduate's time at the college, breach of which shall entail recommencement of the procedure at Stage 2.

- (b) if the academic deficiency is of any other kind, it shall be referred directly to the Academic Disciplinary Committee.

v. ***Stage 4: Academic Disciplinary Committee:*** If it is necessary under Stage 3 to refer an undergraduate to the Academic Disciplinary Committee, the Senior Tutor shall immediately inform the Principal and Vice-Principal. The Vice-Principal shall convene the Committee, consisting of the Vice-Principal and three further Fellows not being the undergraduate's tutors. The Committee shall proceed as follows –

- (a) the Committee's hearing shall take place as soon as practicable; normally within one week of the Senior Tutor informing the Principal and Vice-Principal. The undergraduate shall in advance of the hearing be given a clear statement of the grounds for her being referred to the Committee, and a copy of all documentation with which the Committee is provided. She should be given the opportunity to bring forward material considerations and mitigating circumstances, which may include, but need not be confined to, medical evidence. The undergraduate should be allowed to take advice in advance of the hearing and should be adequately represented at the hearing itself, being given the chance either to make a written submission, or, if she prefers, to appear in person before the Committee. The undergraduate should in the latter case be offered the possibility of being accompanied by another junior or senior member, either of the College community or from elsewhere in the University.
- (b) it shall be the duty of the Committee to establish all relevant facts and to decide, bearing in mind the interests of the College and of the undergraduate, whether the undergraduate should be expelled; or should be rusticated, to be readmitted into residence on such terms as the Committee should decide; or should be permitted to remain in residence, on such terms as the Committee should decide. The undergraduate, her representative or companion, and her subject tutor(s) should withdraw before a decision is made. The Committee's decision, including a statement of all the relevant facts, shall be put in writing and conveyed to the Governing Body. A copy of it shall be given to the undergraduate.
- (c) the Committee may also decide, in exceptional cases, to refer the case to the University's Fitness to Study Panel. The Academic Disciplinary Committee would then be responsible for endorsing or rejecting the recommendation of the Fitness to Study Panel on behalf of the College.

- vi. **Stage 5: Academic Disciplinary Appeal Panel:** The undergraduate may appeal against the decision of the Disciplinary Committee to an Academic Disciplinary Appeal Panel. Any appeal must be made in writing to the Principal within three days of the undergraduate receiving written notification of the Academic Disciplinary Committee's decision. The undergraduate may, but need not, communicate the grounds for their appeal. These may include failure of the Committee to follow procedure or the imposition of a disproportionate penalty. On receipt of an appeal, the Principal shall convene an Academic Disciplinary Appeal Panel.
- a) The Academic Disciplinary Appeal Panel consists of three Fellows, who need not be members of Governing Body; none of the members shall have been a tutor of the undergraduate; none of the members shall have sat on the Academic Disciplinary Committee hearing the case subject to appeal; the Senior Tutor may not be a member. Members of the Panel are appointed by the Principal, who also appoints one of them as Chairperson.
  - b) The Panel shall meet as soon as practicable; normally within one week of being appointed. It shall be the duty of the Panel to review all the relevant facts and documentation, to verify that the academic disciplinary procedures were properly applied and to consider the proportionality of the penalty, bearing in mind the interests of the College and of the undergraduate. There need not be a hearing held, unless the undergraduate requests to appear before the Panel. The Panel may, in the light of its investigation, uphold or dismiss the recommendation of the Academic Disciplinary Committee, or vary the penalty to be more lenient.
- vii. **Stage 6: Governing Body:** The decision of the Academic Disciplinary Committee and/or the Academic Disciplinary Appeal Panel will be reported to the next meeting of the Governing Body. The written record of the hearing(s) will be available to Governing Body members prior to the meeting. If the Governing Body considers the proposed penalty to be not appropriate for the academic deficiency for which the undergraduate was referred to the Committee, or believes that procedures have not been properly followed, it may ask the Committee (or where appropriate the Academic Disciplinary Appeal Panel), to reconsider its decision and to report back to the next scheduled meeting of the Governing Body. In such cases, the Governing Body must specify the precise nature of its concerns. The Principal shall convey the decision of the Governing Body to the undergraduate in writing within two days of its meeting, and the undergraduate must be provided with information on further appeal mechanisms available to him or her.
- viii. **Stage 7: Appeal Tribunal of the Conference of Colleges:** If the undergraduate wishes to appeal against the decision of the Governing Body, she may do so to the Appeal Tribunal of the Conference of Colleges, of which St Hilda's is a member. The appellant shall file such an appeal with the Secretariat of the Conference of Colleges, within five days of the date of the written notice to the student of the Governing Body's decision.
- ix. An undergraduate who, after any stage of the above procedure, attains what is required of her and meets the terms of any specified probation period, but who in the view of her tutor demonstrates fresh academic deficiency (whether or not of the same kind as before), shall be reported by the tutor to the Senior Tutor. The Senior Tutor shall then recommence the above procedure at Stage 2.
- x. If, at stages 1-3 in the above procedure, it is concluded that the undergraduate is experiencing genuine difficulty in producing the standard of work of which she is in

principle capable, a strategy will be agreed between the undergraduate, the subject tutor(s) and the Senior Tutor whereby the undergraduate will have access to appropriate additional tuition/support. A note of the strategy will be sent to the undergraduate within a week of the agreement. The undergraduate's progress under the strategy will be monitored on a weekly basis for a period to be decided by the Senior Tutor in consultation with the subject tutor(s).

19 **First Public Examination and Final Honours Schools**

- i. An undergraduate may not continue to study at the College unless she has passed the First Public Examination before the beginning of her second year of study.
- ii. An undergraduate who fails to pass a First Public Examination at her first attempt shall be required to retake the Examination at the next possible occasion.
- iii. If an undergraduate's result in the First Public Examination (whether on a first or second attempt) constitutes a failure to meet requirements incumbent upon her under the Academic Disciplinary Procedure, she shall (subject to iv below) be dealt with accordingly, following that procedure.
- iv. If, on her second attempt at the First Public Examination, an undergraduate fails the Examination, or achieves only an unclassified pass in a classified Examination –
  - (a) the Senior Tutor shall as soon as possible write to the undergraduate, enclosing a copy of the By-Law XX, giving details of the Academic Disciplinary Procedure, and giving her the opportunity to draw attention (in writing, and within a week) to any special contributory circumstances. If the undergraduate makes no such submission, the Senior Tutor shall inform the undergraduate that she is expelled and report the matter immediately to the Principal and to the next meeting of the Governing Body.
  - (b) If such a submission is made, the Senior Tutor shall immediately inform the Principal, and the Vice Principal who shall convene the Academic Disciplinary Committee to decide how the case should be treated. The Committee shall be constituted and shall proceed as described in Stage 4 of the Academic Disciplinary Procedure. In addition to the courses of action set out in Stage 4 v (b) the submission may include a request for a further, exceptional, opportunity to re-sit the First Public Examination. In this case the Academic Disciplinary Committee shall consider and decide whether the College should support an application to the Education Committee of the University for a further exceptional opportunity to be granted. Stages 5 to 7 (18 viii) of the Academic Disciplinary Procedure shall be followed as necessary. The undergraduate has the right to make an application to the Education Committee regardless of the College's decision on this matter.
- v. **FHS**

Undergraduates will not be allowed to defer Schools unless there are medical grounds or in very exceptional circumstances which seem reasonable to the Principal and the Senior Tutor. An undergraduate who has been or is on probation will be warned at the time of the probation that a poor academic performance will not be accepted as a reason for deferral.

**Procedures in Relation to Ill-Health**

- 20 In the event that the Dean believes that a Junior Member is suffering from a serious problem which arises from ill-health, whether this has come to light in the course of a disciplinary investigation or otherwise, she may refer the Junior Member to the College Doctor for assessment. A similar reference may be made by the Disciplinary Committee in the course of its investigation into any disciplinary charge or by the Tutorial Committee or the Academic Disciplinary Committee in relation to academic under-performance.
- 21 Where disciplinary proceedings have already been commenced they shall be adjourned pending a determination under these procedures.
- 22 The College Doctor shall be responsible for examining the state of the Junior Member's health, and seeking medical evidence where necessary from the Junior Member's general practitioner or other medical adviser and may recommend that she submit to an independent medical examination at the College's expense. Any request for a medical report shall observe the provisions of the Access to Medical Records Act 1988.
- 23 If the Junior Member fails to cooperate with these enquiries she may be liable to suspension.
- 24 The College Doctor, having considered the evidence available, shall report her findings to the Dean, if the reference has been made by the Dean, or to the Committee if the reference has been made by any Committee. The Dean or the Committee, as the case may be, may invite the Junior Member to attend a hearing to consider all the evidence. At the Dean's or the Committee's discretion, a third party may represent the Junior Member at such a hearing.
- 25 Having considered the evidence, the Dean or the Committee may proceed in any of the following ways:
  - (a) in any case where disciplinary proceedings have been adjourned, but the Dean or the Committee is satisfied that the Junior Member is not suffering from a serious problem relating to ill health, the proceedings shall be resumed; or
  - (b) in any other case, the Dean or the Committee may
    - (i) dismiss the matter, whether absolutely or subject to conditions (e.g. as to medical treatment);
    - (ii) suspend the Junior Member for a specified period not exceeding one term (whether or not subject to conditions); or
    - (iii) invite the Governing Body to refer the matter to a Medical Panel to consider whether the Junior Member should be expelled, or should be suspended for a period longer than one term, or indefinitely.
- 26 A Medical Panel shall comprise three members appointed by the Governing Body when the occasion arises, with experience appropriate to the issues under consideration. At least one member of the Panel shall be medically qualified and at least one member of the Panel shall be a Fellow of the College with recent tutorial experience. The Panel shall invite the Junior Member to attend a hearing. At the Panel's discretion, a third party may accompany and/or represent the Junior Member. The Panel shall consider in the light of the evidence whether the Junior Member's continued residence in the College is desirable, taking account both of

## By-Law XX

the interests of the Junior Member and of the College community, and shall report its conclusions to the Governing Body with a recommendation.

- 27 On receipt of the Panel's report, the Governing Body may implement any recommendation in relation to expulsion or make such lesser order as it thinks fit.
- 28 At all stages of these procedures, the Junior Member shall be given at least 5 days written notice of a hearing or examination, with information of the issues under consideration, and shall be given the opportunity to make representations.
- 29 If at any stage of these procedures the Junior Member, having received reasonable notice of a hearing or examination, without reasonable cause fails to attend or be represented, then the Dean or the Disciplinary Committee or the Medical Panel or the Governing Body, as the case may be, may proceed in her absence.

### **General procedural requirements**

- 30 In all procedures under this By-Law which may lead to the imposition of a penalty by the Disciplinary Committee or the Governing Body, the Junior Member shall be given at least 5 days written notice of the relevant hearing, with information of the issues under consideration, and shall be given the opportunity to make representations. At the discretion of the Committee or of the Governing Body, a third party may accompany and/or represent the Junior Member. If at any stage the Junior Member without reasonable cause fails to attend or be represented then the Committee or the Governing Body, as the case may be, may proceed in her absence.
- 31 A Junior Member who is liable to be expelled or rusticated or subject to any other serious penalty shall be reminded of her right to bring a complaint or appeal to the Visitor.

### **Student Complaints Procedure**

#### **32 Introduction:**

- 32.1 This section lays out procedures for students who wish the College to consider and, if necessary, respond to serious dissatisfaction with their tuition, or other aspects of College life, in cases that do not involve harassment or appeals against the outcome of a disciplinary procedure (which have their own procedures also set out in this handbook).
- 32.2 The majority of cases will normally be settled by the complainant resolving her grievance directly with a tutor or college staff member or manager. Where this is not possible complainants can adopt an informal procedure but a formal procedure is also available where a complainant wishes to register a written grievance.
- 32.3 Anonymous complainants or complaints made on behalf of someone else will not be allowed.
- 32.4 If a complaint remains unresolved after the college's internal procedures have been exhausted a student may ask for the complaint to be reviewed by the Office of the Independent Adjudicator for Higher Education (see [www.oiahe.org.uk](http://www.oiahe.org.uk) for further information). Application forms and guidance notes are available from the Academic Administrator. (Please note that complaints relating to academic discipline as set out in By-Law XX are also within the scope of the OIAHE).

**33 Informal Procedure:**

33.1 Complaints may be discussed with any Fellow and the complainant can be accompanied at any stage by a friend or an adviser (e.g. an officer of the JCR or MCR). Fellows who are not themselves College Officers but who have been contacted by a complainant are encouraged to contact the relevant College Officer as quickly as possible.

33.2 The relevant College Officers are as follows:

- 33.2.1 for academic matters: the Senior Tutor;
- 33.2.2 for issues involving domestic college staff and services e.g. food and accommodation: the Domestic Bursar;
- 33.2.3 for financial matters: the Bursar;
- 33.2.4 other behavioural and disciplinary matters: the Dean;
- 33.2.5 for complaints about a College Officer: the Principal;

33.3 To resolve the complaint the relevant Officer will:

- 33.3.1 seek to offer sympathetic and confidential advice and/or;
- 33.3.2 try to find a remedy, or a reconciliation (in cases where relations have broken down between individuals, and the complainant does not object to this course).
- 33.3.3 note the withdrawal of a complaint where the complainant decides to do so.
- 33.3.4 adopt the formal procedure in cases where the informal procedure has not resolved a complainant's grievance and the complainant wishes to take the matter further.

**34 Formal Procedure:**

It is not an *a priori* condition of using this procedure that an informal approach must be exhausted before a formal approach is adopted. All formal complaints must be made in writing to the relevant College Officer as set out in 33.2 above.

**Stages in Formal Procedure:**

- 34.1 A written complaint is submitted to the appropriate College Officer.
- 34.2 The relevant College Officer investigates the complaint and sets out in writing whether the complaint is upheld or not giving reasons for the outcome of the investigation. Wherever possible the written report will be produced within fourteen days of the date of the written complaint.
- 34.3 Where the College Officer is unable to resolve the complaint to the satisfaction of the complainant the latter must give notice within seven working days of his/her dissatisfaction and also give the reasons why the grievance remains unresolved.
- 34.4 The unresolved grievance will then be considered by the independent members of the appropriate College Committee or body as follows:
  - 34.4.1 For academic, financial, decanal and domestic matters the General Purposes Committee.
  - 34.4.2 for complaints against a College Officer the Governing Body.

## By-Law XX

- 34.5 The procedure to be adopted in such circumstances will be as follows:
- 34.5.1 the complainant will be invited to present their case to the appropriate committee.
  - 34.5.2 the complainant may be accompanied as set out in 33.1 above.
  - 34.5.3 the relevant College Officer will present his/her case.
  - 34.5.4 both parties will withdraw whilst the relevant Committee or body considers the representations from both sides.
  - 34.5.5 the relevant Committee (except in the case specified in 34.4.2 above) will make a recommendation to the Governing Body.
  - 34.5.6 the Governing Body will make its decision and communicate it in writing to both parties.
  - 34.5.7 the Governing Body's decision will be final.

### **35 Harassment Guidelines**

Any complaints of harassment will be considered in line with the Guidelines on Harassment for Members of the JCR and MCR within the Student Handbook.

### **36 Monitoring Arrangements**

The relevant College Officer will keep a register of the number of complaints made using the formal procedure in an academic year, and a summary of numbers and outcomes will be collected by the Governing Body Secretary and submitted to the Governing Body. The register will indicate how many formal complaints have been registered, and what stage they reached (resolved by the Officer, resolved by Committee recommendation to GB in favour of the complainant, not resolved in favour of the complainant).

Last amended 16.10.19



**BY-LAW XXI. EMOLUMENTS OF SCHOLARS AND EXHIBITIONERS**

These shall be determined annually by the Tutorial Committee.

Last amended 6.11.90

**BY-LAW XXII. THE CHAPEL**

Holy Communion shall be celebrated in the College Chapel at least once a term according to the rites of the Church of England.

Last amended 6.11.90

### **BY-LAW XXIII. THE ASSOCIATION OF SENIOR MEMBERS**

1. Those qualified for membership of the Association shall be:
  - (a) Those who were qualified members of St Hilda's Hall when the Charter of Incorporation was granted to the College.
  - (b) Members of St Hilda's College who have supplicated or are eligible to supplicate for a degree of the University of Oxford.
  - (c) The Principal, Fellows (Official, Beale, Professorial, Honorary, Emeritus, Supernumerary and Research), Lecturers, Bursar, Academic Registrar, Domestic Bursar, Librarian and those administrators to whom this membership is explicitly extended in their letter of appointment, both while in post and subsequently.
  - (d) Sacher Visiting Fellows, Lee Hysan Award Holders and Schoolmistress Fellows on the termination of their Fellowships or Awards.
  - (e) Visiting Students on termination of their stay, provided that stay has extended over at least one term.
  - (f) Such other persons as the Governing Body may elect to membership on the recommendation of the Association.
  - (g) Such other persons as the Governing Body may elect to honorary membership on the recommendation of the Association.
2. A Register shall be kept at the College of the names of the Senior Members with their last known addresses. The Register shall be kept by the Development Director or by some other person appointed by the Governing Body.
3. Members of the Association qualified according to 1(b) (d) (e) and (f) shall pay the College a Life Subscription unless the Governing Body determine otherwise. Any Junior Member of the College may exercise the option not to join the Association in accordance with procedures approved by the Governing Body.
4. The College shall hold all such fees as part of its general funds. It shall pay annually to the Treasurer of the Association a capitation fee for each Senior Member.
5. Members of the Association shall be entitled to receive the Annual Review of the College, the Chronicle of the Association of Senior Members, and invitations to the Gaudy and to meetings of the Association.

Last amended 11.10.17

## BY-LAW XXIV. ACADEMIC STAFF

### A. Redundancy Procedure

#### **Stage 1 - Governing Body Meeting to decide whether there should be a reduction in the academic staff**

- A.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 called for this specific purpose to consider and determine upon the matters set out in Clause 10(ii) of Statute XI, Part II.
- A.1.2 If any member is unavoidably unable to attend and reasonably considers that she may be personally affected by a decision under Clause 10(ii), for example because the Governing Body may be considering deleting a subject altogether, she shall be entitled to seek a postponement of the meeting by written notice to the Principal to be delivered to her at least three days prior to the date set for the meeting.
- A.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.
- A.1.4 The memorandum shall put all considerations forward fairly and in an even-handed manner and shall not make recommendations for any specific course of action. The memorandum shall evaluate as far as possible the impact of any reduction on the principles established by Clause 1 of the Statute.
- A.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 in the Principal's Office by 12pm on the second day before the day of the meeting shall be circulated to all members of the Governing Body.
- A.1.6 Prior to making any decision under Clause 10(ii) the Governing Body shall consider the impact of such a decision on the relevant Division Faculty or Department and subject boards and shall consult with the relevant University bodies.

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

- A.2.1 Once a decision has been reached in principle under Clause 10(ii) of the Statute, the Governing Body shall appoint a Redundancy Committee ("the Committee") unless it determines that it will carry out the task of handling any redundancies itself.
- A.2.2 Members of the Committee shall be selected in accordance with the provisions of Clause 11 of the Statute. However no members who appear to be personally affected or likely to be so affected shall be chosen. The Chairman of the Committee shall be expressly so appointed by the Governing Body.
- A.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

## By-Law XXIV

itself. Such consultation shall be with either a recognised trade union or specially elected "workplace" representatives as defined by any relevant legislation currently in force, or in the absence of any such representatives all the individuals potentially affected by the decision, 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.

- A.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.
- A.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.
- A.2.6 After having considered all relevant matters the Redundancy Committee shall meet to formulate its recommendations together with the reasons for them. A written report of the recommendations and reasons for them shall be provided to the Governing Body and to the affected person or persons as well as their representative(s).

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

- A.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.
- A.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 called for this specific purpose to prepare and submit any representations she considers appropriate to the Governing Body. Any representations which are received in the Principal's Office by 12pm on or before the second day before the day of the meeting shall be circulated to all members of the Governing Body.
- A.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 called specifically for this purpose prior to any decision being made and shall be entitled to be accompanied and/or represented by a person (who may be a professional, legal and/or trade union representative of her choice).
- A.3.4 The Governing Body may request a member of the Redundancy Committee (where appointed), being the Chairman or her delegate, to attend the Governing Body formally in that capacity to present the Committee's recommendations and to answer questions from the Governing Body and/or the person or persons concerned. If the Governing Body so determines, the Redundancy Committee may be asked to carry out further consultation with affected members or any other appropriate person.
- A.3.5 No meeting of the Governing Body at which a decision to dismiss under Part II is taken shall be quorate unless at least two-thirds of those members of the College entitled to attend are

present and no vote shall be effective unless at least 50% of those attending vote in favour. Members of the Governing Body who are affected by the Redundancy Committee's decision or who are members of the Committee shall be entitled to vote.

- A.3.6 Prior to making any decision to dismiss in accordance with recommendations of the Redundancy Committee, the Governing Body shall specifically canvass any alternative employment opportunities or any other means of avoiding a dismissal for redundancy. In addition the Governing Body shall ensure that it has been fully appraised of any USS options which the person affected may be able to exercise in the event of redundancy.
- A.3.7 In the event that the Governing Body accepts the recommendations of the Redundancy Committee and votes to dismiss any member on grounds of redundancy, a written note of the decision of the Governing Body together with a copy of the procedures establishing a right of appeal shall be provided to the person affected and her representative. No decision shall be implemented until after any appeal has been determined under Part V of the Statute.
- A.3.8 If the Governing Body decides upon the dismissal of any member on grounds of redundancy, it shall ensure that provision is made to assist the person concerned with financial and career planning, with reasonable expenses to be met by the College.

## **B. Disciplinary Procedure**

### **B. 1. Informal Stage**

- B.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 her conduct or performance. The Principal may appoint a colleague (being a Fellow or Honorary or Emeritus 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 her. If the person concerned prefers, the discussion may be kept confidential at this stage.

### **B.2. Disciplinary Warnings**

- B.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(i) of Statute XI 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 her and an opportunity to respond and until the matter has been properly investigated by or at the behest of the Principal.
- B.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. She shall have the opportunity to be accompanied or represented by a colleague or representative from any professional body or trade union of

## By-Law XXIV

which she is a member such as the AUT. The individual shall not normally be permitted legal representation at this stage.

- B.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.

### B.2.3(a) *Oral Warning*

The oral warning is the first stage of the disciplinary procedure. It shall state clearly that it comprises the first stage of the disciplinary process. The reasons for the warning shall be specified, together with any agreed plan of action for improvement, where applicable. The oral warning shall be recorded in a dated written note, a copy of which shall be provided to the individual. The note shall be kept in the file kept by the Principal in respect of the person concerned and shall be regarded and marked as spent after one year.

### B.2.3(b) *Written Warning*

In the event that the person's conduct and/or performance does not improve, or gives further cause for concern whether of a similar nature or not, within the twelve month period during which the oral warning remains live, and in any case where the seriousness of the matter so merits, the disciplinary action which the 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 file kept by the Principal in respect of the person concerned. A written warning remains "live" for a period of two years after which it shall be regarded and marked as spent.

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

## B.3. Dismissal

In any case before the Principal, whether on a complaint under Clause 14 (i) or otherwise, she shall consider all the circumstances of the case including the outcome of any enquiries instituted under Clause 14 (ii) and any comments from the person concerned invited under Clause 14(iii). 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 the Statute, the Principal may call on the Governing Body to appoint a Senior Academic Disciplinary Committee to consider and report on the case in accordance with Clauses 16-19 of the Statute.

- B.3.1 Upon receipt of a request under Clause 15 of the Statute from the Principal, the Governing Body shall appoint the Senior 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 By-law. At the same time the Governing Body shall appoint a solicitor or other suitable person to formulate charge(s) and to conduct or arrange for the conduct of the hearing. The Governing Body shall appoint one of the members to act as Chairman.
- B.3.2 Subject to the provisions of the Statute and any provision to the contrary in this By-law, the Committee shall have power to regulate its own proceedings. If any member of the

## By-Law XXIV

Committee is unable to attend within 3 weeks of the date of her or his appointment or the date of any earlier meeting of the Committee the Committee shall be discharged and a new Committee shall be appointed in accordance with the provisions of the Statute. 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.

- B.3.3 The person appointed to formulate the charge or charges ("the prosecutor" - which expression may include a solicitor 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.
- B.3.4 The person charged shall notify the prosecutor of any representative she has appointed to act for her and any further communications shall be addressed to the person charged and to any representative appointed by her. 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.
- B.3.5 The Committee Chairman may make any interlocutory directions she considers necessary for the fair conduct of the hearing, including but not limited to any directions as to the hearing date(s), whether at the request of either party or otherwise of her 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 she considers it appropriate to do so upon notice to the parties of such joinder. The Chairman of the Committee shall set the date, time and place for the hearing and may also set appropriate time limits for each stage (including the hearing), to the intent that any matters be heard and determined expeditiously.
- B.3.6 At least 14 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.
- B.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 she wishes to rely, a list of her witnesses and copies of their statements of evidence. The prosecutor shall ensure that copies of all these are prepared and forwarded to the Committee as soon as practicable.
- B.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.
- B.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 her time to consider the evidence and its effect on the case and may then submit further evidence in response, provided that the Committee consents, such consent not to be unreasonably withheld.
- B.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 her representative unless it is satisfied that it is



## By-Law XXIV

reasonable to do so in all the circumstances of the case or unless the person charged agrees or so requests.

- B.3.11 Subject to the right of the person charged, her representative and the prosecutor to be present throughout the hearing, the Committee may decide whether to admit any persons to, or exclude them from, the hearing or any part of it.
- B.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.
- B.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.
- B.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.
- B.3.15 It is for the prosecutor to prove the charge or charges. In determining whether the charges or any of them are proved the Committee shall consider the evidence and decide whether on the balance of probabilities it considers that good cause for dismissal within the meaning of Clause 5 of Statute XI has been proved in respect of each charge before it.
- B.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.
- B.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 her representative in addition to the other parties specified in Clause 19 of Statute XI. The person charged shall be notified of her right of appeal against the decision or against any recommendation of the Committee as to penalty.
- B.3.18 Where any charge has been upheld and the Committee has recommended dismissal, the Principal or her delegate shall inform and consult the Governing Body prior to making any decision as to penalty. She shall arrange for a Special Meeting of the Governing Body called for this specific purpose 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.
- B.3.19 If the Principal decides to dismiss the person charged she may do so forthwith or upon such terms as she considers fit. If the Principal decides not to dismiss, the actions she may take are as set out in Clause 20(ii) of the Statute. Any warning given under Clause 20(ii) (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.

B.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 XI.

## **C. Procedure for Removal on Medical Grounds**

### **C. 1. Preliminary Stage**

C.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 her.

C.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 her full contractual duties. If the Principal considers it advisable, she shall seek the member of staff's consent to disclosure of the latter's medical record in accordance with the Access to Medical Reports Act 1988. The Principal may also, with the consent of the member of staff, arrange for her to be examined by an occupational health physician or other medical practitioner to assess among other things the prognosis for a return to work and any available treatment. Any fees payable in relation to such examination shall be borne by the College.

C.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 she 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.

### **C.2. Medical Incapacity**

C.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 her duties, the Principal shall consider the removal of the member of staff in accordance with the provisions of Clauses 23 and 24 of the Statute. Prior to taking any action under this section, the Principal shall consult with the individual and/or any representative nominated by her as to the steps to be taken and their likely outcome. The consultation shall specifically include consideration of the person's condition and likely future state of mental or physical capacity, and whether the person wishes to seek early retirement or a reduction of duties and hours (with a commensurate reduction in stipend). The wishes and needs of the person concerned shall be balanced against the tutorial or other relevant requirements of the College.

C.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 her office or employment without first availing herself 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 Equality Act 2010 and associated Codes of Practice, as appropriate.

- C.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 her and shall notify the person concerned to that effect in writing, seeking the member's consent in writing in accordance with the provisions of the Access to Medical Reports Act 1988.
- C.2.4 At all stages the person concerned shall be able to nominate a friend, professional colleague or other representative to assist and advise her. 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.
- C.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 a Senior Academic Disciplinary Committee.
- C.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 By-Law be construed as including references to the alternate.

### **C. 3. Medical Board**

- C.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, she shall so inform the person concerned. The notification shall be provided in writing and shall be presumed to have reached the person concerned two days after being sent. The Principal shall notify the person concerned that a Medical Board (the Board) is to be appointed to consider whether she shall be removed from office on medical grounds, and shall request the person concerned to nominate someone to sit on the Board. If, within a reasonable period of time, the person concerned fails to nominate a person who is willing and able to sit on the Board reasonably expeditiously, the Principal shall presume a default and shall herself nominate someone.
- C.3.2 At the same time as notifying the person concerned the Principal shall also convene a Special Meeting of the Governing Body called for this specific purpose 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 President for the time being of the Royal College of Physicians to

nominate a Chairman. The Governing Body shall nominate an appropriate person from among the Fellowship who is unconnected with the case to act as secretary to the Board.

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

- C.4.1 Where a Medical Board has been appointed to determine a case referred to it under Clause 23(iii) of the Statute, the Chairman shall appoint the time, date and place for the hearing and the secretary shall notify all parties in writing. The Board shall have power to adjourn the hearing from time to time as it sees fit.
- C.4.2 At least 21 days before the hearing, the Principal shall refer whatever relevant evidence she has in confidence to the Board and shall make the evidence available to the person concerned and/or any representative she has nominated to act for her, 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.
- C.4.3 The Principal shall consider the case and, if she thinks it necessary, may appoint someone to present the case for removal as well as the relevant oral and documentary evidence to the Board. Witnesses may be called by the person presenting the case, in which case copies of their statements shall be made available to the Board and the person concerned at least 14 days prior to the date set for hearing.
- C.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 her), any one appointed to present the case for removal and any other party which the Board may join at its own discretion. The secretary to the Board, the person concerned and/or her representative and the person presenting the case shall be entitled to remain throughout the hearing; otherwise it shall be for the Board to determine who may be present at any time.
- C.4.5 The person concerned shall be entitled to present whatever evidence she 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 she wishes to rely. The secretary to the Board shall be responsible for ensuring that copies are made available to Board members and other parties as soon as possible.
- The person concerned and the person presenting the case for removal may each call one/two expert witness(es) whose statement(s) shall first be presented in writing to the other parties.
- C.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.
- C.4.7 Each party to a hearing shall be entitled to give evidence at the hearing, to make opening and closing statements (either personally or through a representative) and to call witnesses and to question any witness concerning any relevant evidence. Subject to the provisions of this By-law and of the Statute, the Board may regulate its own procedure and shall ensure that the case is heard and determined as expeditiously as is reasonably practicable.
- C.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 her representative unless it is satisfied that it is reasonable to do so in all the circumstances of the case. Normally the Board should postpone

## By-Law XXIV

the meeting if it is not reasonable or practicable for the person concerned or her representative to attend for a reason which was not foreseeable when the hearing was arranged. 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.

- C.4.9 The person presenting the case for removal shall specifically draw the attention of the Board to the provisions of the Equality Act 2010 and provide the Board with information as to what adjustments have been considered to avoid the removal of the person concerned from her employment, together with information as to cost and effectiveness of the adjustment(s).
- C.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.
- C.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 she is suffering from permanent ill-health or infirmity.
- C.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 Board shall be sent to the person concerned as well as her representative, except in the case where it is clear that the representative has authority to act in place of the person concerned, or in any other case with the consent of the person concerned.
- C.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. She shall arrange for a Special Meeting of the Governing Body called specifically for this purpose and shall keep the person concerned and/or her representative informed as to the process. Prior to making any decision to terminate the employment of the person concerned on medical grounds, and depending on the circumstances of the case, including the length of time taken, the Principal may afford her an opportunity to retire on such grounds in accordance with the rules of the USS where applicable.
- C.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 she is incapacitated on medical grounds, the Principal shall consider the position and, if she so determines, may invoke the Disciplinary Procedure at any stage including requesting the Governing Body to appoint a Senior Academic Disciplinary Committee.
- C.4.15 In the event that such a Committee is appointed, it shall proceed in accordance with the procedures established under Part III save that any findings of fact made by the Board shall be binding on the Committee.

C.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 XI.

#### **D. Appeals Procedure**

- D.1. A Notice of Appeal against any decision under Parts II, III or IV of the Statute 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 she has done so. If in all the circumstances of the case the Principal in her discretion considers it appropriate she shall call a Special Meeting of the Governing Body for the purpose of bringing the appeal to the attention of the Governing Body and in any event will ensure that the appeal is brought to the attention of the Governing Body within 28 days. The Principal shall consider any appropriate action, including suspension, that may be required in relation to the appellant and/or her position in the College pending the outcome of the appeal.
- D.2. The Governing Body shall appoint a person to hear the appeal in accordance with Clause 29 of Statute XI who shall be called the Chairman, and two further persons in accordance with Clause 29(iv) of the Statute, who shall sit with the Chairman if the Chairman so decides under Clause 4 of this By-Law.
- D.3. In the event that the notice of appeal is not served in time in accordance with Clause 28 of the Statute, the Chairman shall consider the circumstances of the case including the length and the reason for the delay and the grounds of appeal and shall determine whether justice and fairness require that the appeal shall be permitted to proceed.
- D.4. The Chairman shall consider whether to sit alone or with two other persons. In the event that she decides to sit with two other persons, they shall be the persons appointed by the Governing Body in accordance with Clause 2 above and the body so constituted shall be referred to as the Appeal Body, which term shall also refer to the Chairman in the event that the Chairman sits alone.
- D.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 her appropriate including the joinder of other parties, and any directions that may be required to clarify the grounds of appeal. The Appeal Body shall have power to adjourn the hearing from time to time as it sees fit.
- D.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 her right at her own expense to be represented by another person who may, but need not, be legally qualified. The appellant and any other party shall also be notified of their right to call witnesses with the consent of the Appeal Body.
- D.7. Any committee, board or other body shall, if joined as a party to the appeal by the Chairman, appoint one or more persons either from among their number or otherwise, who may, but need not, be legally qualified, to prepare and present the response to the appeal, such response to be served on the Appeal Body, the appellant and any other parties at least seven days before the day appointed for the hearing of the appeal.
- D.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.

## By-Law XXIV

- D.9. Except as provided in Clause 8 of this By-Law no appeal may be determined without an oral hearing, due notice of which has been served on the appellant and any persons appointed by her to represent her.
- D.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.
- D.11 Subject to the provisions of the Statute and of this By-Law, the Appeal Body shall determine its own procedure. The Chairman may at her discretion set time limits at each stage of the proceedings to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable having regard to the principles of justice and equity.
- D.12. In accordance with the provisions of Clause 30(iii) of Statute XI 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(iii) of the Statute. In the event that the Appeal Body remits the appeal in accordance with Clause 30(iii) (a)-(d) the Chairman may set such time limits for further consideration as she considers appropriate.
- D.13. The reasoned decision of the Appeal Body, including any decision under Clause 30(iii) (a)-(d), shall be recorded in writing and shall be sent to the Principal and to the parties to the appeal.
- D.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.

## **E. Grievance Procedures**

### **E.1. Bringing a Complaint**

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

### **E.2. Investigating a Complaint**

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

## By-Law XXIV

- E.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 her complaint prior to taking any further action.
- E.2.3 If in any other 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(ii) of the Statute, she shall so inform the complainant and invite her 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 her right including dismissing the complaint. The Principal shall notify the complainant of her decision at the earliest opportunity.
- E.2.4 Provided that she acts within 10 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.
- E.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 XI, she shall so inform the complainant and defer any further action on it until such time as the complaint, determination or appeal has been heard or the time for instituting has passed.
- E.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, she shall so notify the complainant and, subject to any representations the complainant may make, shall consider whether, and if so what, further action may be taken in relation to the complaint within the College's grievance procedure.

### **E.3. Informal Resolution**

- E.3.1 In any case where the Principal does not dispose of the appeal or defer it under Clause 34(iii) of the Statute or under the provisions of this procedure, she 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.
- E.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 she sees fit.
- E.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.



**E.4. Grievance Committee**

- E.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(ii) Part III of Statute XI, 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 Governing Body 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 she considers will assist in the fair disposal of the matter. Any appeal under Clause 13(ii) Part III of the Statute shall be in writing and shall specify with sufficient detail the grounds of appeal and any supporting information.
- E.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 she has provided to the Committee.
- E.4.3 The Committee shall meet as soon as is reasonably practical to consider the matter on a preliminary basis. At this stage, the Committee may appoint someone to act as secretary to assist in all aspects of the grievance shearing 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.
- E.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.
- E.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.
- E.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.
- E.4.7 No appeal lies from the decision of the Committee save that the Governing Body shall be entitled to accept or reject any recommendations made under Clause 4.6 above.

## **BY-LAW XXV. PROVISIONS CONCERNING THE BY-LAWS**

- 1 The By-Laws shall be read and construed in accordance with the Charters and Statutes of the College.
- 2 The By-Laws may be altered or repealed by the Governing Body in accordance with Statute I, 7 at a Stated or Special General Meeting. Any proposed alteration to the By-Laws shall be circulated with the Agenda of a Stated or Special General Meeting at least fourteen days before the meeting at which it is proposed to alter the By-Laws.
- 3 A copy of these By-Laws and of any subsequent alterations to them shall be sent to every Fellow who is a member of the Governing Body. Lecturers will be informed that the complete By-Laws can be inspected in the Principal's Secretary's room.
- 4 The financial appendix to the By-Laws shall state the stipend of the Principal; the stipend scale for Tutors; the emoluments of the following Officers:

The Vice-Principal;  
The Dean;  
The Tutor for Graduates;  
The Library Fellow;  
The Information Technology Fellow;  
The Domestic Fellow

the allowances of the Principal, of Official Fellows and of Lecturers; particulars of the housing loans which may be granted to Fellows; the retaining fee of non-stipendiary Lecturers; the directing fee payable to Lecturers; the research grants payable to Tutors who have no University appointment; the payment for the attendance by the Dean of Degrees at Degree ceremonies; the living-out allowance payable to Tutors. The financial appendix shall also state College Officers' entitlements to teaching remission in addition to, or in lieu of, part or all of their emoluments where such arrangements have been agreed at an Ordinary Meeting of the Governing Body.

5. This appendix shall be circulated to all those who are entitled to a copy of the By-Laws; and those persons shall also be notified of all revisions to it made by the Governing Body.
6. Words in these By-Laws importing the feminine gender are adopted by convention and in accordance with Statute XIV, and shall be read as importing the masculine gender, or no acknowledged gender, as and when appropriate.

Last amended 13.11.19