

Christ's College  
University of Cambridge



**STATUTES  
and  
ORDINANCES**

in force 12 February 1999  
and amended in 1998, 2008  
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**Statute A: The Foundation**

*In force 12 February 1999 and amended in 1998 and 2008*

1. The Foundation of the College shall consist of the Master or Keeper, the Fellows and such Scholars as may be admitted to the Foundation.
2. Other persons admitted to the College shall be members not on the Foundation.
3. Every person admitted to the Foundation shall before his admission or as soon as may be thereafter make a declaration in such manner as the Governing Body as defined in Statute J.III.1, shall prescribe by Ordinance.

## **Statute B: The Government of the College**

*In force 11 February 2014 (replaces previous version of Statute B in force as at 12 February 1999 and amended in 1998 and 2008 and 23 May 2018)*

### **Chapter I: The Visitor**

1. The Visitor of the College shall be the Chancellor of the University.
2. Where under these Statutes an appeal to the Visitor is admissible such appeal shall be by way of petition and where the Visitor makes an order on such a petition he may include an order as to costs.
3. When the office of Chancellor is vacant the powers of the Visitor shall be vested in the Vice-Chancellor of the University provided that he is not a member of the College.
4. In accordance with the provisions of the Education Reform Act 1988, nothing in these Statutes shall enable or require the Visitor -
  - (a) to hear any appeal or determine any dispute relating to a member of the academic staff to whom Statute I applies which concerns the member's appointment or employment or the termination of that appointment or employment; or
  - (b) to disallow or annul any Ordinances of the Governing Body made under or having effect for the purposes of Statute I.

### **Chapter II: The Authority of the Master and of the Governing Body**

1. The Master shall preside over the Fellows, Scholars and other members of the College, and shall administer the affairs of the College according to the Statutes.
2. The Governing Body shall have the government and control of the College as a place of education, religion, learning and research, subject to the provisions hereinafter laid down relating to the functions of the College Council (hereinafter called the Council).
3. In cases where no provision has been made by the Statutes, or by any resolution of the Governing Body or of the Council in the exercise of the functions assigned to them by these Statutes, the Master shall have power to do what he thinks necessary for the maintenance of good order and discipline in the College.
4. The Governing Body shall have power by special resolution to make standing orders which shall be called Ordinances and to amend the same; provided that such Ordinances shall not be inconsistent with the Statutes of the College or of the University.
5. The Governing Body may admit any person to membership of the College if they are satisfied that he is of good character and sufficient learning, subject to the provisions of Statute F.III.1 in the case of persons *in statu pupillari*.



### Chapter III: Co-option to the Governing Body

1. The Governing Body may by special resolution co-opt up to five members of the College or a number greater than five if so prescribed by Ordinance to be additional members of the Governing Body for such period as shall be specified at the time of co-option.
2. In selecting members of the College *in statu pupillari* for co-option the Governing Body shall have regard to the opinions of all members *in statu pupillari* in residence. The procedure for ascertaining those opinions shall be specified in Ordinances.
3. Co-opted members of the Governing Body shall not be present at meetings of the Governing Body during the transaction of reserved business, nor shall they be entitled to receive papers relating to such business. Reserved business shall consist of the following items:
  - (i) The election of the Master, Fellows and Honorary Fellows.
  - (ii) The appointment of College officers.
  - (iii) The discussion of examination results and the award of research studentships, scholarships, exhibitions, and prizes.
  - (iv) Disciplinary matters concerning members not *in statu pupillari*.
  - (v) The statutory rights and duties of members not *in statu pupillari*.
  - (vi) Disciplinary matters concerning College Assistant Staff.
  - (vii) Any other items which, at the discretion of the Master or, if he is absent, of the Fellow presiding, shall be declared, either before or during the meeting, to be reserved business.
4. [...]
5. For the transaction of reserved business by the Governing Body the number of co-opted members shall be excluded from the calculation of the number required by these Statutes for a quorum or for a special majority.
6. The Governing Body may make Ordinances on any other matters relating to co-opted members.

### Chapter IV: College Meetings

1. A meeting of the Governing Body (hereinafter called a College Meeting) shall be summoned by notice in writing by the Master or by any other person having power under these Statutes to summon a College meeting. Not less than three days' notice shall be given of an ordinary meeting and not less than seven days' notice shall be given of any meeting at which a Special Resolution or an Extraordinary Resolution is to be discussed.
2. The Master, or any other person having power under these Statutes to summon a College meeting, shall be obliged to summon a meeting at the written request of any six Fellows, and if he fails to comply with the request within seven days,

any six Fellows may summon such meeting to take place in College on a date which shall be during Term or during the Long Vacation period of residence.

3. At a College meeting the Master shall preside, and if the Master is not present, the President shall preside, and if neither is present, the Fellows present shall appoint one of their number to preside at that meeting.
4. No formal business shall be transacted at a College meeting unless a majority of the Governing Body is present. In determining whether or not a majority is present, members of the Governing Body who are on leave of absence granted by the Council or deemed to have been granted by the Council in accordance with Statute D.X.3 shall not be taken into account.
5. The Master or Fellow presiding at a College meeting may postpone any business for consideration at the next meeting if he is satisfied that insufficient notice of that business has been given.
6. Amendments to extraordinary or special resolutions shall be put to the meeting only at the discretion of the Master or Fellow presiding unless at least twenty-four hours' notice thereof has been given in writing to members of the Governing Body.
7. Except where a special resolution or an extraordinary resolution is required by these Statutes, a decision of the Governing Body shall be taken by a majority of the members present and entitled to vote.
8. It shall be the duty of the Bursar, or of such other Fellow as may be directed by the Governing Body, to maintain a record of the decisions of the Governing Body, which shall be open to inspection by all members of the Governing Body.
9. ...
10. The Master shall have power to require at any time the attendance of a member of the College at a College meeting if the interests of the College seem to the Master to require such attendance.
11. The Governing Body shall have power to appoint Committees consisting wholly or mainly of members of the Governing Body and may delegate to a committee any of their functions except those which under these Statutes require the authority of a special or an extraordinary resolution.  
  
Provided that nothing in this section shall enable the Governing Body to delegate its power to reach a decision under Statute I.II.3(2).
12. The Governing Body may at any meeting fix the time for any future meeting or meetings.

## **Chapter V: The College Council**

1. There shall be in the College a Council, of which the duties shall be to manage the property, income, expenditure, and educational business of the College, in accordance with the directions and subject to the limitations laid down in these Statutes. The Council shall also perform any further functions which may from time to time be assigned to it by special resolution of the Governing Body.

2. The Council shall consist of the Master, the Senior Tutor, the Bursar and ten members of the Governing Body. Five members shall be elected annually by procedures set out in Ordinances, to serve for two years, the precise date on which their tenure is to cease to be prescribed by Ordinances, which may be made at any time before or during their tenure. An election or pre-election may be held at any time in the Easter Term immediately before or including the date on which tenure is to commence, and in default an election shall be held in the seven days immediately preceding Full Term in the following Michaelmas Term.
3. Casual vacancies shall be filled for the unexpired term at the College meeting next following the occurrence of the vacancy. When it is known that such a vacancy will occur at some future date the Governing Body may fill it by pre-election.
- 3A. The President shall, if not an elected member of the Council, have the right to receive Council papers and to attend and speak at Council meetings, although not to vote.
4. The Master shall preside at meetings of the Council, or if he is unable to be present, the President shall preside, whether or not he is an elected member of Council. In the absence of both Master and President, the Fellows present shall appoint one of their number to preside at that meeting.
5. No formal business shall be transacted at any meeting of the Council unless at least eight members are present, of whom at least six shall be elected members.
6. Any motion which has been duly proposed and seconded shall be deemed to be carried if seven members at least of the Council vote in favour of it.
7. Any motion duly proposed and seconded and falling within the powers assigned to the Council by Statute or by Special Resolution of the Governing Body shall be put to the vote by the Master or Fellow presiding unless he determines otherwise in the exercise of the discretionary powers provided in sections 10 and 11 of this Chapter.
8. The Master may summon a meeting of the Council at any time: and he shall, on the written request of any three members of the Council, summon a meeting to be held at a convenient time within seven days after the receipt of such request. If he fails to do so any three members of the Council may summon a meeting to take place in College on a date in Term or in the Long Vacation period of residence.
9. The Council may at any meeting fix the time for any future meeting or meetings.
10. The Council shall have power to make and amend Regulations on any matters assigned to them under these Statutes. At any meeting where it is proposed to make or amend Regulations at least three clear days' notice of the specific Regulations proposed shall be given in writing and at least twenty-four hours' notice in writing of amendments thereto. Amendments of which no prior notice has been given may be put to the vote at the discretion of the Master or Fellow presiding.

11. The Master or Fellow presiding at a meeting of the Council may postpone any business for consideration at the next meeting if he is satisfied that insufficient notice of that business has been given.
12. It shall be the duty of the Bursar, or of such other member of the Council as may be directed by the Council, to maintain a record of the decisions of the Council, which shall be open to inspection by all members of the Governing Body.
13. The Council shall have power to appoint Committees consisting wholly or mainly of members of the Council and may delegate to a committee any of their functions except those requiring the making, amending or rescinding of a regulation.

#### **Chapter VI: Fellowship Electors**

...

#### **Chapter VII: The College Seal**

1. The Bursar shall be responsible for the security of the Seal, and shall keep a record of its use.
2. The Seal shall be affixed to documents only in the presence of at least two Fellows, who shall themselves sign the record of its use.
3. Except in cases where section 4 applies, use of the Seal requires the authority of the Council, whether granted for a specific document or generally for a class of documents.
4. Specific authority shall be obtained from the Governing Body before the Seal is affixed to a Deed of Presentation to a benefice in the patronage of the College, but the Governing Body may appoint a Livings Committee consisting of the Master and at least four Fellows to whom they may delegate authority to present to such benefices.

## **Ordinance under Statute B.II.5: Bye-Fellows and Fellow-Commoners**

*Governing Body Meeting of 9 June 1998.*

*Amended 5 July 2016, 10 May 2022 and 7 February 2023*

### **Bye-Fellows**

1. Appointment

The Governing Body may appoint Bye-Fellows, by ordinary resolution, for whatever period and on whatever conditions they may see fit.

2. Privileges

Bye-Fellows shall during their tenure be granted dining privileges, as determined from time to time by Governing Body.

3. Removal

The Governing Body may remove Bye-Fellows by ordinary resolution.

### **Fellow-Commoners**

1. Appointment

The Governing Body may confer the title of Fellow-Commoner either for life, or for such a fixed period of time as the Governing Body shall determine.

In the case of fixed periods, the Governing Body may confer the title by special resolution upon former Fellows or other persons who have, in the opinion of the Governing Body, demonstrated a strong engagement with the College. The period for which the title will be held will be fixed by the Governing Body in the resolution conferring the title. A person may be granted the title for more than one period, but on each occasion the Governing Body shall follow the procedure in this Ordinance.

In the case of conferral for life, the Governing Body may confer the title by extraordinary resolution upon any person who has rendered signal service to the College or has attained distinction equivalent to that of an Honorary Fellow.

2. Privileges

Fellow-Commoners shall during their tenure be granted the same privileges as Honorary Fellows (Ordinance under Statute D.XI.2).

3. Removal

The title of Fellow-Commoner may be revoked by the Governing Body at any time by a resolution equivalent to that used on appointment (i.e. special resolution for time-limited appointments, or extraordinary resolution for lifetime appointments).

**Other Persons holding a titular “Fellowship”**

1. The Governing Body may remove membership of the College from any other persons holding the title of “Fellow” by a resolution equivalent to that used on admission. For the avoidance of doubt, this provision does not apply to any class of Fellowship held under Statute D.

**Ordinance under Statute B.III.2 and B.III.6: Student representatives for co-option to the Governing Body and other matters relating to co-option**

*In force 29 September 1995 and revised 3 October 2015 and 18 January 2022*

1. The six places on the Governing Body provided for co-opted members by Statute B.III.1 shall be filled by
  - (i) The President and another representative of the Graduate Society (MCR)
  - (ii) The President, Secretary, Treasurer and one of the Welfare Officers of the CCSU (JCR).
2. The Governing Body shall be invited at their first meeting in the Lent Term to co-opt the four representatives of the JCR so qualified to serve until the following 31 December and then at their first meeting in the Easter Term to co-opt the two representatives of the MCR so qualified to serve until the following 31 March. Anyone co-opted to fill a casual vacancy shall serve until the specified date dependent on whether the casual vacancy is for a MCR or JCR member.
3. The Governing Body may agree to co-opt an alternate to serve in place of an *ex officio* member in special circumstances, at the request of the MCR [in the case of 1(i)] or the JCR [in the case of 1(ii)]. An alternate so co-opted shall then serve until the specified date dependent on whether the co-option is made for a MCR or JCR member.

## **Ordinance under Statute B.V.2: Procedures for elections to the College Council**

*Governing Body Minutes of 2 December 1997 and 8 July 2008. Amended 5 July 2016;  
23 November 2021*

### **Part 1: General Provisions**

#### **1.1 Eligibility of Fellows**

All Fellows not already members of Council are eligible for election, except that:

- (a) No outgoing member of the Council who sat on it for the preceding six years continuously may stand for re-election within twelve months; and
- (b) no Fellow who, if elected, would miss two or more terms of their term on Council as a result of leave of absence already granted at the time of the election, may stand at that election; and
- (c) any Fellow who considers that he or she will be unable to devote sufficient time to Council business may, after consultation with the Master, withdraw from the election. Notice must be given to the Master not less than fourteen days before the date of the election.

#### **1.2 Eligibility of co-opted members**

Co-opted members of the Governing Body not already members of Council are eligible for election, provided that:-

- (a) if elected they shall be entitled to attend Council meetings only for unreserved business, as defined in Statute B.III.3; and
- (b) if as a consequence of any ballot there would be more than two co-opted members on the Council, the two to sit on the Council shall be determined as follows:-
  - (i) members previously elected shall retain their seats, and
  - (ii) subject to (i), the members who received the most votes in the ballot shall fill the available seats.

#### **1.3 Ties**

In any case of a tie, the junior in age shall be declared elected.

### **Part 2: Election Procedures**

#### **2.1 Description of procedures**

- (a) At least fourteen days before the meeting of the Governing Body at which the result of the election is to be confirmed, the Bursar's Assistant shall e-mail a ballot to each member of the Governing Body. The ballot shall list those eligible for election – excluding those who have notified the Master in accordance with 1.1 (c) - and against the name of each shall record the dates of their previous service on Council, and any agreed Terms of future leave.



- (b) Each member of the Governing Body may cast votes by e-mail to the Bursar's Assistant, voting for no more candidates than there are vacancies to be filled in the ballot, by the deadline set for the ballot.
- (c) A quorum of at least 35 members of the Governing Body are required to vote in the ballot. If the ballot is not quorate by the deadline set for the ballot, the deadline may be extended at the discretion of the Master until sufficient members have voted.
- (d) Exceptionally, if any member of the Governing Body does not have easy access to e-mail, the Bursar's Assistant shall instead accept telephone votes from them, by prior arrangement.
- (e) The Bursar's Assistant shall e-mail the results of the ballot – the total votes cast for each person - to each member of the Governing Body as soon as practicable after the close of the ballot.
- (f) In the first ballot, the votes of at least half of those voting are necessary for election in that ballot.
- (g) Further ballots shall be held for any remaining vacancies on each of the following days, until all vacancies have been filled. In any second or subsequent ballot, the votes of at least one third of those voting are necessary for election in any such ballot.
- (h) The Master shall have discretion to vary the ballot procedure followed if they judge it necessary.

## **2.2 *Governing Body procedures***

Elections to the College Council shall be unreserved business.

At the meeting of the Governing Body at which the result of the election is due to be confirmed, the Governing Body shall be invited to pass a resolution confirming the appointed candidates. If any vacancies still remain unfilled - after rounds of the ballot process - by the date of the Governing Body at which the result of the election are to be confirmed, the Governing Body shall be invited at that meeting to either extend the voting process by allowing further ballots, or to elect those candidates with the most votes in the most recent ballot to the remaining vacancies.

## **Part 3: Annual Elections**

### **3.1 *General***

Where the election is held in the Easter Term, the newly elected members shall assume office on the day of the Audit Meeting of the Council; where the election is held in the Michaelmas Term, they shall assume office immediately.

### **3.2 *Procedure***

The procedure in Part 2 shall be followed.

## **Part 4: Casual vacancies**

### **4.1    *General***

Casual vacancies shall be filled, at latest, at the next meeting of the Governing Body after they occur provided that at least twenty-one days' notice of the election can be given. The newly elected members shall assume office immediately.

### **4.2    *Single vacancy***

Where there is only one vacancy the Master shall invite members of the Governing Body to propose and second in writing candidates for election. The deadline for nominations shall be at least fourteen days before the date of the Governing Body at which the result of the election is to be confirmed. If only one candidate is duly nominated they shall be elected. If two or more candidates are duly nominated, the Procedure in Part 2 shall be followed.

### **4.3    *Multiple vacancies***

Where there is more than one vacancy to be filled, the procedure in Part 2 shall be followed.

## **Statute C: The Master**

*In force 11 February 2016 (replaces previous version of Statute C in force 12 February 1999 and amended in 1998 and 2008 and 23 May 2018)*

### **Chapter I: Election**

1. Whenever the office of Master falls vacant the Fellows shall as soon as may be elect a person to fill the office. All Fellows, including those granted or deemed to have been granted leave of absence by the Council, shall be entitled to vote and no person shall be elected unless a majority of those entitled to vote have voted in favour of him.
2. If no person has been elected at the expiration of six months from the occurrence of the vacancy, the Visitor shall direct the Fellows to elect a Master within the next thirty days of Term and, if that direction is not observed, the Visitor shall appoint a person as Master by writing under his hand.
3. The Fellows may pre-elect a Master before the office of Master falls vacant through resignation or retirement.
4. Notice in writing of a Meeting of the Fellows to consider the election or pre-election of a Master shall be sent to all Fellows other than the Master for the time being, if any, at least seven clear days before the date of such meeting and the provisions of Statute B.IV.2 shall apply to the summoning of such a meeting.
5. The Master shall take no part in the pre-election of his successor. If there is no Master and the last holder of that office is a Fellow, he shall take no part in the election of his successor and he shall not count as a Fellow for the purposes of this Chapter.
6. The Governing Body may by Ordinance make such additional rules as it deems necessary concerning the procedure to be followed at meetings called for the purpose of the election or pre-election of a Master.

### **Chapter II: Tenure of Office**

1. As soon as possible after his election but not before the occurrence of a vacancy in the Mastership, the Master elect shall be presented to the Fellows and shall assume office by making the declaration prescribed in Ordinances. The Master-elect shall acquire none of the rights and privileges of the Mastership until he assumes office.
2. The tenure of the Master shall be specified by the Fellows prior to the election or pre-election.
3. No Master or former Master shall be eligible to hold that office again unless another person has held the office in the interim.
4. The Master may at any time resign office by notice in writing to the President.
5. If the Master vacates his office for any reason other than those provided in Statute I he shall be entitled immediately on vacating his office to become a Fellow in Class V with tenure for life subject to the provisions of Statute D.VI.2.

### Chapter III: Emoluments and Duties

1. The Master shall be entitled to such stipend and allowances as the Council shall from time to time determine by Regulation and shall be entitled to occupy the Master's Lodge free of rent, rates, taxes and the cost of repair and decoration. The Council may in addition make such contribution to the cost of upkeep of the Master's Lodge as it may from time to time determine.
2. The Master shall be allowed his dinner in Hall free of cost to himself and he shall receive an allowance for commons of the same amount and under the same conditions as a Fellow.
3. The Master shall reside in College during two-thirds at least of every term and altogether for two hundred and ten days at least in every academic year unless he be dispensed from this duty by the Council.
4. The Master shall not without the permission of the Council undertake work outside the scope of his office to an extent which is likely to interfere with his duties as Master.
5. The Council may dispense the Master from discharging the duties of his office on account of illness for a period not exceeding six calendar months without loss of stipend. Such dispensation may be extended by the Council who shall then fix the amount of stipend, if any, payable during the extension.
6. The Council may grant leave of absence to the Master on such terms as it may determine, having regard to the needs of the College and the circumstances of the Master. During any such period of leave, the Master shall not attend any meeting of the Council or of the Governing Body, and shall not be counted as a member of the Governing Body for the purpose of determining whether a quorum is present or whether any necessary majority exists.

### Chapter IV: of Fellows Acting in The Master's Place

1. The Governing Body may by Special Resolution elect or pre-elect a Fellow as Acting Master for periods not exceeding one year at a time, for periods when the Council has granted the Master leave of absence, and when such leave is for a prolonged or indefinite period. The Governing Body may also elect or pre-elect an Acting Master for periods when the office of Master is vacant.
2. The Acting Master shall preside over the affairs of the College and shall assume all of the statutory powers and obligations of the Master, to the exclusion of the Master.
3. An Acting Master whose tenure is not subject to Statute I by designation of the Governing Body may at any time be removed from office by Special Resolution of the Governing Body. The Acting Master may be removed from office by Special Resolution of the Governing Body.
4. The Acting Master's authority shall *ipso facto* cease when the Master's leave of absence comes to an end. Save that if the office of Master falls vacant, the Acting Master shall continue to act until a new Master has assumed office.

5. A Fellow acting as Master under this Chapter shall not be disqualified from exercising his right as a Fellow to participate in the election or pre-election of a Master.
6. The Council shall determine a stipend for the Acting Master.

**Ordinance under Statute C.I.6: Procedure at meetings for the election or pre-election of a Master**

*In force 29 September 1995. Amended as agreed by Governing Body 10 March 2015*

1. At all meetings called in connection with election or pre-election of a Master, the President or, in the temporary absence of the President, the Senior Fellow present shall preside. If the President is unwilling or unable to preside at such meetings the Governing Body shall nominate a Fellow to stand in place of the President and all references in this Ordinance to the President shall be treated as referring to the Fellow so nominated.
2. A quorum for all preliminary meetings shall be three-fifths of all those entitled to vote in the election of a Master.
3. Preliminary meetings of Fellows may be summoned by the President at any time before the date when a vacancy in the office of Master is due to occur. The sole business of such meetings shall be to consider candidates for the Mastership and matters incidental thereto.
4. All preliminary meetings prior to the occurrence of a vacancy in the office of Master shall be held in term or in the Long Vacation period of residence and not less than seven days' notice in writing shall be given to all Fellows.
5. If it is agreed at a preliminary meeting by not less than two thirds of those present and entitled to vote that a pre-election should be held a date shall thereupon be fixed for a pre-election to be held in accordance with Statute C.I.4.
6. On the occurrence of a vacancy in the office of Master the President shall within ten days summon a preliminary meeting which shall be held not more than thirty and not less than seven days of term or of the Long Vacation period of residence after the date of the notice.
7. At the first preliminary meeting after the office of Master has fallen vacant a date in term shall be fixed for an election to the Mastership which date shall be within four calendar months of the day on which the vacancy occurred.
8. On the day appointed for the election of a Master, all those eligible to vote shall assemble in Chapel. At such a meeting in Chapel, the sole business that may be transacted is the election or pre-election of a Master.
9. The President shall preside and shall open the proceedings with the following declaration:-

'I hereby declare that in this election I will choose as Master that person who is in my judgment best qualified to preside over and to promote the honour and welfare of the College as a place of education, religion, learning and research. This I solemnly promise'.

All the Fellows present shall then make the same declaration in order of seniority.
10. If a Fellow who was absent at the beginning of the meeting presents himself before the election has been made he may take part in the election if he first makes the required declaration.

11. Every Fellow shall write his vote and place it unsigned in the ballot box.
12. The President shall have power to determine the validity of any voting paper on which anything other than the name of one candidate has been written.
13. If no pre-election or election is made at the first statutory meeting the President shall forthwith fix a date for a second statutory meeting to be held before six calendar months shall have elapsed after the occurrence of the vacancy. The President shall in the meantime arrange such further preliminary meetings as he thinks fit.
14. At the second statutory meeting the President shall have discretion to adjourn the meeting for not more than seven days at a time.
15. When a candidate has received the number of votes required by Statute C.I.1 the President shall declare that he is the Master-elect and shall forthwith post a notice to this effect upon the door of the Chapel and shall send written notice thereof to the Visitor, to the Vice-Chancellor, and to all Heads of Houses in the University.

**Ordinance under Statute C.II.1: Declaration by the Master-elect before the Vice-Chancellor**

*In force 29 September 1995*

1. When, in accordance with Statute C.II.1 the Master-elect is presented to the Vice-Chancellor, he shall make the following declaration:-

‘I M.N., elected Master or Keeper of Christ’s College, do hereby solemnly promise that I will diligently administer the affairs of the College to the best of my power and ability; that I will guard all its property and possession of every description, and all its rights, liberties and privileges; and that I will faithfully keep and will do my best to cause others to keep all the Statutes and Ordinances of the College’.



## **Statute D: The Fellows**

*In force 11 February 2016(replaces previous version of Statute D in force 12 February 1999 and amended in 1998 and 2008and 23 May 2018)*

### **Chapter I: The Classes and Number of Fellows**

1. From the commencement of these Statutes there shall be the following classes of Fellowship:-
  - I. Research Fellows
  - II. Staff Fellows
  - III. Professorial Fellows
  - IV. Supernumerary Fellows
  - V. Life Fellows
2. The number of Fellows in classes I and II together shall not be less than 15 unless this number is diminished with the consent of the Visitor.
3. Subject to section 2 above the Governing Body shall from time to time determine by special resolution the maximum number of Fellowships in classes I, II, III and IV severally.
4. So long as the requirements of section 2 above are fulfilled vacancies in classes I, II, III or IV shall be filled only if the Governing Body by special resolution gives authority to do so. In the case of Class I, the resolution shall also specify whether the vacancies are to be filled by Junior or by Senior Research Fellows.
5. When authority to fill a vacancy has been given, the body with power to elect to the class of Fellowship specified shall make an election within six calendar months and, if it fails to do so, that authority shall lapse.

### **Chapter II: Research Fellows (Class I)**

1. Fellowships in Class I shall be offered to suitably qualified persons who are engaged upon or who intend to undertake research in Cambridge.
2. Elections to Research Fellowships shall be made by the Governing Body.
3. Election to a Senior Research Fellowship shall be for a period continuous or discontinuous of not less than two years and not more than five years in the first instance and may be renewed for further periods not exceeding three years at a time by special resolution of the Governing Body.
4. The tenure of a Junior Research Fellowship whether continuous or discontinuous shall in no case exceed four years, but the Governing Body may specify a lesser period when authorising the filling of a vacancy.
5. The Governing Body may by special resolution permit a Research Fellow to intermit the tenure of his Fellowship for academic purposes provided that the period or periods of intermission shall in no circumstances exceed a total of two years.
6. During a period of intermission a Research Fellow shall not be reckoned as one of the Fellows of the College for any purposes under these Statutes nor shall he have any rights and privileges of a Fellow.

7. If a Research Fellow is appointed to a University office or post during his tenure of a Fellowship he shall be entitled to retain his Fellowship for the period of tenure remaining on such conditions as to stipend as the Council shall determine in his case.

### **Chapter III: Staff Fellows (Class II)**

1. The following College Officers shall, if they are Fellows, hold Fellowships in Class II: Senior Tutor; Bursar; Steward; College Lecturer.
2. When there is a vacancy for a Fellowship in Class II, the Council shall elect the person who in their opinion is best fitted to satisfy the teaching or administrative requirements of the College at that time.
3. The initial tenure of a Fellow in Class II shall not exceed six months but if he is appointed during that period to one of the offices specified in section 1 of this chapter the tenure of his Fellowship shall automatically become co-terminous with his tenure of that or of another qualifying office subject to the provisions of section 4 of this chapter.
4. If a College Officer is removed from his qualifying office in accordance with Statute E.II.5, Statute E.III.8 or Statute I he shall retain his Fellowship in Class II for the remainder of that Academic Year.

### **Chapter IV: Professorial Fellows (Class III)**

1. The tenure of a Professorial Fellowship shall be conditional on the holding of the office of Professor in the University, or such other office or position in the University as may be determined by the Governing Body by special resolution for the purposes of this Statute.
2. A Fellow who becomes qualified to hold a Professorial Fellowship shall be deemed *ipso facto* to have been transferred into Class III.
3. When a vacancy for a Fellowship in Class III exists the Governing Body may by special resolution fill the vacancy.

### **Chapter V: Supernumerary Fellows (Class IV)**

1. When a vacancy for a Fellowship in Class IV exists, the Governing Body may by special resolution elect into a supernumerary Fellowship any person in the categories specified in section 2 of this Chapter.
2. Any person may be elected to a Fellowship in this class if:—
  - (a) he has vacated or is about to vacate a Fellowship in another class and he is not qualified to hold a Fellowship in Class V, or
  - (b) he holds a University office or post but does not hold a College office qualifying him for election to a Fellowship in Class II, or
  - (c) he is working or intends to work in the University of Cambridge as a visitor for a period of not less than three months and not more than two years, or
  - (d) he is a person not eligible under the foregoing sub-paragraphs but is one whose election would, in the opinion of the Governing Body, further the interests of the College as a place of education, religion, learning, or research.

3. The tenure of a Supernumerary Fellowship shall be for such period or periods as the Governing Body shall determine except that the minimum tenure shall be three months.
4. The Governing Body may, when electing or re-electing a person into a Supernumerary Fellowship, attach such conditions to the tenure of his Fellowship as they think fit.

#### **Chapter VI: Life Fellows (Class V)**

1. A Fellow who has been for not less than 25 years in the aggregate a Fellow in another class or other classes shall on the expiry of his tenure *ipso facto* become a Fellow in Class V with tenure for life subject to the provisions of section 4 of Chapter VII of this Statute.
2. The Master shall, on retirement, *ipso facto* become a Fellow in Class V with tenure for life unless he is pre-elected to a Fellowship in another class, in which case he shall *ipso facto* become a Fellow in Class V when he ceases to hold a Fellowship in any other class.

#### **Chapter VII: Election and Tenure of Fellowships**

1. The body having power under these Statutes to elect to a specified class of Fellowship shall also have power to pre-elect to that class, except that no pre-election shall be made more than two years before the Fellowship is due to commence, unless the Fellowship is conditional on the holding of a University office to which the Fellow has already been pre-elected.
2. If any Fellow pass or be transferred from one class to another the Master shall forthwith give notice thereof to every Fellow and shall report the matter formally to the next meeting of the Governing Body, and cause it to be noted in the record of that meeting.
3. Unless he is already a Fellow of the College the Fellow elected shall as soon as may be make the declaration prescribed by Ordinance in the presence of the Master and at least two of the Fellows whereupon he shall be admitted to his Fellowship in the customary manner.
4. A Fellowship in any class shall be terminated before the expiry of the tenure prescribed if *either*:
  - (a) The Fellow gives notice of resignation in writing to the Master, or
  - (b) The Fellow is admitted to the Mastership or accepts the Headship or a Fellowship other than an Honorary Fellowship of another College at Oxford or Cambridge, or
  - (c) The Governing Body removes him from his Fellowship after compliance with the procedure specified in Chapter VIII of this Statute or in Statute I, as the case may be.
5. A former Master shall, so long as he remains a Fellow, take precedence over all other Fellows except the President and any Fellows who held the office of Master before him. Subject to this, the order of precedence of Fellows shall be determined by the dates on which they became qualified for admission to their Fellowships and, where

Fellows became so qualified on the same day, by their order of seniority in the University.

### **Chapter VIII: Suspension and Removal of a Fellow**

1. If a Fellow of the College be suspected of misconduct or grave dereliction of duty the Governing Body shall appoint two Fellows of ten years' seniority to act with the Master as Assessors to investigate the charge and to hear the defence, if any, of the Fellow in question. If after receiving the report of the Assessors the Governing Body is satisfied that the charge has been substantiated the Fellow in question may by extraordinary resolution be suspended from his Fellowship.
2. The Fellow so suspended may by extraordinary resolution of the Governing Body be deprived of emoluments and privileges and be required to abstain from entering or remaining in the College.
3. The Fellow so suspended may with a period of two months from the date on which notice of such suspension was given to him appeal to the Visitor who may after due investigation:-
  - (a) dismiss the appeal and either admonish the Fellow so suspended or declare his Fellowship vacant, or
  - (b) allow the appeal and direct that the suspension be terminated.
4. If the Fellow so suspended does not appeal as aforesaid, the Governing Body may by extraordinary resolution declare his Fellowship to be vacant.
5. If the Visitor admonish the Fellow so suspended the suspension shall terminate, but the Fellow shall not be entitled to emoluments for the period of the suspension.
6. If the Visitor allow the appeal the Fellow shall be entitled to receive such sums by way of stipend and allowances as he would have been entitled to receive had he not been suspended.
7. The Master may in case of emergency suspend a Fellow from his Fellowship and shall report the matter to the Governing Body at a meeting convened without delay for this specific purpose. If the Governing Body do not then proceed in accordance with the foregoing sections of this Statute the suspension shall be terminated.
8. Nothing in this Chapter shall apply to a Fellow who is a member of the academic staff for the purposes of Statute I.

### **Chapter IX: The Emoluments and Duties of Fellows**

1. Fellows holding a Fellowship in Classes I or II shall receive a stipend out of the revenues of the College and the amount of such stipend shall be determined from time to time by Council regulation. In fixing the amount of such stipend account shall be taken of any payments a Fellow may receive from external bodies for the purpose of pursuing research.
2. Every Fellow shall be allowed his dinner in Hall free of cost to himself and shall receive such reasonable weekly allowance in lieu of commons as may be determined from time to time by special resolution of the Governing Body for each week that he fulfils the conditions prescribed by Ordinance.

3. All Fellows in Classes I and II shall be entitled to the use of a room or a single set of rooms in College free of rent and taxes and kept in good and substantial repair by the College. Fellows in Classes III, IV and V may, with the approval of the Council and subject to the payment of such rent, if any, as the Council may determine, be assigned a room or single set of rooms in College. The Master, after consultation with the Council and having regard to Fellows' order of precedence, shall assign such rooms to Fellows.
4. The Council shall by Regulation determine from time to time what allowances or other emoluments if any shall be attached to the various classes of Fellowship.
5. The Council shall have discretion to pay such stipend or special allowance as it thinks appropriate to a Fellow in Class IV who qualifies for election under Chapter V section 2(c) of this Statute.
6. The Duties of Fellows shall be laid down by Ordinance.
7. The Council shall ensure that, during Full Term and any other period specified in Ordinances, there is always within easy access of the College (1) a Tutor and (2) the Master, the Chaplain or a Fellow.
8. [...]

#### **Chapter X: Leave of Absence**

1.
  - (1) The Council may grant leave of absence to any Fellow or College officer on such terms as it may determine, having regard to the needs of the College and the circumstances of the Fellow or College officer concerned.
  - (2) During any period of leave of absence granted under the foregoing subsection, a Fellow shall not vote at any meeting of the Council or of the Governing Body other than a meeting summoned for the making or amending of a Statute or for the election of a Master, and except at such meeting shall be deemed not to be a member of the Governing Body for the purpose of determining whether a quorum is present or whether a special or extraordinary resolution has been passed by the majority required by these Statutes.
2. If an elected member of the Council is granted leave of absence for a period which will prevent his attendance at meetings of the Council for more than two complete terms he shall automatically vacate his seat on the Council at the commencement of such leave.
3. Any Fellow in Class V who has through ill-health or non-residence been unable to attend any meetings of the Governing Body during a continuous period of six months shall thereupon automatically be granted leave of absence by the Council so that the provisions of section 1(2) of this Chapter shall apply, provided always that the period of leave of absence may be terminated at any time if the Fellow concerned gives notice to the Master and attends the next College meeting following the date of his notice.

## Chapter XI: Honorary Fellows

1. The Governing Body may by extraordinary resolution confer the title of Honorary Fellow upon any member of the College who has rendered signal service to the College or has attained distinction of a nature fit to be recognised by the College.
2. Honorary Fellows shall enjoy such privileges as the Governing Body may from time to time determine by Ordinance.
3. The title of Honorary Fellow may be revoked by the Governing Body by extraordinary resolution.
4. In these Statutes the expression 'Fellow' does not include an Honorary Fellow.

## Chapter XII: Emeritus Fellows

1. Any Fellow, or the Master, may waive the right to a Fellowship in class V. Waiver is by written notice reported to the Governing Body, and is irrevocable once so reported. Those who waive their right:-
  - (a) (if already Fellows in Class V) cease to be Fellows, and become Emeritus Fellows;
  - or
  - (b) (in all other cases) shall in no circumstances thereafter become Fellows in Class V but, on fulfilling the conditions for transfer to Class V, become Emeritus Fellows.
2. Emeritus Fellows are entitled:-
  - (a) to receive their dinner in Hall free of cost;
  - (b) to retain their precedence;
  - (c) to receive allowances in respect of commons, entertainment, and research expenses, on the same terms as Fellows; and
  - (d) to enjoy any other social privileges granted by Ordinance.
3. In these Statutes the expression "Fellow" does not include an Emeritus Fellow.
4. Emeritus Fellows have tenure for life, subject only to:-
  - (a) resignation, by notice in writing to the Master; and
  - (b) removal for misconduct, where the procedure is that prescribed in Statute D.VIII for removal from a Fellowship.
5. Notwithstanding the foregoing provisions of this Chapter, Emeritus Fellows shall be eligible to be elected President or Acting Master of the College. Upon such election, the Emeritus Fellow shall become a Fellow in Class V during the tenure of the office. On ceasing to hold office, he shall *ipso facto* revert to the status of Emeritus Fellow.

**Ordinance under Statute D.VII.3: Declaration by Fellows on admission to Fellowships**

*In force 29 September 1995. Amended 5 July 2016*

1. At the time appointed for the admission of a Fellow to the Fellowship the newly-elected Fellow shall make the following declaration in the presence of the Master and of two other Fellows:-

'I NN. elected Fellow of this College do hereby solemnly promise that I will faithfully keep all the Statutes and Ordinances of the College; that I will obey the Master in all his lawful commands; and that I will to the best of my power and ability promote the honour and welfare of the College as a place of education, religion, learning and research'.

2. The Master shall then formally admit the Fellow to the Fellowship with the following words:-

'Auctoritate mihi commissa admitto te in scholarem socium huius Collegii ex fundatione [dominae Margaretae]\*'.

3. If the Master is unable for any reason to admit a Fellow within ten days of his election or, in the case of a pre-election, of the date from which a Fellowship is to take effect, the President shall perform the ceremony on his behalf.

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\* or of some other named foundation, if appropriate.

**Ordinance under Statute D.IX.2: Entitlement to Commons Allowance**

*In force 29 September 1995*

1. A Fellow shall be entitled to claim Commons Allowance in respect of any week in which he has on three separate days either:
  - (a) Dined at High Table, or
  - (b) Attended Divine Service in Chapel, or
  - (c) Remained in College overnight, the night in question being equivalent to keeping the preceding day, or
  - (d) Performed not less than one hour's work in College on study or research, College teaching or College administration, or
  - (e) Lunched in the Combination Room.
2. For this purpose the week shall begin at 00:00 hours on Saturday and end at 24:00 hours on the following Friday.
3. A claim for Commons Allowance shall be made by completing the Residence Book in the Senior Combination Room not later than the fifteenth day of the month following the end of the quarter. During the last week of each quarter the Steward shall send a reminder to each Fellow including a statement showing the amount at that date which has been debited to his Kitchen and Buttery account in the current quarter.
4. Commons Allowance may be credited only against Kitchen and Buttery bills incurred during the quarter to which it relates.
5. The amount of the Commons Allowance shall be £1.50 per week.



**Ordinance under Statute D.IX.6: Duties of Fellows**

*In force 7 February 2023*

1. The duties of Fellows shall be set by Council on appointment, and by any subsequent agreement with the Fellow approved by Council.

**Ordinance under Statute D.XI.2 : Privileges of Honorary Fellows (and Fellow-Commoners)**

*In force 29 September 1995*

1. Honorary Fellows shall be entitled to the following:
  - Free dinners at High Table
  - Free accommodation in College for up to 21 nights per annum
  - Invitation to all College functions on the same terms as the Fellows
2. If an Honorary Fellow wishes to reside in College for a period exceeding 21 days for purposes of study and research the Master may, in consultation with the Council, assign a room or set of rooms to him on such terms as the Council shall determine.
3. The same privileges shall be granted to Fellow-Commoners.

**Statute E: College Officers**

*In force 11 February 2014(replaces previous version of Statute E in force as at 12 February 1999 and amended in 1998 and 2008*

**Chapter I: The Presidency**

1. The Governing Body shall by Special Resolution elect one of the Fellows to be President, for whatever periods and on whatever conditions may seem to them appropriate. Rules to govern this election may be set out by Ordinance.
2. The President shall assist the Master and discharge any such functions as may be placed upon him by Ordinance.
3. The President shall, while he holds office, take precedence over all other Fellows.
4. When the Master is absent or incapacitated, the President shall in cases of urgency assume any of the statutory powers and obligations of the Master. The President shall, so far as is practicable, consult the Master before exercising such powers.
5. During a vacancy in the office of Master, the President shall act as Master pursuant to Statute C.IV.2, unless an Acting Master has been appointed under Statute C.IV.1.
6. During any absence or incapacity of the President, or when the President acts as Master pursuant to Statute C.IV.2, the Governing Body may by Special Resolution appoint another Fellow to act as President in his place during that period. Otherwise, in such situations the President's duties shall be performed by the Senior Fellow in residence who has not yet reached the age of sixty-seven, save that he shall not chair the Governing Body or College Council in the capacity of President.
7. The President may resign his office by notice in writing to the Master, and in any event shall vacate it on ceasing to be a Fellow.
8. A President whose tenure is not subject to Statute I may at any time be removed from office by Special Resolution of the Governing Body.
9. The Council shall determine a stipend for the President.

**Chapter II: College Teaching Offices**

1. The Council shall appoint such College Lecturers as are necessary to meet the teaching requirements of the College and shall at the time of appointment specify such conditions regarding residence and hours of teaching as it thinks fit.
2. There shall be the following three categories of College Lecturers and the stipend and other emoluments and conditions of service for each category shall be determined from time to time by Council Regulation :—
  - (a) Lectureships held by Fellows in Class II in conjunction with a University office or post for a period of three years in the first instance and thereafter for so long as the lecturer holds a University appointment and also fulfils the conditions specified in section 1 of this chapter.

- (b) Lectureships held by Fellows in Class II for a tenure not exceeding six years which may be prolonged by special resolution of the Governing Body for a further period or periods not exceeding six years each.
  - (c) Lectureships held by persons who are not Fellows of the College (but who may be Fellows of another College) for such period or periods as the Council thinks fit.
- 3. In no case shall a College Lecturer continue to hold his lectureship after the end of the academic year in which he attained the age of sixty-seven.
- 4. Each year in the Easter Term the Council shall appoint such Directors of Studies as may be required for the ensuing academic year and shall from time to time determine by Regulation the emoluments and other conditions relating to Directorships of Studies except that no person shall be eligible for appointment or reappointment for an academic year after he has attained the age of sixty-seven.
- 5. A College teaching officer whose tenure is not subject to Statute I may at any time be removed from office by special resolution of the Governing Body.

### **Chapter III: Other College Offices**

- 1. There shall be the following College officers: such number of Tutors as the Council consider sufficient, one of whom shall be Senior Tutor; a Bursar; a Steward; a Librarian; a Praelector; a Fellows' Steward; and a Chaplain. The Governing Body may also appoint a Dean, and such further officers as they may see fit.
- 2. The duties of College officers shall be stated in Ordinances, and may include duties going beyond those imposed by these Statutes. These additional duties may be varied by Ordinance, with the consent of the current holder of the office. An office may be held by two or more persons jointly, and the duties of the office may be divided between those officers by the Governing Body.
- 3. The stipend and other emoluments of College officers shall be determined from time to time by the Council.
- 4. The Tutors, the Dean and the Praelector shall be Fellows.
- 5. The Governing Body may, on the recommendation of the Council, appoint any Fellow as Senior Tutor. The appointment and subsequent reappointments, if any, shall be by special resolution, and shall be for such periods as the Governing Body may determine.
- 6. The procedures for the appointment of other Tutors shall be as follows:
  - (i) The Master may, after consultation with the Senior Tutor, appoint any Fellow as Tutor, for a period of no more than a year.
  - (ii) Before the end of this initial period, the Governing Body, following a procedure prescribed by Ordinance, may by special resolution confirm the appointment, and prolong the tenure up to a maximum of five years from the initial appointment.

- (iii) Subsequent reappointments shall be made by special resolution and in accordance with a procedure prescribed by Ordinance, for periods not exceeding five years in each instance
- 6A.
  - (i) Subject to the exception in (ii), a Tutor shall be entitled to the use of a room in College free of rent and taxes and kept in good and substantial repair. The Master, after consultation with the Council, shall assign such rooms to Tutors.
  - (ii) If a Tutor is, by virtue of being a Fellow, entitled to the use of a room or single set of rooms or is currently assigned a room or single set of rooms, he or she shall not have an entitlement to an additional room under (i).
- 7. An officer other than a Tutor shall be appointed by special resolution of the Governing Body, for whatever periods and on whatever conditions seem to them appropriate. In a case of urgency, the Master may appoint an officer subject to confirmation by the Governing Body at its next meeting.
- 8. An officer whose tenure is not subject to Statute I may be removed from office by special resolution of the Governing Body. In a case of emergency:
  - (i) The Master may suspend the officer from duty, and shall report the matter to the Governing Body at the earliest opportunity.
  - (ii) The Governing Body shall make due enquiry into the circumstances, and may then remove the officer by special resolution. If the officer is not removed by special resolution within four months of the date when the matter was first reported to the Governing Body under (i), the suspension shall automatically lapse.
- 9. All officers except for the President and for any Acting Master or Acting President shall vacate their office not later than the end of the academic year in which they attain the age of sixty-seven, and shall not then be eligible for reappointment.

**Ordinance under Statute E.III: Professorial College Lecturer**

*Amended 5 July 2016 and 7 February 2023*

A Fellow who is a Class III Fellow may, by notice given in writing at any time to the Master, request that the Council will appoint him or her to an office of Professorial College Lecturer on the understanding that the Fellow will undertake

- (a) to teach for not less than an agreed number of hours per annum in each academic year;
- (b) to act as Director of Studies in a relevant subject or subjects if asked to do so by the Council;
- (c) to act as Tutor or undertake other College duties if asked to do so.

The Council shall take the College's teaching needs into account in deciding whether to grant the request.

In recognition of the calls which may be made on a Professor's time by the University, a Fellow in Class III who has been appointed to an office of Professorial College Lecturer may, by a clear term's notice in writing to the Master, ask the Council to permit him/her to take leave from or to relinquish the office, and the Master shall report this request to the Council at its next meeting.

A Class III Fellow who has been appointed to a Professorial College Lectureship shall receive the stipend and fees appropriate to the duties he or she undertakes and which he or she would have received if he or she had been a Class II Fellow, but only for so long as the Fellow holds the office of Professorial College Lecturer.

A Fellow shall hold the office of Professorial College Lecturer only so long as he or she is a Class III Fellow.

This Ordinance shall apply only to persons holding a Fellowship in Class III under Statute D.IV as it was in force before that Class was abolished by resolution of the Governing Body on 7 February 2023 and who was appointed to the office of Professorial College Lecturer.

**Ordinance under Statute E.III.2: Duties of College Officers**

*Amended 26 November 2013, 5 July 2016, 9 May 2017, 29 September 2018, 23 November 2021, 4 July 2023*

**Part 1 – Statutory Officers**

1. Acting Master

The duties of the Acting Master shall be those mentioned in Statute C.IV.

2. President

The duties of the President shall be those mentioned in Statute E.I.

3. College Lecturers

A College Lecturer shall carry out such teaching for the College as the College Council may require when determining his/her stipend and conditions of service on appointment. No substantial changes in duties after appointment shall be required of a lecturer unless he assents thereto in writing.

4. Professorial College Lecturer

See separate Ordinance under Statute E.III.

5. Directors of Studies

A Director of Studies shall advise the students assigned to him/her on their courses of study and arrange such supervision for them as s/he thinks necessary having regard to their individual requirements. S/he shall be responsible for advising the Tutors on all matters affecting the academic progress of their respective pupils assigned to him. S/he shall report to Tutors, in time for them to make appropriate entries before the closing dates prescribed by the University Authorities, the details of all examinations to be taken by their pupils.

6. The Senior Tutor

The Senior Tutor shall advise the Governing Body and the College Council on all matters of general educational policy. In particular, s/he shall advise the Council on areas of teaching need and upon the appointment of Directors of Studies, and shall report to the Council on the quality and effectiveness of teaching. The Senior Tutor shall, in addition to his/her duties as Tutor, have overall responsibility for the work of the Tutors, the assignment of students to a Tutor and the allocation of student accommodation in College. The Senior Tutor shall maintain student records.

7. The Tutors

Each Tutor shall be responsible for giving general advice to the pupils assigned to him/her, for entering them for the appropriate University examinations and, in particular, for ensuring that they receive guidance from Directors of Studies on their courses of study. S/he shall be available to pupils in rooms in College for regular advertised periods during each week of Full Term. Each Tutor shall also take his/her turn on the roster of availability for duty in College in Full Term and the roster of duty Tutors during the Long Vacation period of residence. S/he shall inform the University Authorities of any unusual

circumstances likely to affect the performance of his/her pupils in examinations and shall report to the Governing Body the names of pupils who have been warned that their academic progress has been unsatisfactory. S/he shall certify that his pupils have satisfied University residence requirements. S/he shall attend meetings of the Tutors and the Committee on Examination Results.

8. Dean

The duties of the Dean are set out in Statute F and the related Ordinances.

9. Deputy Dean

The Deputy Dean will act in place of the Dean when required.

10. The Bursar

(i) The Bursar is the senior administrative officer of the College and, under the direction of the Governing Body and the Council, shall have general responsibility for all matters affecting the finances of the College. S/he shall receive the revenues, make payments and render accounts as required by the Statutes and the resolutions of the Governing Body and of the Council. The Bursar shall perform all duties incident to the management of the financial affairs of the College. In particular:

- (a) Oversight of the Bursary, which in turn is responsible *inter alia* for collecting College revenues, making and controlling payments, operating the accounting system and producing the statutory accounts and management accounts, the latter for review by the Council at three points in the year.
- (b) Management of the investments and estates of the College in conjunction with the relevant Committees.
- (c) Responsibility for the planning and development of College financial strategy: this to include analysis of the financial implications of prospective projects and trends and consequent reporting to the Governing Body and the Council.

(ii) The Bursar shall also perform other duties as may be assigned to him/her by the Governing Body. These additional duties shall include those listed in paragraphs (iii) and (iv) below.

(iii) Secretarial responsibilities

- (a) The Bursar is the Secretary of both the Governing Body and the Council.
- (b) With the advice and assistance of the Keeper of the Statutes, ensuring compliance of Governing Body and Council business with the existing Statutes and Ordinances and arranging for proposals for changes in Statutes and Ordinances to be drawn up and progressed as necessary.
- (c) Co-ordinating arrangements for the admission of new Fellows and the relevant terms and conditions.



- (d) Dealing with inquiries and requests from the University, local authorities, government departments, other colleges and the general public.
- (e) Acting as secretary of the following committees:
  - 1. Statutes Committee
  - 2. Investments Committee
  - 3. Remuneration Committee
  - 4. Financial Control and Risk Assurance Committee
  - 5. Research Fund Managers

(iv) Fund-raising responsibilities:

- (a) Offering support to the Master and Development Director in dealing with current and prospective benefactors
- (b) Contributing to the development of strategies for fund-raising

11. The Praelector

The Praelector shall be responsible for presenting members of the College to the University for matriculation and presenting or arranging the presentation for any degree to which they are entitled.

12. The Fellows' Steward

The Fellows' Steward shall chair the Fellows' Committee and be responsible to the Governing Body and to the Council for the service by the College staff at High Table and in the public rooms of the Fellows, viz Senior Combination Room, Old Combination Room, Fellows' Parlour, Fellows' Guest Room (H1) and the Portrait Room. He shall also be responsible for the selection of menus for High Table and for college functions within the financial limits prescribed by the Council, and for incidental arrangements connected with such functions as well as the accommodation of College guests and the use of the college guest room.

13. The Chaplain

The Chaplain shall be responsible to the Master for the maintenance of services in Chapel and for the observance of the statutory requirements in this respect.

14. The Director of Admissions

The Director of Admissions shall have overall responsibility for the admission of postgraduate and undergraduate students to the College, in collaboration with the Directors of Studies and other Fellows. The Director shall be responsible, in consultation with the Senior Tutor and Education Committee, for developing and reviewing the College's policy on admissions. The Director shall report upon each Admissions Round to the Education Committee and the Council. The Director shall be responsible for the College's outreach and admissions activities, including participation in University and other initiatives in Cambridge and beyond, the organisation of College Open Days, and the production and regular updating of admissions information for prospective applicants.

15. The Steward

The Steward (or Director of College Services) is responsible for the management of the College's facilities and services, including its commercial activity, and is designated as the College's Safety Officer and the Licensee.

16. The Librarian

The Librarian is responsible for the management of the College library and archives, reporting to the Steward (or Director of College Services).

17. The Development Director

The Development Director, working with the Master and Fellows, shall have responsibility for the College's fundraising activities and the management of relations with its alumni and supporters, including fundraising campaigns, communications, and events.

**Part 2 – Non-Statutory Officers**

1. This ordinance regulates the non-statutory posts, which the Governing Body may from time to time establish and fill.
2. These non-statutory posts are not 'College offices' for the purposes of the college statutes.
3. The non-statutory posts may include the following:-

(a) Honorary Keeper of the Plate

The Honorary Keeper of the Plate shall be responsible, within the financial limits prescribed by the Council, to the Governing Body for the display, safe-keeping, and maintenance of plate.

(b) Keeper of the Statutes

The duties of the Keeper of the Statutes shall be to maintain an accurate record of the Statutes and Ordinances of the College: to advise the Master, the Governing Body, the Council, the Bursar and other college officers (as appropriate) on their effect and on appropriate procedures for complying with them; and to advise on the desirability and effect of possible changes to the Statutes and Ordinances, whether promoted by the College itself or imposed on it by outside bodies.

The Governing Body may create such additional posts as it considers necessary.

4. Appointment to non-statutory posts is by the Governing Body, for whatever periods and on whatever conditions seem appropriate. There is no retirement age for posts, except as may be specified on appointment.
5. The stipend and emoluments of the holders of posts shall be determined from time to time by the College Council.
6. The holder of a post may at any time be removed from it by decision of the Governing Body.

**Ordinance under Statute E.III.6.ii/iii: Appointment and reappointment of Tutors**

*In force as at 5 July 2016*

The Governing Body shall appoint annually a Tutorial Appointments Committee consisting of the Master, Senior Tutor and at least two other Fellows, at least one of whom should be a former Tutor. This Committee shall be authorised to make recommendations to the Master or Governing Body, as appropriate, on the appointment and reappointment of Tutors, taking account of the College's needs and other relevant matters. Governing Body will confirm initial appointments under Statute E.III.6.ii and make reappointments of Tutors under Statute E.III.6.iii only after proposals have been considered by the Committee, but shall not be bound by its recommendations.

## **Statute F: Members of the College *in statu pupillari***

*In force 12 February 1999 and amended in 1998 and 2008 and 23 May 2018*

### **Chapter I: Scholars and Exhibitioners**

1. Entrance Scholarships and Exhibitions may be awarded by the Governing Body in accordance with Ordinances approved from time to time by the Governing Body.
2. A Scholarship or Exhibition, or the title of Scholar or Exhibitioner, may be awarded to any other undergraduate member of the College who has distinguished himself in his academic studies, and such Scholarship or Exhibition shall be tenable for such period as the Governing Body may determine.
3. Scholars and Exhibitioners shall have such emoluments and privileges as the Council shall from time to time determine by Regulation.
4. The Governing Body may promote an exhibitioner to be a scholar or reduce a scholar to be an exhibitioner, or deprive a scholar or exhibitioner of his award.
5. The Governing Body may award Research Scholarships to members of the College on such conditions and with such emoluments as the Council shall from time to time determine by Regulation.
6. The Governing Body may award a grant of money or other prize to any student of the College who has shown distinction in his studies.
7. The Master shall appoint a day in the Michaelmas Term for the admission to the Foundation of all persons to whom Scholarships have been awarded during the preceding year and shall then admit all such persons in the customary manner after they have made a declaration in the form prescribed by Ordinance.

### **Chapter II: Research Studentships**

1. The Governing Body may award Research Studentships to be held for the purpose of pursuing research and proceeding to a higher degree or pursuing a post-graduate course of study in the University to any person sufficiently qualified whether or not he is already a member of the College.
2. A Student shall vacate his studentship on election to a Fellowship of a College or appointment to a University office or post.
3. The Governing Body may at the time of the award attach such conditions as it thinks appropriate to any Research Studentship and, if such conditions are not observed, it may deprive a Student of his studentship.
4. Holders of Research Studentships shall receive such emoluments and enjoy such privileges as the Council shall from time to time determine by Regulation.

### **Chapter III: Other Members of the College *in statu pupillari***

1. No person shall be admitted as a member of the College *in statu pupillari* unless he is qualified to be matriculated by the University.

2. It shall be the duty of a member of the College to observe these Statutes and the Ordinances and Regulations made thereunder.
3. In cases of need the Council may make payments to any member of the College *in statu pupillari* either from the general revenues of the College or from any Trust Fund or Funds available for the purpose if it is satisfied that such payment is justified by the circumstances.

#### **Chapter IV: Discipline of members of the College *in statu pupillari***

1. For the purpose of this Chapter and Ordinances made under it, a student of the College ("student") is any member of the College, other than a Fellow, who has matriculated and is following a course of study for a degree or other award of the University, together with such other persons or categories of person designated as a student by the Governing Body; and a student shall be taken as having matriculated if that student's name appears in the College's Matriculation Register.
2. There shall be an Ordinance to govern the behaviour of students.
3. The Ordinance shall ensure that the College acts impartially and fairly in its procedures for considering complaints of misconduct.
4. The Ordinance shall prescribe the following matters:
  - (a) the misconduct punishable under the Ordinance, which need not be limited to misconduct on College property;
  - (b) such rights of appeal as may be thought appropriate and the form they will take, but in no case will an appeal lie to the Visitor;
  - (c) the penalties that may be imposed, which may include financial penalties, suspension and expulsion;
  - (d) the relationship with any relevant rules or procedures of the University; and
  - (e) interim precautionary measures that may be imposed on a student pending investigation and hearing (including an investigation by the University or the police and pending criminal proceedings).
5. The Ordinance may make provision for the following:
  - (a) the burden and standard of proof;
  - (b) mediation by or at the instigation of the Dean instead of, or in addition to, formal proceedings;
  - (c) the circumstances in which an internal investigation or proceedings should not take place where University or criminal processes would be more appropriate;
  - (d) findings that misconduct by students of the College has taken place, even though the students responsible cannot be identified;

- (e) the inclusion of persons who are not members of the College on hearing and appeal panels; and
  - (f) any other matter that the Governing Body feels is necessary for the fair and efficient operation of the Ordinance.
- 6. The powers of the College and procedures for their fair exercise in relation to the academic progress and sufficiency of students, including failure in examinations, and academic misconduct shall be prescribed by a further Ordinance under this Chapter.
- 7. The powers of the College for the implementation of measures in the interests of the health, safety and welfare of members and staff of the College and the procedures for their exercise shall be prescribed by Ordinance under this Chapter.

#### **Chapter V: College clubs, societies and other groups**

- 1. An Ordinance may define those clubs, societies and other groups composed (in whole or in part) of student members of the College which are to be subject to regulation by the College, which may include such matters as their establishment, governance, registration, funding, supervision and discipline.
- 2. The Ordinance may in particular make provision for the imposition of restrictions, conditions and penalties, following prescribed procedures, in the event of irregularity, impropriety or inappropriate behaviour, including penalties for office holders or members for failing to exercise proper control over the affairs of the body or the behaviour of others at events of that body.
- 3. Penalties to be provided by Ordinance may be imposed on the following:
  - (a) the club or society, which shall include (but not be limited to) dissolution, a ban on holding meetings or events, financial penalties and the payment of compensation;
  - (b) office holders, which shall include (but not be limited to) disqualification from holding that or any other comparable office, financial penalties and the payment of compensation; and
  - (c) members, including (but not limited to) removal of membership, a ban on attendance at all or some meetings and events, financial penalties and payment of compensation.
- 4. The Ordinance may provide for certain breaches of its provisions to constitute misconduct under the Ordinance provided for in paragraph two of Chapter IV of this Statute and to be handled accordingly.

**Ordinance under Statute F.I.1: Award of Entrance Scholarships and Exhibitions**

*In force 29 June 2021*

1. The Governing Body may award Entrance Scholarships or Exhibitions from time to time to students as they matriculate, on such terms as the Governing Body judges appropriate.

**Ordinance under Statute F.I.2: Scholarships and Exhibitions**

*In force 29 September 1995 and amended in 5 July 2016, 29 June 2021*

1. The Governing Body may award or renew Scholarships or Exhibitions to candidates who are judged to be of award standard.
2. Scholarships and Exhibitions shall be held for three Terms only unless renewed.
3. A Class I in any Tripos, or Honours Examination other than a Tripos, shall automatically be a title to a Scholarship. The Governing Body may award further Scholarships to students who have distinguished themselves at its discretion.
4. In these rules reference to Honours Examinations other than Triposes shall include any Preliminary or Qualifying Examination which is normally part of a course leading to an Honours degree.



**Ordinance under Statute F.I.7: Declaration by Scholars on admission to Scholarships**

*In force 29 September 1995 and amended 5 July 2016, 29 June 2021*

1. The Master shall normally admit all the newly-elected Scholars to the foundation each year at a ceremony held in Chapel during the Michaelmas Term on the day appointed for the commemoration of benefactors.
2. Scholars may be admitted to the foundation by attending the ceremony or they may be admitted *in absentia*.
3. Scholars attending the ceremony shall, before they are admitted to the foundation, make the following declaration in the presence of the Master, or his/her deputy, and of at least two of the Fellows:-

'I NN. elected Scholar of this College, do hereby solemnly promise that I will faithfully keep all the Statutes and Ordinances of the College so far as they concern me. I will obey the Master in all lawful commands; and will pay due respect to the Fellows all and several, and I will be faithful and loyal to the College'.
4. The Master shall then formally admit the Scholar in the following words:-

*'Auctoritate mihi commissa admitto te in scholarem discipulum huius Collegii ex fundatione [dominae Margaretae]\*'.*
5. Scholars who have signalled in writing their assent to the declaration in paragraph 3, may be admitted to the foundation *in absentia* by the Master upon reading of the declaration in paragraph 4 with the substitution of the Scholar's name for the word 'te'.

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\* or of some other named foundation, if appropriate.

## **Ordinance under Statute F.IV.2: Code of Student Behaviour**

*In force 29 September 2018; amended 5 October 2019*

### *Arrangement of Sections*

1. Introduction and application
2. Definition of misconduct
3. Complaints of misconduct
4. Investigation and dismissal of complaint
5. Interim precautionary measures
6. Charge and mode of proceedings
7. Evidence and proof
8. Further duties of the Dean
9. Breach of Regulations
10. Summary jurisdiction
11. Penalties in summary cases
12. Appeals in summary cases
13. Composition of hearing and appeal panels
14. Hearings by panels
15. Penalties in non-summary cases
16. Appeals in non-summary cases
17. Related criminal and University proceedings
18. Excluded offences

### **Section 1: Introduction and application**

- 1.1 This Ordinance, which shall be known as the Code of Student Behaviour (“the Code”), applies to students as defined in Statute F.IV.1.

Provided that a complaint of misconduct against a student who also has another relationship with the College, such as employee or supervisor, may be referred for consideration in accordance with such other College procedure as may be relevant if the Dean considers it more appropriate for the complaint to be so considered, although it may later be dealt with under this Code.

- 1.2 The Code’s purpose is to promote appropriate behaviour by students of the College; to provide for action based on due process and fairness where it is alleged that misconduct has taken place and for the imposition of penalties where misconduct has been established; and in related respects to empower the College to secure good order and discipline within the College, the safety and welfare of all members and staff of the College and the proper functioning of the College and the work of its members and staff.
- 1.3 The Council shall publish and keep up to date a Manual (“Manual”) which describes the content of this Code and related provisions in the Statutes, including the normal order of proceedings before the Student Behaviour Panel (“SBP”), in straightforward, non-technical language for the information of students, complainants and others; and regard shall be had to the Manual in interpreting and applying this Code.
- 1.4 A student, on being admitted a member of the College, assumes the obligation to behave at all times in ways that are consistent with the College as a place of

education, religion, learning and research and to do nothing to impede or disrupt the work or life of the College, its members and staff.

- 1.5 A student is, in particular, expected to uphold the principles of academic freedom and freedom of speech within the law, to observe the Statutes, Ordinances, Regulations and rules of the College and University, to study diligently, to behave with civility and integrity and in ways that maintain the good name and reputation of the College and conduce to the work and life of the College as a community of scholars.
- 1.6 Every student shall co-operate fully in investigations and proceedings under this Code.
- 1.7 The College owes a duty of care to all its students and this Code seeks to strike an appropriate balance where one student alleges misconduct by another student.
- 1.8 Nothing in this Code shall be taken as abridging the powers or duty of the College to take appropriate steps of a non-disciplinary or non-punitive kind in the exercise of its pastoral responsibilities and duty of care to protect the welfare of a student where that student's relationship with another student has broken down or a conflict has arisen, whether or not a complaint of misconduct has been made and whether or not it has been reported to the police, but any action must take into account the rights and interests of any other student affected.

## **Section 2: Definition of misconduct**

- 2.1 The following constitute misconduct under this Code:
  - (a) disruption of, or improper interference with, the academic, administrative, sporting, social, religious or other activities of the College, whether on College premises or elsewhere, including interference with anyone's right to freedom of speech within the law;
  - (b) obstruction of, or improper interference with, the functions, duties or activities of any member of the College, employee or authorised visitor, including the unlawful denial of any such person's right to freedom of speech within the law;
  - (c) violent, indecent, disorderly, threatening, abusive or offensive behaviour or language, including such language in any poster, sign, notice or publication whether on College property or elsewhere in the City of Cambridge, or on social media, aimed at any person; or when engaged in any College activity or if directed to any member or employee of the College or any visitor;
  - (d) fraud, deceit, deception or dishonesty in relation to the College, in connection with holding any office in a College club or society or in relation to being a student;
  - (e) action likely to cause injury or impair safety on College premises;
  - (f) improper discrimination (defined in section 2.2(c) below) against any person within the College;

- (g) harassment of any member of the College, employee or authorised visitor;
- (h) damage to, or defacement of, College property or the property of members or staff of the College caused intentionally or recklessly, and misappropriation of such property;
- (i) misuse or unauthorised use of College premises or items of property;
- (j) misuse or unauthorised use of the College computer system, including accessing prohibited material;
- (k) subject to section 18 below, conduct which amounts to a criminal offence in English law (or conviction of such an offence) where the conduct –
  - (i) took place on College premises or through the College's computer system; or
  - (ii) affected or concerned other members of the College community; or
  - (iii) damages the good name of the College; or
  - (iv) itself constitutes misconduct under this Code; or
  - (v) is an offence of dishonesty wherever committed and the student holds an office of responsibility within the College; or
  - (vi) is such as to render the student a danger to other members of the College community or unfit to remain a member of the College or to enter and practise a profession to which the student's course is designed to lead;
- (l) misconduct under section 9 of the Ordinance made under Statute F.V.1 (Regulation of Clubs and Societies) (relating to initiation ceremonies and other prohibited practices; failure to comply with penalties imposed under the Ordinance; and commission of acts of discrimination);
- (m) breach of any Regulation made by Council;
- (n) failure to comply with any penalty, measure, duty or requirement arising under this Code (sections 1.6, 5.5, 5.6, 9.7, 11.1, 11.2, 15.1, 15.2 and 17.7);
- (o) obstructing the Dean in carrying out duties under this Code, giving false evidence at any hearing under this Code or in any other way seeking to pervert the course of justice in relation to action under this Code;
- (p) disorderly or unruly behaviour within the College, whether or not induced by drink or drugs, including any anti-social conduct resulting from the consumption of drink or drugs.

2.2 In section 2.1 above –

- (a) references to the College include the University and other colleges of the University, and references to members and employees and to property or premises shall be construed accordingly;
- (b) references to words, language or behaviour shall include written, printed and electronic expressions, publications and communications and images;
- (c) "discrimination" in paragraph (f) refers to the protected characteristics listed in section 4 of the Equality Act 2010 (namely, age, disability, gender

reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation), as defined in sections 5 to 12 of that Act (and as may be amended from time to time); and

- (d) other terms shall be given their ordinary or dictionary meaning and not any technical meaning found in statute or case law.

- 2.3 The effects of self-administered alcohol or non-prescribed drugs shall not constitute a defence to a charge of misconduct or afford a basis for mitigation of penalty.

### **Section 3: Complaints of misconduct**

- 3.1 A report or complaint (hereinafter “complaint”) alleging misconduct by a student or students of the College, whether named or not, may be made by any person, and must include the name and contact details of the person making it.
- 3.2 A report by a member of the College staff of an incident that if proved would constitute misconduct under this Code shall be treated as a complaint.
- 3.3. A complaint shall be made, or immediately forwarded, to the Dean, who shall acknowledge its receipt as soon as possible and describe the processes that will follow.

### **Section 4: Investigation**

- 4.1 On receiving a complaint, the Dean shall undertake, or cause to be undertaken, such inquiries and investigations as the Dean shall see fit (which may include consultation with the relevant Tutors), unless of the opinion that the complaint is frivolous, manifestly ill-founded or vexatious (in which case it shall be immediately dismissed without investigation and the complainant informed), or that the misconduct complained of constitutes an excluded offence as defined in section 18.2 below.
- 4.2 The Dean may initiate enquiries or undertake an investigation in the absence of a complaint.
- 4.3 An investigation will normally be deferred if there is a police or University investigation into the matter, but the Dean shall resume consideration of the complaint if it is decided that there will be no prosecution or University disciplinary proceedings and shall take into account the reasons for the decision not to prosecute or take disciplinary action if such reasons are available.
- 4.4 An investigation shall be terminated if at any time the Dean comes to the view that the complaint is frivolous, manifestly ill-founded or vexatious or is an excluded offence within the terms of section 18.2 below.
- 4.5 The Dean shall contact and, where appropriate, interview the complainant unless the complaint has been rejected under section 4.1 above; and at an interview with a student suspected of a non-summary offence as defined in section 6.7 below shall normally allow the student to be assisted by any member of the College or University or by a barrister, solicitor or advocate qualified in the United Kingdom.

- 4.6 The Dean shall keep a record of every interview and statement.
- 4.7 At any time, the Dean may seek to reach or promote a settlement between the complainant and the student or students alleged to have committed misconduct, with a view to resolving the matter either without recourse to formal disciplinary proceedings or otherwise and in minor matters may dispose of the matter informally with such warning or advice as the Dean judges appropriate or, with the student's consent, such arrangements as are thought appropriate.
- 4.8 At the conclusion of the investigation, the Dean may dismiss the complaint on the grounds that there is insufficient evidence to support a charge or justify further action; that it falls within any of the grounds for dismissal in sections 4.1 and 4.4 above; or that further action under the Code is in the circumstances unnecessary or inappropriate.
- 4.9 Where the Dean is satisfied that there is satisfactory medical evidence that relates to the student's behaviour, the Dean may, instead of proceeding under this Code, refer the matter to be dealt with pursuant to the Ordinance made under Statute F.IV.7.
- 4.10 Where the complaint is dismissed under section 4.1 or 4.8 above, or has been disposed of informally, the Dean shall communicate that decision, with reasons, to the complainant to any student who has been the subject of investigation under this section and to the Master. The complainant shall be informed of the right to ask the Master to review the dismissal or disposal.
- 4.11 The complainant may, within 14 days of receiving the decision and being informed under section 4.10 above, request the Master to review the Dean's dismissal or disposal of the complaint on the ground that it was not reasonable.
- 4.12 The Master may conduct that review personally or refer it to a Panel constituted under section 13.2 below.
- 4.13 If the Master or Panel sets aside the dismissal or disposal, the complaint shall proceed as if it had not been dismissed or disposed of.
- 4.14 Where a complaint has not been dismissed or disposed of informally, no charge shall be preferred against a student without that student being informed of the results of the investigation and given an opportunity to make representations.
- 4.15 Where the Dean concludes (whether following an investigation or otherwise) that there is insufficient evidence to prefer a charge but the evidence does support a finding that on the balance of probabilities misconduct by a student or students of the College who cannot be identified has taken place, a report to that effect, with reasons, shall be submitted to the Master who may issue a formal announcement of the Dean's finding.
- 4.16 The Dean may at any point decide that, either instead of or in addition to further action under this Code, action should be taken under the Ordinance on the regulation of clubs and societies made pursuant to Statute F.V.1.

## **Section 5: Interim precautionary measures**

- 5.1 A student who is the subject of a complaint or investigation or criminal or disciplinary proceedings (including proceedings by the University) or is under

investigation by the police may have one or more of the measures described below applied by the Dean pending the resolution of the matter, and in considering the matter the Dean shall have regard to any representations made by the complainant or person said to be the victim.

- 5.2 Such measures may not be applied for punitive purposes and every effort shall be made to minimise the prejudice caused to the student.
- 5.3 Any measure applied must be reasonable and proportionate in all the circumstances and applied only to the extent necessary for the purposes of good order and discipline or to protect the health, safety or welfare of members and staff of the College; and shall be promptly reviewed following any developments; and where the student is subject to bail conditions imposed by the police or a court, those conditions shall be taken into account and shall not be duplicated.
- 5.4 The measures available are set out in sections 5.5 and 5.6 below and shall not be imposed, except in cases of urgency, unless the student has been given the opportunity to make representations either orally or in writing as the student prefers; and in an urgent case where the measure has been imposed, the opportunity to make representations must be provided as soon as possible thereafter.
- 5.5 Exclusion: The student may be excluded from such College property, premises, facilities or activities and on such terms and conditions as shall be prescribed.
- 5.6: Restrictions and conditions: Restrictions and conditions may be imposed on the student's actions and activities and these shall be clearly specified.
- 5.7 A student subject to exclusion may apply within seven days and thereafter every three months for the measure to be reviewed by a Panel convened under section 13.2 below and shall be entitled to submit written representations.
- 5.8 Any measures applied under this section shall lapse automatically 14 days after the conclusion of the proceedings or investigation referred to in section 5.1 above unless already cancelled.

## **Section 6: Charge**

- 6.1 Charging is the formal act where the Dean states in writing that the student has a case to answer for an offence of misconduct and is to face disciplinary proceedings in accordance with this Code; and references to "the charge" are to that written statement setting out the offence and related matters.
- 6.2 A "hearing" for the purposes of this Code includes any formal consideration of a question arising under the Code by the prescribed decision-maker or adjudicating body whether or not other persons are present.
- 6.3 Subject to sections 4.8, 4.9 and 4.16 above and section 6.4 below, a formal charge shall be preferred where the Dean concludes that there is a case of misconduct to answer.

- 6.4 Subject to section 18.4 below, no charge shall be preferred where the misconduct in question amounts, in the opinion of the Dean, to an excluded offence within the meaning of section 18.2 below.
- 6.5 The charge shall set out the offence or offences of misconduct together with brief particulars of the behaviour that has given rise to the charge.
- 6.6 The charge shall also indicate whether the misconduct constitutes a summary or a non-summary offence and the procedure that will be followed in each case.
- 6.7 A “summary offence” is any alleged misconduct for which, in the Dean’s opinion, the penalties listed in section 11.1 are adequate; “summary jurisdiction” and “summary proceedings” refer to the hearing or disposal of any such offence whether by the Dean or the Student Behaviour Panel (“SBP”); and all other cases shall be termed “non-summary”.
- 6.8 A summary offence will be subject to summary jurisdiction and hearing by either the Dean or the SBP, as prescribed in section 10 below, and all other offences shall be referred to and heard by the SBP under section 14 below.
- 6.9 As soon as possible after the charge has been preferred, the Dean will make available to the student all the evidence that will be considered at the hearing, as well as any relevant material collected during the investigation which it is not intended to adduce or rely upon.
- 6.10 No later than 3 days after receipt of the material specified in section 6.9 above in a summary offence, the student shall inform the Dean whether responsibility for the misconduct is accepted and whether the student accepts jurisdiction by the Dean or requires the case to be heard by the SBP; and in the absence of a response the Dean shall proceed on the basis that the student has accepted responsibility and consented to the Dean’s jurisdiction.
- 6.11 Any written or other material which the student wishes to introduce at the hearing, and the names of any witnesses, shall be provided to the Dean at least five days before the hearing or, if that is not possible, as soon as available.

## **Section 7: Evidence and proof**

- 7.1 The English law of evidence shall not apply to proceedings under this Code.
- 7.2 The written statement of a witness unable or unwilling to attend in person may be admitted in evidence, but shall be treated with caution insofar as it contains material disputed by the other side.
- 7.3 The burden of proving misconduct before the Student Behaviour Panel shall rest on the Dean.
- 7.4 A student’s failure to give a timely explanation to the Dean or any Panel shall not in the absence of other incriminating evidence be sufficient to justify a finding of responsibility, but such adverse inferences as are reasonable and appropriate in the circumstances may be drawn.
- 7.5 The Dean or Panel shall find a student responsible only if satisfied on the evidence on the balance of probabilities, the cogency of the evidence relied upon being commensurate with the seriousness of the misconduct charged.



- 7.6 The Dean or Panel may find a student responsible for an offence of misconduct other than the one with which the student was charged, provided that all its elements are contained in the offence charged.
- 7.7 Where a charge or charges are dismissed and the student or students found not responsible, the Panel may, where the evidence, on the balance of probabilities, supports it, issue a declaration that misconduct by an unidentified student or students of the College did take place.

### **Section 8: Further duties of the Dean**

- 8.1 All references in this Code to the Dean shall include such other person as, in the absence of the Dean or in the event of the Dean's inability to act, has been appointed by the Master to exercise the duties and powers of the Dean.
- 8.2 The Dean shall keep the complainant informed of the progress of the complaint and of its outcome with such explanation as is reasonable in the circumstances.
- 8.3 The Dean shall submit an annual report to the Council describing, with relevant statistics, any action taken under the Code, but without identifying individuals by name, and any amendments or improvements to the Code which the Dean recommends.

### **Section 9: Breach of Regulations**

- 9.1 Offences under section 2.1(m) above (breach of Regulation) shall be handled in accordance with the provisions set out in this section provided that the misconduct alleged is not actuated by, or that may have been associated with, any characteristic of the person said to be the victim as specified in section 2.2(c).
- 9.2 On receiving a report or complaint which is not dismissed in accordance with section 4.1 above and which the Dean believes alleges a breach of Regulation, the Dean shall decide, having made such inquiries as are deemed necessary and normally following consultation with the student's Tutor, whether it should be dealt with under the procedure set out in this section or as a summary or non-summary offence under other provisions of this Code.
- 9.3 An alleged breach of Regulation will normally be dealt with under this section unless the Dean is of the opinion that the circumstances are such that it should be dealt with as a summary or non-summary offence. Sections 4.1, 4.5, 4.6, 4.14, 4.15 and section 6 of this Ordinance shall not apply to proceedings under this section.
- 9.4 In deciding on the appropriate course of action under section 9.3 above, the Dean shall have regard to all the circumstances, including the student's past conduct, and the different penalties available under this Code.
- 9.5 Misconduct that constitutes a breach of Regulation may be treated as such by the Dean even if its facts also amount to another offence under section 2.1 above.
- 9.6 On deciding that the appropriate course of action is to deal with the matter under this section, the Dean shall inform the student of the substance of the complaint, invite any written representations and indicate that, subject to any

such representations, the Dean is minded to impose a penalty in accordance with section 9.7 below.

- 9.7 The penalties that may be imposed by the Dean under this section are the penalties provided for summary offences in section 11 below subject to the following modifications:
- (a) In section 11.1(a), the maximum period specified shall be one year;
  - (b) In section 11.1(b), the maximum fine shall be £75;
  - (c) In section 11.1(e), the maximum sum shall be £250;
  - (d) In section 11.1(f), the maximum period shall not extend beyond the end of the Term following the imposition of the sanction; and
  - (e) Section 11.1(d) shall not apply.
- 9.8 A student may appeal against the Dean's finding of responsibility or penalty against them to the Student Behaviour Appeal Panel ("SBAP") by giving notice to the Dean within 14 days of receiving the Dean's decision.
- 9.9 The SBAP shall normally consider the appeal without an oral hearing on the basis of written representations, but may in its discretion hold an oral hearing at which the student and the Dean shall be entitled to appear and make submissions.
- 9.10 The SBAP may dismiss the appeal; and if it allows any part of the appeal may quash the Dean's finding or vary the penalty or substitute another penalty under section 9.7 as appropriate.

#### **Section 10: Summary jurisdiction**

- 10.1 This section applies to summary offences as defined in section 6.7 above.
- 10.2 Any alleged misconduct actuated by, or that may have been associated with, any characteristic of the person said to be the victim as specified in section 2.2(c) above shall not be treated as a summary offence.
- 10.3 Summary disposal by the Dean may be exercised only if the student has accepted responsibility or has agreed to summary disposal by the Dean; and all other summary cases shall be referred for hearing by the SBP, convened under section 13.2 below, exercising summary jurisdiction and limited in the penalties it can impose to those listed in section 11.1 below (although a Panel may in its written decision express the view that a penalty under section 15 below would have been more appropriate and may indicate what that penalty would have been).
- 10.4 Summary disposal by the Dean shall take the form of a hearing by the Dean at which the student who has been charged and is present in accordance with section 10.5 or 10.6 below may be assisted or represented by a member of the College, is to have been apprised of the evidence and given an adequate opportunity to present any defence or mitigation, to cross-examine witnesses and call evidence as may, in the opinion of the Dean, be appropriate.

- 10.5 A student who admits responsibility shall not be present at the hearing unless the Dean is of the opinion that the student's presence is necessary for the proper disposal of the case or the student asks to be present in order to present mitigation.
- 10.6 A student who does not accept responsibility but has consented to disposal by the Dean shall be present only where the student asks to be present or the Dean is of the opinion that the student's presence is necessary for the proper disposal of the case.

### **Section 11: Penalties in summary cases**

- 11.1 One or more of the following penalties may be imposed the Dean or by the SBP where a student has accepted responsibility or been found responsible in summary proceedings:
- (a) reprimand and warning to be placed on the student's file for such period up to two years as shall be specified;
  - (b) a fine of up to £150;
  - (c) a requirement to make a formal apology, either in writing or orally, to the complainant or any other person or persons affected by the misconduct in such terms as may be prescribed and if so ordered subject to the approval of the Dean or Panel as the case may be;
  - (d) attendance at a relevant training session or course;
  - (e) payment of compensation in respect of damage to property or physical injury to the person up to a maximum of £1000; and
  - (f) exclusion from prescribed College facilities or activities, other than lectures, supervisions, classes, seminars and similar academic activities, for up to three terms.
- 11.2 An award of compensation under section 11.1(e) above shall be separate from the obligation to pay in full for any damage caused to College property, including the costs of cleaning, redecoration, repair or replacement.
- 11.3 Sections 15.5-15.7 below shall apply to financial penalties under this section.

### **Section 12: Appeals in summary cases**

- 12.1 A student may appeal under this section against a decision of the Dean or the SBP in summary cases to the SBAP by giving notice of appeal to the Dean within 14 days of receiving the Dean's or SBP's report.
- 12.2 An appeal under section 12.1 above where the student did not accept responsibility but was found responsible may be on one or both of the following grounds:
- (a) that there was some irregularity or procedural unfairness at the hearing or during the investigation such as to render the finding unsafe;
  - (b) that the evidence did not support the finding reached;

but an appeal under para. (b) shall lie only where the finding of responsibility was made by the Dean.

- 12.3 A student may appeal under section 12.1 above to the SBAP on the ground that the penalty imposed by the Dean or the SBP was too severe.
- 12.4 The SBAP shall normally consider the appeal without an oral hearing on the basis of written representations, but may in its discretion hold an oral hearing at which the student and Dean may appear and make submissions.
- 12.5 On an appeal under section 12.2 above, the SBAP shall confirm or quash the finding of misconduct and, if quashing the finding, may –
  - (a) direct a fresh hearing, which shall take place before the SBP even if the original finding was made by the Dean;
  - (b) substitute such other finding of misconduct as is justified; or
  - (c) direct that no further action be taken, with or without a declaration as described in section 7.7 above (misconduct by unidentified students).
- 12.6 On an appeal against penalty under section 12.3 above, the SBAP shall confirm the penalty or substitute such other penalty or penalties under section 11.1 as it sees fit, provided that the substituted penalties are not in the opinion of the SBAP in aggregate more severe than the penalty originally imposed.

### **Section 13: Composition of hearing and appeal panels**

- 13.1 The Governing Body shall compile a list (the “Fellows List”) of at least 18 Fellows who are not members of Council or Tutors, such List to be reviewed and updated at least once in each academic year.
- 13.2 The Master may elect to chair the SBP, but if the Master chooses not to do so, the chair will be taken by the President or, if the President is unable to serve, by the most senior Fellow on the Fellows List who is available to serve.
- 13.3 The SBP shall consist in total of three members, except that a hearing once begun may proceed if one member is unable to continue, but the presiding member of a two-member panel may at any time adjourn the proceedings to begin afresh before a full panel.
- 13.4 The presiding member shall select the other members of the SBP from the Fellows List by lot, ensuring that wherever possible at least one member is a former Tutor or current or former Director of Studies.
- 13.5 The SBAP shall consist in total of five members, including the Master, who shall chair the Panel, unless the Master served on the SBP or is otherwise unable to serve, in which case it shall be chaired by the President or (if the President is unable to serve) by the most senior Fellow on the Fellows List who is available, together with other Fellows drawn from the Fellows List by the presiding member as in section 13.4 above; but an appeal once begun may continue if a member or members is or are unable to serve provided that at least three members remain.
- 13.6 Notwithstanding section 13.5 above, a hearing or appeal panel may if the Master deems it expedient be chaired by an Honorary Fellow or alumnus of the College

with appropriate judicial or legal experience selected by the Master, and an appeal panel shall be so chaired where the penalty imposed was expulsion.

13.7 The following shall not serve on a Panel:

- (a) any person who has had any prior involvement in the case;
- (b) a person who is or has been the student's or complainant's Tutor;
- (c) any person who has some other close relationship with either the student or the complainant;
- (d) any person in respect of whom there is a real risk of actual or perceived bias;

and it shall be for the presiding member of the Panel to determine if any person shall be excluded on any of the above grounds.

#### **Section 14: Hearings by Panels**

- 14.1 Any case that is not dealt with by the Dean under the summary jurisdiction procedure or otherwise disposed of shall be referred for hearing by the Student Behaviour Panel.
- 14.2 A Panel shall, subject to the requirement in Statute F.IV.3 to act impartially and fairly, have the power to determine its own procedure, to call such evidence and direct such enquiries as it sees fit, to control and regulate proceedings, and to seek independent legal advice.
- 14.3 All hearings and appeals shall take place in private, but where the complainant is a member of another College and the alleged misconduct is a non-summary offence, the Master may invite the Head of the complainant's College to nominate one of that College's Fellows or Honorary Fellows to observe the proceedings.
- 14.4 The College may arrange for a clerk to be present at hearings of a Panel; and the Panel shall ensure that a record of the proceedings is kept.
- 14.5 At any hearing or appeal by a Panel in a summary matter, a student may be assisted or represented by any member of the College or University and in a non-summary matter by the same or a barrister, solicitor or advocate qualified in the United Kingdom; and the Dean may nominate a member of the College or University to present the case and, where the student is represented by a qualified member of the legal profession as stipulated in this section, may likewise nominate such a lawyer.
- 14.6 A hearing may take place or continue in the student's absence if the student charged with misconduct fails without reasonable excuse to attend or has been excluded on account of disorderly behaviour at the hearing.
- 14.7 Charges against two or more students arising out of the same incident or event may be heard at the same time if the Panel so directs.
- 14.8 Panels shall reach their decisions by majority vote, except that a two-member Panel (under section 13.3 above) which is unable to agree shall adjourn the proceedings to be re-heard before a differently constituted three-member Panel

unless both members agree that no further action should be taken and a finding of not responsible should be recorded.

- 14.9 A fully reasoned decision shall be issued as soon as possible following every hearing and appeal, including the reasons for the penalty imposed.

### **Section 15: Penalties in non-summary cases**

- 15.1 The Panel shall impose one or more of the following penalties where a student is found responsible for a non-summary offence of misconduct:

- (a) a reprimand and warning which shall be placed on the student's file and remain for such period as may be specified not exceeding five years;
- (b) a fine not exceeding £500;
- (c) a requirement to apologise as set out in section 11.1(c) above;
- (d) attendance at a relevant training session or course;
- (e) payment of compensation in respect of damage to property or physical injury to the person with no limit as to the maximum that may be awarded;
- (f) removal of a scholarship or exhibition;
- (g) dismissal or suspension from any College post or office;
- (h) loss of the right to occupy College accommodation for such period as shall be specified;
- (i) disqualification from holding office, including committee membership, in any College organisation, club or society for such period as shall be specified;
- (j) exclusion as defined in section 11.1(f) above either for such period as shall be prescribed or permanently;
- (k) suspension, as defined in section 15.2 below, for a prescribed period which may be for the remainder of the current academic year or for the whole of the following academic year or for a combination of the two or for such shorter period as may be prescribed; and
- (l) expulsion, which shall extinguish all the rights and privileges of a student, cancel the student's status as a student and registration for any degree or other award of the University and revoke the student's membership of the College.

- 15.2 Suspension shall require the student to go out of residence and prohibits the student from any attendance at or entry into any College or University premises for any purpose whatsoever, subject to any exceptions or qualifications which may be prescribed either at the time the penalty is imposed or subsequently.

- 15.3 In determining the penalty, the Panel shall have regard to all relevant factors, including the student's previous disciplinary record and conduct since the complaint was made, whether the offence was admitted and the impact of the misconduct on the complainant or other victim.

- 15.4 The provisions of section 11.2 above shall apply to this section.

- 15.5 Regard shall be had to the student's means in determining the appropriate amount of any substantial financial penalty.
- 15.6 The fines and awards of compensation set out in sections 11.1(b) and (e) and 15.1(b) and (e) may be adjusted from time to time by the Governing Body on the recommendation of the Dean.
- 15.7 All revenue from fines shall be credited to the Sizars' Fund (the College's students' hardship fund).

#### **Section 16: Appeals in non-summary cases**

- 16.1 A student dealt with for misconduct by the SBP in a non-summary case may within 14 days of receiving the SBP's report give to the Dean notice of appeal to the SBAP on one or more of the following grounds:
  - (a) that there was irregularity or procedural unfairness at the hearing or during the investigation such as to render the finding unsafe;
  - (b) that the evidence did not support the finding reached;
  - (c) that the facts as found did not amount to misconduct under the Code;
  - (d) that the penalty imposed was too severe;but an appeal on grounds (a) to (c) shall be possible only where the student did not accept responsibility for the misconduct and was found responsible by the SBP.
- 16.2 The SBAP may dismiss the appeal or, if it allows the appeal in whole or in part, shall have the following powers:
  - (a) quash the finding of misconduct;
  - (b) where the finding is quashed, it may direct that no further action be taken, with or without a declaration as described in section 7.7 above (misconduct by unidentified students), substitute a different finding of misconduct, or direct a new hearing before a differently constituted SBP;
  - (c) confirm the penalty or substitute such other penalty or penalties as it sees fit provided that the new penalties are not in the SBAP's opinion in aggregate more severe than that originally imposed; and
  - (d) where the Panel is of the view that the penalty imposed was too lenient, it may pronounce the penalty that in its view would have been appropriate, but that penalty shall not be applied to the appellant.
- 16.3 Appeals shall not take the form of a re-hearing of the original hearing with witnesses and evidence, but the SBAP shall consider submissions on the points on which challenges are made and may exceptionally agree to hear or decide to call a witness from the original hearing.
- 16.4 Fresh evidence will normally be admitted only if it was not reasonably possible to have presented it before the SBP.
- 16.5 The burden is on the appellant to satisfy the SBAP that the appeal should be allowed.

- 16.6 The SBAP shall hear from both the Dean and the appellant or the appellant's representative and both shall be entitled to be present throughout the hearing.
- 16.7 If the appellant fails without reasonable excuse to attend the appeal hearing, the SBAP may either dismiss the appeal forthwith or proceed with the hearing in the appellant's absence.
- 16.8 (a) The Dean may, in the absence of an appeal against penalty by the student, refer a penalty to the SBAP on the ground that it is unduly lenient, and the Panel shall have the power set out in section 16.2(d) above.
- (b) The Dean may, where the SBP has declined to declare that misconduct has been committed by unidentified students of the College in accordance with section 7.7 above, refer the refusal to the SBAP which shall either dismiss the referral or make the declaration sought.

### **Section 17: Related criminal and University proceedings**

- 17.1 Action under this Code, except under section 5 above, shall normally be deferred or adjourned where the alleged misconduct is subject to investigation or consideration by the police, the prosecuting authorities or the criminal courts, or a criminal trial is pending or imminent.
- 17.2 A student who has been convicted in a criminal court may be subject to disciplinary action under this Code in respect of substantially the same conduct, but such action shall be taken only if in the opinion of the Master the interests of the College or its members or staff demand it.
- 17.3 Where disciplinary action under section 17.2 is taken, the conviction shall be taken as irrebuttable proof that the student committed the act or acts in question and any penalty imposed shall take into account the sentence imposed by the court.
- 17.4 (a) The Council, on being informed that a student has been sentenced by a court to an immediate term of imprisonment of 12 months or more shall, as soon as possible and wherever practicable, invite the student, or anyone authorised to act on behalf of the student, to make written representations regarding the termination of that student's membership of the College.
- (b) The membership of the College of a student so sentenced shall normally be terminated by the Council, but the Council may, in the light of any representations received or otherwise, resolve not to terminate the student's membership of the College.
- (c) Where the student's membership is not terminated, the Council may direct the Dean to prefer a charge of misconduct for hearing by the SBP, notwithstanding section 17.2 above.
- (d) A student whose membership is terminated in accordance with this section shall be treated as having been expelled for misconduct under this Code.
- (e) No right of appeal arises following termination under paragraph (c) above.
- (f) If the sentence of imprisonment referred to in paragraph (a) above is subsequently reduced on appeal to a period of less than 12 months or the conviction is quashed, any decision to terminate under paragraph (b) above



shall be rescinded and the student may be dealt with in accordance with section 17.2 or 17.5 as appropriate.

- 17.5 Where a student has been acquitted in a criminal court, disciplinary action under this Code shall not be taken in respect of substantially the same conduct.
- 17.6 The above provisions of this section shall apply in like manner to disciplinary proceedings of the University.
- 17.7 A student who has been –
- (a) arrested and either remanded in custody or released on bail; or
  - (b) convicted of, charged with or summonsed for a criminal offence,
- shall as soon as practicable report the fact, together with explanatory details, to his or her Tutor, who shall promptly pass the information to the Dean.

### **Section 18: Excluded offences**

- 18.1 This section is made pursuant to Statute F.IV.5(c).
- 18.2 An excluded offence for the purposes of this Code is any offence of misconduct within section 2 above which falls within one of the following categories:
- (a) amounts to an offence which is triable only on indictment;
  - (b) amounts to a criminal offence which is designed to facilitate or lead to an offence against the person (including a sexual offence) which is triable only on indictment;
  - (c) amounts to a criminal offence contrary to section 3 of the Sexual Offences Act 2003, unless the Dean is satisfied of the following:
    - (i) that there are no aggravating features;
    - (ii) that the case if prosecuted in the criminal courts would be regarded as suitable for summary trial in the magistrates' court and on conviction would be unlikely to result in a custodial sentence; and
    - (iii) that the complaint is in all the circumstances appropriate to be handled under this Code and would not exceed the resources, powers or capacity of the College;
  - (d) amounts to any other criminal offence punishable by imprisonment where the Dean, having regard to all the circumstances and in particular to the seriousness, difficulty or complexity of the matter, at any stage reasonably considers that the investigation or hearing of the alleged offence would exceed the resources, powers or capacity of the College such that justice could not be done; or
  - (e) constitutes any misconduct which by agreement or otherwise the College has yielded to the exclusive or primary jurisdiction of the University.
- 18.3 Subject to section 18.6 below, it shall be for the Dean, having taken such legal advice as is deemed appropriate, to determine whether any alleged misconduct constitutes an excluded offence; and alleged misconduct which appears to the Dean to amount to a criminal offence triable only on indictment shall be so

treated, and any lesser offence or offences included within that offence shall not be pursued under this Code as an alternative to the excluded offence.

- 18.4 A complaint of misconduct within the terms of section 18.2 above shall not be pursued under this Code unless there has first been a conviction for that offence in a criminal court or University proceedings, as the case may be, or the student against whom the complaint has been made accepts full responsibility and does not substantially dispute the facts alleged.
- 18.5 Where a complaint cannot be pursued because of section 18.4 above, the complainant shall be advised by the Dean or other appropriate person of the other options available for pursuing the matter.
- 18.6 A complainant may appeal to the SBAP against the Dean's determination that the complaint involves an excluded offence by giving notice to the Dean within 14 days, and the SBAP shall either confirm the Dean's determination or declare that the complaint does not fall within section 18.2 above.

## **Ordinance under Statute F.IV.6: Discipline of members of the College *in statu pupillari***

*In force 29 September 2018*

### **Scope and Purpose**

1. This Ordinance applies to all student members of the College as defined in Statute F.IV.1.
2. Students of the College shall apply themselves diligently to their studies and shall not engage in any unfair practice in connection with the assessment of their work or the work of another student.
3. Students who do not apply themselves diligently to their studies or who engage in any unfair practice may be subject to proceedings under this Ordinance.
4. Conduct that may result in proceedings under this Ordinance includes but is not limited to:
  - (a) failure to attend supervisions or any compulsory aspect of University teaching or supervision without reasonable cause;
  - (b) incivility to any member of the academic staff of the College or the University;
  - (c) plagiarism in work submitted for supervisions;
  - (d) plagiarism in work submitted to University faculties or departments as part of an academic course of study;
  - (e) obtaining or attempting to obtain an unfair advantage in a University or College examination or other assessment;
  - (f) breach of any Regulation made by Council which concerns the academic conduct of students.

‘Plagiarism’ in this Ordinance means submitting as one’s own work, irrespective of intent to deceive, that which derives in part or in its entirety from the work of others without due acknowledgement.

‘Unfair practice’ or ‘unfair advantage’ in this Ordinance shall include, but is not limited to, possession of any unauthorised material or device in a University or College examination.

### **Complaints and Investigation**

5. Complaints that a student has acted in a way that may result in proceedings under this Ordinance shall be made to the Senior Tutor.
6. On receipt of a complaint the Senior Tutor shall investigate the complaint as she or he sees fit unless or until the Senior Tutor forms the opinion that the complaint is frivolous, manifestly ill-founded or vexatious (in which case it shall be immediately dismissed without investigation and the complainant informed). Investigation of the complaint shall usually include an interview with the student who is the subject of the complaint. The Senior Tutor shall keep

a record of all investigations and interviews undertaken and shall act with fairness and impartiality at all times.

7. If the Senior Tutor is unable to act in a particular case, e.g., because of a conflict of interest, then the Master shall nominate another Fellow to act in place of the Senior Tutor and all references in this Ordinance to the Senior Tutor shall be taken to refer to the person nominated.
8. If the Senior Tutor is not satisfied following the investigation that a student is responsible for conduct that should result in proceedings under this Ordinance the Senior Tutor shall notify the student of this fact as soon as is practicable after reaching this conclusion.
9. If the Senior Tutor is satisfied following the investigation that a student is responsible for conduct that may amount to proceedings under this Ordinance but medical evidence relating to the student's behaviour makes the case more suitable to be dealt with under fitness to study provisions, then Senior Tutor may, instead of proceeding under this Ordinance, refer the matter to be dealt with pursuant to the Ordinance made under Statute F.IV.7.

#### **Minor Matters**

10. If the Senior Tutor is satisfied following the investigation that a student is responsible for conduct that should result in proceedings under this Ordinance but is of the opinion that the conduct is minor in its nature then the Senior Tutor may impose one or more of the following penalties:
  - (a) reprimand and warning to be placed on the student's file;
  - (b) a fine of up to £150;
  - (c) a requirement to make a formal apology, either in writing or orally, to the complainant or any other person or persons affected by the misconduct in such terms as may be prescribed by the Senior Tutor;
  - (d) attendance at a relevant training session or course;
  - (e) exclusion from prescribed College facilities or activities, other than lectures, supervisions, classes, seminars and similar academic activities, for up to eight weeks.
11. The Senior Tutor shall notify the student of a decision under paragraph 10 no later than two working days after the decision is taken
12. A student who wishes to appeal against a decision of the Senior Tutor shall give notice of this fact within 14 days of being notified of the imposition of a penalty under paragraph 10 by requesting that the Senior Tutor refer the case to a Student Behaviour Appeal Panel (SBAP) constituted in accordance with section 13 of the Ordinance under Statute F.IV.2 and acting in accordance with the provisions of paragraphs 19, 20, 22, 23 and 35 of this Ordinance for which purpose all references to an 'SBP' in those paragraphs shall be taken to refer to an SBAP. The decision of the SBAP under this paragraph shall be final.
13. The Senior Tutor shall refer the matter to an SBAP as soon as is practicable after receiving a request under paragraph 12.

14. A student may appeal to an SBAP on one or more of the following grounds:
  - (a) that there was irregularity or unfairness in the investigation such as to render the finding unsafe;
  - (b) that the evidence did not support the finding reached;
  - (c) that the facts as found did not amount to conduct that can be subject to proceedings under this Ordinance;
  - (d) that the penalty imposed was too severe.
15. An SBAP may dismiss an appeal or, if it allows the appeal in whole or in part, shall have the power to:
  - (a) quash the decision of the Senior Tutor under paragraph 10;
  - (b) confirm the penalty imposed under paragraph 10 or substitute another penalty mentioned in that paragraph.
16. The SBAP shall consider submissions from the student and the Senior Tutor on the points on which challenges are made and may exceptionally conduct an interview with the student who is subject to proceedings under this Ordinance. Any such student may be assisted or represented at an interview by any member of the College or University or a barrister, solicitor or advocate qualified in the United Kingdom; and the Senior Tutor may nominate a member of the College or University to present the case and, where the student is represented by a qualified member of the legal profession as stipulated in this paragraph, may likewise nominate such a lawyer.
17. The SBAP shall act in accordance with the provisions of paragraphs 19, 20, 22 and 23 of this Ordinance for which purpose all references to an SBP in those paragraphs shall be taken to refer to an SBAP.

#### **Non-Minor Matters**

18. If the Senior Tutor is satisfied following the investigation that a student is responsible for conduct that should result in proceedings under this Ordinance and that the conduct is not minor in its nature then the Senior Tutor shall refer the matter to a Student Behaviour Panel (SBP) constituted in accordance with the provisions of section 13 of the Ordinance under Statute F.IV.2.
19. An SBP acting under this Ordinance shall be subject to the provisions of section 14.2 of the Ordinance under Statute F.IV.2, to act impartially and fairly, have the power to determine its own procedure, to call such evidence and direct such enquiries as it sees fit, to control and regulate proceedings, and to seek independent legal advice. The student shall have the right to make written representations to the SBP.
20. All proceedings of an SBP shall take place in private and the panel shall ensure that a record of the proceedings is kept. For the purpose of record keeping the College may arrange for a clerk to be present at hearings of a Panel.
21. An SBP shall, unless the student declines to attend, conduct an interview with students who are subject to proceedings under this Ordinance. Any such student may be assisted or represented by any member of the College or

University or a barrister, solicitor or advocate qualified in the United Kingdom; and the Senior Tutor may nominate a member of the College or University to present the case and, where the student is represented by a qualified member of the legal profession as stipulated in this paragraph, may likewise nominate such a lawyer.

22. If a student fails to attend an interview without reasonable excuse the SBP may continue its investigations and reach a conclusion.
23. The Chair of the panel shall inform the student of their decisions as soon as is practicable after a decision has been taken
24. A Student Behaviour Panel deciding a case under paragraph 17 of this Ordinance may dismiss the case or, if it finds a student responsible for conduct cited in paragraph 2 of this Ordinance shall have the power to impose any penalty set out in section 15.1 (a)–(d) and (f)–(l) of the Ordinance under Statute F.IV.2. Other matters specified in section 15 of that Ordinance that are relevant to the imposition of these sanctions shall also apply for the purpose of the Ordinance. For the purposes of the penalty set out section 15.1 (c) of the Ordinance, reference to the Dean in section 11.1 of the Ordinance under Statute F.IV.2 shall be taken as referring to the Senior Tutor for the purpose of this Ordinance.
25. A student may appeal against the decision of an SBP by giving notice to the Chair of the SBP of their intention to do so within 14 days of having been notified of a finding of responsibility under paragraph 24. On receiving such a notification the Chair of the SBP shall refer the matter to an SBAP constituted in accordance with the provisions of section 13 of the Ordinance under Statute F.IV.2.
26. The grounds of appeal from the decision of an SBP shall be those set out in paragraph 14.
27. The powers of an SBAP hearing an appeal from the SBP shall be those set out in paragraph 15 of this Ordinance save that the references in paragraph 15 (a) and (b) to ‘The Senior Tutor’ and ‘paragraph 10’ shall be read as referring to the ‘SBP’ and ‘paragraph 24’ respectively. The SBAP shall act in accordance with the provisions of paragraphs 16, 19, 20, 22, 23 of this Ordinance for which purpose all references to an SBP in those paragraphs shall be taken to refer to an SBAP.
28. Where an SBAP hears an appeal from the decision of an SBP, submissions to the panel may be made by the student or a representative falling within paragraph 21 of this Ordinance and the Senior Tutor or a representative. Where a student is interviewed by an SBAP the provisions of paragraphs 21 concerning the student’s representation and paragraph 22 shall further apply to the proceedings of the SBAP.
29. The Chair of the SBAP shall inform the student of its decision as soon as is practicable after a decision has been taken.

### **Failure in University Examinations**

30. A student shall not be permitted to return to residence after failure in a University examination. Failure includes outright failure in an examination and failure to obtain Honours in a classed examination. Refusal or inability to take an examination shall also be regarded as a failure.
31. Paragraph 30 of this Ordinance shall not apply to failure in a Second MB examination taken by a preclinical medical student or to the failure of any student in a University Preliminary Examination.
32. The rule in paragraph 30 is subject to any allowance granted to a student by the University in respect of University Examinations.

### **Failure in a University Preliminary Examination or a College Examination**

33. Where a student fails a University Preliminary or College examination the Senior Tutor shall decide whether there is a clear case for granting the student permission to return to residence to continue studies. The Senior Tutor shall consult the student's Tutor and Director(s) of Studies and shall take into account all of the relevant factors and circumstances of the case. The Senior Tutor shall grant the student permission to continue studying if satisfied that there is a clear case for doing so.
34. If the Senior Tutor feels that the evidence and circumstances of the case do not make a clear case for granting of permission to continue studies the case shall be referred to an SBP constituted in accordance with section 13 of the Ordinance under Statute F.IV.2 and subject to the rules in paragraphs 19, 20 and 23 of this Ordinance.
35. The SBP shall, save in exceptional circumstances, conduct an interview with the student who is subject to proceedings under paragraph 34 of this Ordinance. Any such student may be assisted or represented by any member of the College or University or a barrister, solicitor or advocate qualified in the United Kingdom; and the Senior Tutor may nominate a member of the College or University to present the case and, where the student is represented by a qualified member of the legal profession as stipulated in this paragraph, may likewise nominate such a lawyer. If a student fails to attend an interview without reasonable excuse the SBP may continue its investigations and reach a conclusion.
36. The SBP acting under paragraph 34 of this Ordinance shall decide whether to:
  - (a) grant the student permission to return to residence and continue studies;
  - (b) set such conditions on a return to studies as the Panel thinks appropriate e.g. passing a progress examination;
  - (c) not grant permission to return into residence in which case the student shall cease to be a student of the College or University.
37. Where the SBP does not grant permission to return to residence under paragraph 36(c) of this Ordinance the student shall have the right to request that the case be reconsidered by an SBAP. A request under this paragraph shall be

made in writing to the Chair of the SBP within 14 days of the decision of the Panel.

38. The SBAP acting on a request for reconsideration under paragraph 37 shall be constituted in accordance with section 13 of the Ordinance under Statute F.IV.2 and shall decide which of the measures set out in paragraph 36(a)–(c) of this Ordinance should be imposed in the case. The SBAP shall act in accordance with the provisions of paragraphs 19, 20, 22, 23 and 35 of this Ordinance for which purpose all references to an SBP in those paragraphs shall be taken to refer to an SBAP. The decision of the SBAP under this paragraph shall be final.



**Ordinance under Statute F.IV.7: Procedure to Support and Assess Capability to Study***In force 16 May 2023***1. Glossary of key terms**

1.1 In this procedure, the following terms shall have the meanings set out below:

Collegiate University community	All College members and employees, University registered or formerly registered students, other matriculated persons, all members of the Regent House, and all University and other College employees, workers, staff or secondees, visiting scholars and visiting students
Committee	The Study Capability Assessment Committee (see Regulation 6)
Decision-maker(s)	Those who have authority to make decisions concerning capability to study under this procedure (see Regulations 5, 6, 7 and 8)
Department	The University institution at which the student is studying. References to the Head of Department or Departmental staff refer to the Head and the staff of that institution, who may be the Chair of the Faculty Board and the staff of that Faculty
ADRC	Accessibility and Disability Resource Centre
OSCCA	the University's Office of Student Conduct, Complaints and Appeals
Review Committee	The three person decision-making group that reviews decisions of the Committee (see Regulation 7)
Rules of Behaviour	The behaviour code that applies to all students of the College – <i>Ordinance under Statute F.IV.2: Code of Student Behaviour</i>
student	Any member of the College, other than a Fellow, who has matriculated and is following a course of study for a degree or other award of the University, together with such other persons or categories of person designated as a student by the Governing Body

**2. Purpose and Scope***Introduction*

2.1 Whilst at University, all students should be able to study and perform to the best of their ability in a safe and comfortable environment. The reality of College and University life means that students not only work but also live in close proximity to each other, and whilst many students find studying and living in such an environment easy and enjoyable, others can find it more challenging.

The term "capability to study" as used in this document relates to the entire student experience, and not just a student's ability to engage with their studies. For example, unless it is informed otherwise, the College expects its students to be able to live in harmony with others, and not conduct themselves in a way which has an adverse impact on those around them. This procedure is not designed to address academic

performance issues (which should be dealt with under the normal academic assessment and monitoring procedures) except where poor academic performance is resulting from a capability to study issue.

This procedure sets out the steps that will be taken by the College when there is concern that a student's behaviour or health is adversely impacting upon the welfare or academic progress of the student, or of others within the Collegiate University community, or has the potential to do so. The College has a duty of care to its community and is bound by health and safety legislation and equality legislation, which means that it is obliged to take action if a student presents a risk to themselves or to others.

The level of risk to himself /herself, other students or others posed by a student will be measured by the use of a risk assessment process, which should be used throughout the procedure to provide a consistent means of assessing the risk to the student, other individuals and the institution. This process will be led by the Senior Tutor in close collaboration with health professionals. Even when no risk is involved, the fact that a student has a problem does not in itself justify or excuse inappropriate behaviour.

- 2.2 Where an alleged breach of the College's rules of behaviour is likely to have been caused by an underlying health condition, this procedure should be initiated.
- 2.3 All students should be encouraged to engage fully with their studies. Students should be informed about how to access relevant academic skills support, pastoral support and, for students with disabilities, how to ask for reasonable adjustments that will be offered and put in place unless declined by the student.
- 2.4 Where concerns regarding the student's behaviour or health remain after the actions in Regulation 2.3 have been taken, this procedure should be initiated. Once this procedure has been used (at any of the stages) the behaviour observed will normally be considered under this procedure rather than under a disciplinary procedure.

#### *Stages*

- 2.5 The procedure has three stages:
  - Stage 1 – support to study (see Regulation 5)
  - Stage 2 – assessing a student's capability to study (see Regulation 6)
  - Stage 3 – a procedural review of a stage 2 decision (see Regulation 7).
- 2.6 Stage 1 is a supportive process, which facilitates an agreed action plan between the student and the College. Where a Stage 1 action plan has not been followed by the student, or in serious cases without using Stage 1, Stage 2 of this procedure may be initiated or the Senior Tutor may choose to refer the case to the University's Procedure to Support and Assess Capability to Study (as outlined in regulation 4.6).

- 2.7 Following a Stage 2 decision, the student can request a review of the Committee's decision using Stage 3. The decision on the completion of Stage 3 will be the final stage of the College's internal procedures and therefore a Completion of Procedures letter will be issued. The Completion of Procedures letter will explain to the student how to raise a complaint with the external ombudsman, the Office of the Independent Adjudicator, if the student remains dissatisfied with the College's action or inaction.

*Engagement with the procedure*

- 2.8 A student must engage fully with this procedure, including responding to emails, adhering to deadlines and attending meetings either physically or virtually. If a student does not engage fully with the procedure, this is likely to lead to escalation within the procedure and for the decision-makers to assess that the risk to the student or the Collegiate University community is high, potentially resulting in interim action being taken while the procedure is ongoing using the College's Rules of Behaviour.
- 2.9 Some students may find engaging with the procedure worrying or challenging, particularly Stage 2, as it may include consideration of whether the student is currently capable to continue studying. The student will receive information on how to access support during the procedure. The appropriate support will depend upon the student's circumstances but may be delivered by a College, the University, the Student Advice Service or external support organisations. Decision-makers will take into account the potential effects upon the student made known to them in reaching their decisions.
- 2.10 Reasonable adjustments shall be made to the procedure to allow fair access for students with a disability requiring them. Students are requested to inform the College of any requests for reasonable adjustments during the procedure, where these have not already been anticipated and put in place.
- 2.11 The student and all others involved in the procedure are always required to communicate and act respectfully and reasonably whilst using the procedure. Abusive behaviour will not be tolerated. If, following a warning, someone continues to behave in an unacceptable manner, that person may be subject to separate disciplinary action. Where the student is continuing to behave in an unacceptable manner, this behaviour may lead a decision-maker to consider that the risk the student poses to the Collegiate University community or themselves is high and refer the concern for consideration under the College's Rules of Behaviour.

If concerns are raised whilst a student is on authorised study away from Cambridge (e.g. is on a Year Abroad, has leave to Work Away, or is on a placement) the College will discuss with the other institution and the University Department, where appropriate, alternative arrangements that might address any concerns.

*Representation*

- 2.12 In order to ensure that a student's views are accurately represented during the procedure, it is preferable for the College to correspond directly with the student. Where this is not in the best interests of the student, for example because the student lacks capacity or requires support to receive correspondence as a result of an underlying health condition, correspondence can be directed through an authorised representative where explicit permission is given by the student.

It is only natural that parents/guardians will be concerned for the welfare of their children. It must be noted, however, that unless the student is still legally a child (that is are not yet 18 years old), parents/guardians may only become involved in the procedures described here with the express consent of the student. Such consent should be communicated to the Senior Tutor. If such consent has been given, then a parent/guardian may, for instance, accompany a student to a Support to Study or Committee meeting.

- 2.13 This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary for a student to be legally represented at any meetings that form part of the procedure, other than in exceptional circumstances.

*Decision-making*

- 2.14 Any action taken under this procedure will be limited to that necessary and proportionate to protect the best interests of the student, and other members of the Collegiate University community.
- 2.15 The standard of proof when making decisions under this procedure is the balance of probabilities. The burden of proof that some form of action is required to be taken in relation to the student's studies rests with the College. This means that it is necessary to prove that it is more likely than not that behaviour occurred which requires action to be taken. Decisions must be supported by evidence, and will take into account the credibility of evidence.
- 2.16 All decision-makers will receive appropriate training to undertake their role and be appropriately resourced and supported. Decision-makers in Stage 2 will not have had any previous involvement with the matter or any personal knowledge of the student.
- 2.17 A student may choose to intermit at any time during this procedure. The decision-maker will normally accept any request for intermission provided criteria for intermission are met.
- 2.18 This procedure can be suspended at any time by a decision-maker to enable a student to intermit from study or for a criminal investigation or proceedings to be completed. When a student intends to return to study after intermission or when the criminal proceedings have been completed or a decision has been taken not to

take further action through the courts, the decision-maker may request additional medical evidence or resume this procedure in order to ensure the student is fit to resume study.

- 2.19 Any reference in this procedure to a College officer or other named role-holder includes a deputy appointed by that officer or role-holder to exercise the functions assigned to that officer or role-holder under this procedure.

### **3. Circumstances under which this procedure may be implemented**

- 3.1 A student's capability to study may be brought into question as a result of a wide range of circumstances. These include, but are not restricted to, the following:
- a) Students who have individual learning plans in place and are struggling to manage their studies or other elements of their course;
  - b) Students who are not attending, submitting work and/or repeatedly not responding to emails;
  - c) Students with complex personal circumstances (for example, health, family or financial issues);
  - d) Students who regularly submit applications for examination allowances as a result of ongoing health concerns;
  - e) Students whose health, wellbeing or behaviour is causing concern to others, although there may be no negative impact on their academic work and progression; such as where serious concerns about the student emerge from a third party (e.g. friend, other student, department, placement provider, member of the public, medical professional etc);
  - f) Students whose behaviour is impacting upon the health and safety of others;
  - g) The student has told a member of the College that he/she has a problem and/or has provided information, which indicates that there is a need to address their capability to study;
  - h) Behaviour that would otherwise be dealt with as a disciplinary matter, but is considered may be the result of an underlying physical or mental health problem;
  - i) The student's academic performance or persistent behaviour is not acceptable and this is thought to be the result of an underlying physical or mental health problem.

If Tutorial, Academic or Support Staff have concerns regarding a student's fitness to study they should discuss this with the Senior Tutor and with support services, such as the College Nurse and Wellbeing Advisor, and consider implementing Stage 1 of the procedure.

### **4. Raising a concern**

- 4.1 The Senior Tutor may choose to initiate this procedure following receiving a referral from:

- a) the student's Tutor or Postgraduate Tutor;
  - b) the College Counselling provision;
  - c) the College Nures and Wellbeing Advisor;
  - d) OSCCA;
  - e) the University's Examination Access and Mitigation Committee
- 4.2 The Senior Tutor, following consultation with the student's Tutor or Postgraduate Tutor and, where applicable, the student's Head of Department and/or OSCCA, will consider the grounds contained in the referral and shall determine whether to refer the concern:
- a) to Stage 1 of this procedure;
  - b) to Stage 2 of this procedure;
  - c) to an alternative procedure where appropriate, for example, the equivalent University procedure, a College or University Disciplinary Procedure or the University's Fitness to Practise Procedures.
- 4.3 The Senior Tutor may advise the Dean to take immediate and interim action under the College's Rules of Behaviour where there are reasonable grounds to consider the student is a risk to themselves, or to the Collegiate University community, and there is a need for immediate action to be taken.
- 4.4 The Senior Tutor, when making a decision under Regulation 4.2, shall take into account whether the concern is likely to be resolved with additional supportive actions. Where Stage 1 does not appear likely to resolve the concern, or actions equivalent to Stage 1 have already been attempted without success, it will be referred to Stage 2.
- 4.5 The University has an equivalent procedure to support and assess capability to study. There are a number of factors that can determine whether the College or University procedure is most suitable to use, including whether:
- a) the behaviour that has prompted the concern is occurring primarily within a College or University setting;
  - b) the College wish to maintain an entirely supportive relationship with the student;
  - c) the student's relationship with the College or the University has broken down.
- 4.6 In some circumstances it may be appropriate for the College to take forward Stage 1 of this procedure. However, where the concern is not resolved by this action, the College may decide to refer any consideration equivalent to Stage 2 into the University procedure by making a written referral under paragraph 4.2.
- 4.7 The decision regarding which procedure to use will be made jointly by the student's Senior Tutor and the Head of OSCCA.

- 4.8 The Senior Tutor shall write to the student within 7 days of the decision being made under Regulation 4.2, outlining the concern and informing the student of the decision and the reasons for the decision.

## **5. Stage 1 – support to study**

- 5.1 Should preliminary action in terms of support and guidance be unsuccessful the Senior Tutor will nominate a member of the College to undertake the actions under Stage 1. This would ordinarily be their College Tutor but might be the College Nurse and Wellbeing Advisor or other member of the pastoral support team. Should the Tutor or other member of staff require advice or guidance on this they should contact the Senior Tutor.
- 5.2 The student will be required to attend a Support to Study meeting with the nominated College member to understand why there are concerns regarding the student's behaviour and to discuss what supportive actions can be taken to help address the behaviour.
- 5.3 The student will normally be given at least 7 days' notice of the meeting taking place. The student will be informed of the purpose of the meeting including a summary of the behaviour which has led to the meeting taking place and will be able to bring an appropriate supporter to the meeting. Where the student has an ADRC advisor, this person may also attend to provide expert information in relation to any adjustments or other support options that may be discussed.
- 5.4 During the meeting, the College member will outline the behaviour that has led to the meeting taking place and the student will be given an opportunity to provide a response or explanation for the behaviour. The student should be given the opportunity to explain their own views on the matter, and be encouraged to think about using one or more of the support services offered by the University Where a student disagrees that the behaviour has taken place then this should be noted, with the student still having the opportunity to agree to engaging with supportive actions.
- 5.5 Supportive actions can be any actions that may assist students in continuing with their course. Supportive actions must be agreed between the College member and the student. Some examples of these actions may include:
- a) additional meetings with College fellows, such as the Director of Studies, or staff to discuss behaviour expectations or academic work;
  - b) additional study skills or language sessions;
  - c) mentoring, which can either be specific mentoring to support a student in managing their studies with a disability or more general mentoring (mentoring should only be carried out by staff, not peers);
  - d) interim milestones or deadlines for academic work to ensure that formal deadlines will be met;
  - e) the student engaging with the ADRC, or with counselling or other medical or health professionals, including agreeing to undertake further assessments, including with the Mental Health Advice Service;

- f) a review of reasonable adjustments in place;
  - g) the student not contacting or communicating with named staff or students, or to only communicate or contact named staff or students as explicitly defined by the action;
  - h) using named College facilities or buildings as explicitly defined, for example, not using particular spaces out of hours or without supervision.
- 5.6 Any actions that will require the input of staff outside of the College must be agreed with the relevant staff or service before the supportive action is finalised.
- 5.7 Within 7 days of the meeting taking place, the student will receive from the College member a summary of the content of the meeting and a list of the agreed supportive actions, and a date of review to check that the agreed actions have improved matters. The student will be required to confirm agreement to the supportive actions within 7 days of receiving the written copy.
- 5.8 It is hoped that in most cases issues can be resolved at this level, and that the student will respond positively, co-operating fully with the process and taking advantage of the support available. It may be necessary to obtain independent corroboration as to whether support offered is being taken up. The responsibility for providing this will lie with the student.
- 5.9 A review period should be determined by agreement between the Tutor, DOS (if applicable) and the student to allow the student to consider their own behaviour and seek advice from the support services available. At the end of this period a meeting should be held to discuss any steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, this will be noted. Further meetings may be scheduled to continue to monitor the situation/progress and help ensure that continued support is provided to the student to enable them to study effectively. If, however, the concerns have not been addressed, a further review period may be agreed, or the case will move to the next stage of the policy.
- 5.10 The informal discussions, advice and any undertakings made by the College or University and/or the student should be documented for the benefit of the College, the University and the student, but should be kept confidential. Copies of documents are to be kept by the Tutor and the student. A letter setting out what has been agreed should be given to the student. At this stage a postgraduate student's Supervisor and/or Course Director will not be informed of the problem, the process or the resolution.
- 5.11 Where a student does not agree to any supportive actions being put in place; or where the student has failed to comply with the actions; or where following the review date the actions have not had the desired impact, the College member must inform the Senior Tutor for possible consideration under Stage 2 of the procedure.



## **6. Stage 2 – assessing capability to study**

- 6.1 Where a concern is referred to Stage 2 of this procedure, a Committee will be appointed by the Senior Tutor within 21 days of the referral in accordance with the rules in section 13 of the Ordinance under Statute F.IV.2 concerning Student Behaviour Panels. The Chair of the Committee shall have had no previous involvement in the case for which purpose the rules in section 13.2 of the aforementioned Ordinance shall be followed.
- 6.2 The Chair of the Committee may invite the student's Tutor, the Senior Tutor, and others to attend meetings of the Committee where this is, in the opinion of the Chair, appropriate. A member of the College Tutorial Office will act as Secretary to the Committee.
- 6.3 The Chair will set a date for a formal meeting of the Committee to hear the case, which date may be changed by the Chair if the circumstances require it.
- 6.4 The purpose of the meeting will be to consider the information available and to reach an appropriate decision, action plan, or other outcome. The person who made the original referral and, where Stage 1 has been used the College member responsible for Stage 1, will be requested to provide relevant written evidence to the Committee, and may be requested to attend at the Chair's discretion. The Committee may request other specialist or relevant opinion, including medical reports or reports from other specialist advisers. This can include an assessment from the University's Mental Health Advice Service where students have mental health difficulties (excluding assessments regarding neurodiverse conditions) or behavioural difficulties, which are impacting the wider College community. The Committee may also request to see documents and records resulting from consideration of the student's case by the College or University under its procedures or any other evidence considered necessary and proportionate. The Committee may ask the student to attend a consultation with an expert but the Committee may proceed to consider the student's capability to study notwithstanding a refusal or failure by the student to attend a consultation as requested. The student will be asked to authorise full disclosure to the College of the results of any medical examination. The College recognises that any such information disclosed will constitute "sensitive data" for the purposes of data protection legislation and will be handled, processed and stored accordingly
- 6.5 The Secretary of the Committee shall give the student at least 14 days' notice of the date, time and venue of the meeting of the Committee, as well as the purpose of the meeting, and all documentation given to the Committee, including a summary of the concerns to be considered at the meeting. The student will be invited to provide any documentation which the student wishes the Committee to consider in advance of the meeting. The Secretary of the Committee will ensure that all parties have access to the same documents.
- 6.6 If the student is unable to attend the meeting, or declines to do so, the Committee may agree to proceed in the student's absence.

- 6.7 The student may be supported and/or represented (including in her or his absence) at the meeting by a supporter or representative of the student's choice. A support worker may also accompany a disabled student. The student should notify the Secretary of the Committee at least 7 days in advance of the meeting if the student intends to attend the meeting and if the student will be accompanied and/or represented, and, if so, by whom. Where a student and a representative attend the meeting the student may still be required to answer questions at the Chair's discretion.
- 6.8 Subject to the express provisions of this procedure, the Chair shall otherwise acting reasonably regulate the arrangements for the provision of documentation and other evidence (including adjourning the meeting where necessary so that additional information can be sought), as well as the conduct of the meeting.
- 6.9 The Committee shall make such decisions by a simple majority in respect of a student's capability to study as it considers necessary and proportionate. These decisions may include, but are not limited to, one or more of the following:
- a) to agree that no further action be taken by the College;
  - b) to agree a plan of action(s) with the student;
  - c) to make the student's access to College facilities and premises subject to specified conditions;
  - d) to make such recommendations, including to the University, and/or direct such actions, in respect of the student, as the Committee considers fit;
  - e) in the case of a medical or veterinary student, to refer the case for consideration under the University's Fitness to Practise procedures;
  - f) to refer the case for consideration under the College or University's disciplinary procedures;
  - g) to suspend the studies of the student temporarily and to determine the minimum period after which the College will consider an application to resume, and what conditions, if any, must be met before an application to resume may be made;
  - h) to withdraw the student's membership of the College, resulting in permanent exclusion from the College and withdrawal from the University.
- 6.9 For the purposes of candidature for an examination or competition, any terms during which a student's studies are temporarily suspended by the Committee will need to be reported through an application to the EAMC for terms to be disregarded.
- 6.10 Where the Committee decides that a student's access to College facilities and premises shall be subject to specified conditions, the Committee shall stipulate arrangements for monitoring the student's compliance with those conditions and for dealing with any alleged breach of those conditions on the part of the student.
- 6.11 The student, the student's Department, where applicable, and the University's Student Registry shall be notified in writing of the decision of the Committee, with

reasons, within 7 days of the meeting of the Committee. The letter shall also include the timeframe and process to be followed where the student wishes to review the Committee's decision.

- 6.12 Where the student asks for review of the Committee's decision, the decision will continue to be implemented until such time, if any, that the review results in an alternative decision.

## **7. Review of Committee's decision**

- 7.1 A student shall have 14 days from the date of the decision letter to submit a request to review the Committee's decision.
- 7.2 The permitted grounds for review are as follows:
- a) procedures were not followed properly, which may have had an impact on the Committee's decision;
  - b) demonstrable bias or reasonable perception of bias during the procedure;
  - c) the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process;
  - d) that the Committee's decision was unreasonable, disproportionate or not permitted under the procedure.
- 7.3 A review shall be carried out by a Student Behaviour Panel (SBAP) constituted in accordance with section 13 of the Ordinance under Statute F.IV.2. The SBAP shall act in accordance with relevant procedural rules set out in section 14.2 of that Ordinance. Proceedings of the SBAP shall be private. An SBAP acting under this section shall only have the power to confirm or quash the decision of the Committee.
- 7.4 The Chair of the SBAP shall write to the student within 7 days of the Appeal Committee decision with the outcome and reasons for it, accompanied by a Completion of Procedures letter.

## **8. Return to study**

- 8.1 A student whose College membership or studies have been temporarily suspended under this procedure may make an application addressed to the Senior Tutor for permission to resume after such period and subject to meeting such conditions as may have been determined under Regulation 6.8(g) above. Where the Senior Tutor considers that the application appears to meet the conditions to return to study, it will be considered at the discretion of the Senior Tutor either by the same Committee that made the decision temporarily to suspend the student or by a differently constituted Committee appointed in accordance with Regulation 6.1 above. The application shall be heard at a meeting of the Committee managed in accordance with Regulations 6.2–6.12, save that, if, having reviewed the student's application and any documentation submitted with it, the Committee agrees that the student may be permitted to resume study either unconditionally or subject to specified

conditions to which the student consents in writing, the Committee may proceed without a meeting.

- 8.2 The Committee shall make such decisions by a simple majority in respect of a student's capability to return to study as it considers necessary and proportionate. These decisions may include, but are not limited to, one or more of the following:
- a) to permit the student to resume study, subject (if the Committee considers it appropriate) to specified conditions, including in the case of a disabled student defining reasonable adjustments, as appropriate, to support the student's studies and examination;
  - b) to make such recommendations in respect of the student, including to the student's Department, where applicable, as the Committee considers fit;
  - c) in the case of a medical or veterinary student, to refer the case for consideration under the University's Fitness to Practise procedures;
  - d) to refuse the application to resume study and to determine the minimum period after which the College will consider a further application, and what conditions, if any, must be met before such an application to resume study may be made;
  - e) to withdraw the student's membership of the College, resulting in permanent exclusion from the College and withdrawal from the University.
- 8.3 In cases where the College has any continuing concerns about the individual's capability to study, it may require a second medical opinion. In this case a student may be asked to submit themselves for medical examinations by doctors/specialists, including the University Counselling Service, nominated by the College, at the College's expense to allow the situation to be properly evaluated.
- 8.4 It may not always be possible for a student to return to exactly the same course following a long period of suspension, as the course may have been discontinued or significantly modified. It may also be necessary for a student to return to the course at a point prior to which they left, if this is necessary for academic reasons or to enable support mechanisms to be set up. The College will need to liaise with the Examination Access and Mitigation Committee and/or the relevant Department to ensure accurate information is provided to the student about course options.
- 8.5 Where a Committee has allowed a student to resume her or his studies, the Committee may, at the request of the student, submit an application to the Examinations Access and Mitigation Committee to allow a term of residence, put the student in standing for the purposes of examination, or apply for such other academic arrangement as the Committee may think fit.
86. Where a Committee decides that a student's resumption of studies shall be subject to specified conditions, the Committee shall stipulate arrangements for monitoring the student's compliance with those conditions and for dealing with any alleged breach of those conditions on the part of the student.

- 8.7 In any case where a student returns to study following the implementation of the capability to study procedure, the College should hold an initial meeting with the student to discuss what support measures need to be put into place for the student's return and establish a return to study plan. This initial meeting should include the student's Tutor, the Senior Tutor and the Director of Studies. At this meeting it may be decided that there should be regular review meetings with the student that can be used to monitor and support a return to study plan. If so, the student must provide their continued co-operation in this respect and such review meetings may continue for part or all of their remaining time at College. There should be a written record of what is agreed for the return to study plan and a copy given to the student. The Senior Tutor should ensure that, where appropriate, a copy of the plan is sent to the relevant support agencies, who have agreed to help implement the plan and that any necessary support from agencies external to the College is put in place. The Senior Tutor should make arrangements for monitoring that the support plan is being delivered and accepted.
- 8.8 The Secretary of the Committee will communicate in writing, within 7 days of the decision being made, the decision and reasons for the decision to the student, the student's Department, where applicable, and the University's Student Registry. The Secretary will also confirm the process for reviewing the Committee's decision.
- 8.7 Where the student requests a review of the Committee's decision using regulation 7, the decision will continue to be implemented until such time, if any, that the review results in an alternative decision.

## **9. Reporting and Monitoring**

- 9.1 The College shall monitor all concerns reported using this procedure and shall produce an annual report summarising the anonymised decisions made by the Senior Tutor, the Committee and the Appeal Committee. The annual report shall be submitted to the College Council.
- 9.2 The purpose of this monitoring shall be to ensure that decisions are made consistently and at the appropriate level, that appropriate action is taken on issues identified and that information gathered is used to improve guidance and support for students, staff and fellows using the procedure.

## **10. General Matters**

- 10.1 The College will take account of relevant legislation such as data protection legislation, mental health legislation, the Human Rights Act, equality legislation and the general rights and expectations of a student of confidentiality. In cases where Stage 2 of the Procedure has been invoked, the Chair will make a decision about whether the student's emergency contact should be informed, and discuss with the student whether any statutory services should be contacted.
- 10.2 The College acknowledges that as a result of implementing this procedure it will receive personal sensitive data and data of a confidential nature pertaining to the

student and other third parties, and shall ensure that all such data is handled, processed and stored accordingly.

## **APPENDIX**

### **Crisis Situations**

It is possible that a student may pose such an extreme risk to themselves and/or others that they require emergency assistance outside these procedures.

In a situation where it is believed that a student's behaviour presents an immediate risk to themselves or others, the Emergency Services should be contacted by dialling 999.

The College Porters Lodge should be informed.

This should be followed up as soon as possible by notifying the Senior Tutor of the details of the incident and action taken.

The person witnessing the student's behaviour should not leave the scene until they have briefed the Emergency Services, bearing in mind the primary necessity to ensure their own safety.

The Porters Lodge will keep a record of the action taken by the Emergency Services and pass this on to the Senior Tutor. The Senior Tutor or nominee will ensure that contact is made at the appropriate level of detail with the student, the student's Tutor and Director of Studies, or Supervisor in the case of postgraduates, and that appropriate arrangements are made with regard to follow up.

In the case of medical and veterinary students, incidents should be reported by the Senior Tutor to the Medical and Veterinary Progress Panel for advice as to whether there might be Fitness to Practice issues to consider.

## **Ordinance under Statute F.V.1: Regulations of Clubs and Societies**

*In force 29 September 2018*

### *Arrangement of Sections*

1. Purpose and scope
2. Clubs and societies defined
3. Funding
4. Role of the Dean
5. Constitutions
6. Membership
7. Senior Treasurers
8. Registration and reporting
9. Prohibitions and misconduct under the Code of Student Behaviour
10. Infringements by students
11. Action against the club or society
12. Complaints and investigation
13. Hearings
14. Penalties
15. Appeals

### **1. Purpose and scope**

- 1.1 This Ordinance establishes a regulatory framework for clubs and societies operating within the College; imposes rules for their operation; defines prohibitions and creates offences of misconduct under the Code of Student Behaviour; and provides for penalties on clubs and societies, their officers and in some instances their members or other students in respect of infringements of this Ordinance.

### **2. Clubs and societies defined**

- 2.1 This Ordinance applies to any club, society or other group (hereinafter “club or society”), whether academic, political, cultural, religious, social or sporting or serving any other interest or purpose, which is composed wholly or mainly of students of the College.
- 2.2 Any club or society that is registered with or regulated by the University or any other body in the University, or that satisfies the Dean that it meets all the following considerations, shall be exempt from sections 5-8 of this Ordinance:
  - (a) it has no more than 10 members;
  - (b) it does not seek new members by any form of public solicitation;
  - (c) its meetings and events are not advertised beyond its own membership;
  - (d) its meetings and events take place in private and attendance is limited to members and their personal guests; and
  - (e) it receives no funding from the College, the University or any outside body.
- 2.3 A club or society that does not fall within section 2.2 above may nevertheless be exempted by the Dean for good reason, and shall not be subject to sections 5-8 of

this Ordinance, but an exemption under this section may be withdrawn by the Dean at any time.

**3. Funding**

- 3.1 The College may provide such funds, on such terms and conditions, to a club or society as it sees fit.

**4. Role of the Dean**

- 4.1 The Dean shall, with the assistance of those Fellows serving as Senior Treasurers, exercise a general supervisory authority over the clubs and societies and shall be empowered to take appropriate action under this Ordinance in the event of any irregularity, impropriety, misfeasance, misbehaviour or misconduct or infringement of the requirements of this Ordinance.

**5. Constitutions**

- 5.1 Every club and society shall have a constitution, which shall be subject to approval by the Dean.
- 5.2 The Dean may formulate a model constitution for clubs and societies and may prescribe its adoption by all clubs and societies, by clubs and societies in a particular class or by a club or society whose draft constitution has been rejected by the Dean.
- 5.3 A constitution shall state or make provision for the following:
- (a) the purpose or purposes of the club or society;
  - (b) eligibility for membership if restricted in accordance with section 6.2 below;
  - (c) the election of officers and a committee;
  - (d) the keeping of accounts and the handling of funds;
  - (e) the removal of officers and expulsion of members for good cause;
  - (f) the appointment of a Senior Treasurer (where required) and the supply of adequate information to facilitate the discharge of the Senior Treasurer's responsibilities; and
  - (g) the procedure for amending the constitution.

**6. Membership**

- 6.1 A constitution may provide for the refusal of membership where a particular student's membership would be inimical to the interests of the club or society; and any student denied membership under such a provision shall have the right of appeal to the Dean.
- 6.2 Membership of a club or society shall normally be open to all students of the College, but may, if the Dean is satisfied that it is appropriate and reasonable, be restricted to those of a particular faith or sex, studying a particular subject,



engaged in a particular sport or sports or sharing some particular distinction or characteristic.

**7. Senior Treasurers**

- 7.1 Every club and society shall appoint a Fellow to serve as Senior Treasurer unless it is relieved of this obligation by the Dean.
- 7.2 A Senior Treasurer who has resigned shall be replaced, but otherwise may not be replaced without the consent of the Dean.
- 7.3 The role of the Senior Treasurer is to advise the officers and to ensure as far as possible that the club or society complies with its obligations under this Ordinance, has in place proper controls and arrangements for the management of its funds and its annual accounts accurately state its financial situation.
- 7.4 The Senior Treasurer shall promptly inform the Dean of any concerns about the affairs, finances or activities of the club or society or of an officer or member.

**8. Registration and reporting**

- 8.1 Every club and society is required to register with the Dean, to lodge a copy of its constitution, to file the names of its officers and committee members and to submit a copy of its accounts at the end of each academic year.
- 8.2 The Dean shall maintain and keep up to date a register containing the name of every club and society and of its presiding officer or secretary, which shall be open to inspection by any member of the College.
- 8.3 The Dean may decline to register a club or society if of the opinion that its purpose or purposes is or are inimical to the interests of the College, or for any other good reason, and a club denied registration shall forthwith cease all activities and, subject to the right to appeal set out in section 15 below, disband.

**9. Prohibitions and misconduct under the Code of Student Behaviour**

- 9.1 Any initiation ceremony or other practice, in connection with any club or society, that is unlawful, dangerous, degrading, humiliating or indecent, or has sexual undertones or features, or involves excessive consumption of alcohol is prohibited.

Provided that no activity that is dangerous shall fall within this prohibition if it is integral or reasonably incidental to the purpose or purposes of the club or society or constitutes a lawful sporting activity which it is reasonable in all the circumstances for the club or society to arrange or permit.

- 9.2 It shall constitute misconduct under the Code of Student Behaviour for any officer or committee member or other student to incite, encourage, require, promote or organise, or knowingly or willingly to participate in, or willingly to be present at, or (being an officer or committee member) to acquiesce in, a ceremony or practice described in section 9.1 above.
- 9.3 Subject to section 6.2 above, it shall constitute misconduct under the Code of Student Behaviour for any officer, committee member or member of a club or

society to engage in any act of discrimination as defined in section 2.2(c) of the Code of Student Behaviour.

- 9.4 The Dean may if the circumstances justify it treat conduct which falls under sections 9.2 and 9.3 above as infringements of this Ordinance instead of misconduct under the Code of Student Behaviour.
- 9.5 It shall also constitute misconduct under the Code of Student Behaviour to fail to comply with any penalty imposed under section 14 below.

## **10. Infringements by students**

10.1 The following shall constitute infringements under this Ordinance:

- (a) failure by any officer of a club or society to comply in a timely manner with the requirements of section 8.1 above;
- (b) failure by any officer or committee member to provide the Dean in a timely manner with any information or documentation concerning the club's or society's activities, affairs or finances as may be demanded;
- (c) failure by the responsible student or students, as defined in section 10.2 below, to exercise appropriate control at an event or meeting of the club or society, whether on College premises or not;
- (d) failure by officers and committee members to exercise proper stewardship over the affairs of the club or society, or engaging in acts of impropriety; and
- (e) for any student to be involved in the management or organisation of any club or society, or of any meeting or event of that club or society, if that club or society is not registered when required to be registered.

10.2 "Responsible student" in paragraph (c) above means one or more of the following as appropriate in the circumstances:

- (a) the person who has organised the event;
- (b) the person who booked the room;
- (c) the person in whose room the event took place;
- (d) the person in whose name invitations were issued or who was the designated host; and
- (e) the officers of the club or society.

10.3 References in paragraphs (a), (b) and (d) above to officers and committee members shall be read as other members of the club or society if there are no relevant officers or committee members in place and those other members have de facto assumed responsibility for all or some of the affairs or activities of the club or society.

## **11. Action against the club or society**

11.1 Where in relation to any club or society there has been any infringement or breach of a prohibition under this Ordinance or any misconduct under the Code

of Student Behaviour, or any failure to comply with the requirements of this Ordinance, or any disorderly or unruly behaviour at or arising from a meeting or event, action may be taken against the club or society and penalties imposed under section 14.1 below; and this is so regardless of whether any individual student or students has or have been the subject of proceedings under this Ordinance or the Code of Student Behaviour.

**12. Complaints and investigation**

- 12.1 The Senior Treasurer, any student (whether or not a member) or any other person may submit a formal complaint about a club or society or its officers to the Dean.
- 12.2 The Dean shall investigate the matter unless the complaint is summarily dismissed on the ground that it is frivolous, vexatious or manifestly ill-founded, or the matter is referred to the police as a possible crime or there are other compelling grounds for deferring an investigation or declining to investigate under this Ordinance.
- 12.3 The Dean shall decline to investigate a complaint that would constitute an excluded offence under section 18 of the Code of Student Behaviour.
- 12.4 A complainant may request a review of a decision not to investigate in accordance with the procedure set out in sections 4.9-4.11 of the Code of Student Behaviour.
- 12.5 If, after an investigation, whether following a complaint or not, the Dean is of the view that there is cause for concern, action may be initiated either under the Code of Student Behaviour or under this Ordinance, or under both, as the Dean thinks appropriate.
- 12.6 If both disciplinary action under the Code of Student Behaviour and action under this Ordinance are contemplated, the Dean shall consider whether the latter should be adjourned or delayed pending the outcome of the disciplinary proceedings.
- 12.7 Action under this Ordinance shall not be taken against a student who has been or is being dealt with under the Code of Student Behaviour in respect of substantially the same conduct.
- 12.8 The Dean may, following an event or incident, impose immediate measures on a club or society, its officers or members pending investigation and hearing if it is judged expedient and urgent to do so, and such measures may include an order suspending the club or society from all activities, imposing restrictions or conditions on its activities and directing that a student or students shall not participate in the affairs or activities of the club or society or shall participate only to the extent that may be specified.
- 12.9 Following an investigation, the Dean may submit a report to the Master in accordance with section 4.15 of the Code of Student Behaviour.

**13. Hearings**

- 13.1 Where the Dean is of the view that action under this Ordinance should be taken, a hearing before the Dean shall be arranged.
- 13.2 Where the complaint is laid against the club or society, up to three of its officers or members may attend in order to speak in its support.
- 13.3 The officers or student or students (as the case may be) shall be given full particulars relating to the infringement and shall be given a full opportunity to answer the complaint by introducing evidence and challenging the evidence against them.
- 13.4 Subject to section 13.3 above, the Dean shall determine the procedure to be followed, which may where appropriate involve a hearing by electronic means or in writing.
- 13.5 The Dean shall find a case proved if satisfied on the evidence on the balance of probabilities.

**14. Penalties**

- 14.1 The following penalties may be imposed on any club or society where authorised by the above provisions of this Ordinance:
  - (a) dissolution (in which case any funds in its name shall be disposed of or distributed in accordance with the directions of the Master, complying as appropriate with any legal requirements);
  - (b) suspension for such period as shall be prescribed;
  - (c) a sum to be paid from the club's or society's funds not exceeding £5000;
  - (d) restrictions on or conditions attached to its activities;
  - (e) compensation to be paid from its funds for any damage to property or injury to a person; and
  - (f) a requirement for a designated officer to make a written apology on behalf of the club or society to any person who has been affected by the conduct of a member or members, whether or not such members have been individually identified, or have been found responsible for misconduct under the Code of Student Behaviour or for infringements of this Ordinance, or there has been an announcement under section 4.15 or a declaration under section 7.7 of the Code of Student Behaviour that misconduct has taken place.
- 14.2 The following penalties may be imposed on individual students found responsible for an infringement of this Ordinance:
  - (a) reprimand and caution;
  - (b) removal from office in the club or society, including committee membership, or from office in any other club or society either for a prescribed period or permanently;

- (c) disqualification from holding office or serving on a committee either permanently or for a specified time;
- (d) expulsion from or suspension of membership of the club or society;
- (e) a financial penalty not exceeding £500;
- (f) payment of compensation for damage to property or injury to the person;
- (g) restrictions or conditions on participating in the activities of the club or society; and
- (h) a requirement to make a written apology to any person affected by the offence.

14.3 Sections 15.5-15.7 of the Code of Student Behaviour shall apply to financial penalties and compensation under this section

## **15. Appeals**

15.1 The officers of a club or society acting in the name and on behalf of the club or society, or any student with a sufficient interest in the matter, may appeal against any decision made by the Dean under sections 5.1 (refusal to approve a constitution), 6.2 (to permit or refuse to permit restricted membership) and 8.3 (refusal to register) above.

15.2 The officers of a club or society acting in the name and on behalf of the club or society may appeal against any penalty applied to the club or society and the finding upon which such penalty was based.

15.3 Any student found responsible for an infringement under this Ordinance may appeal against that finding and/or the penalty imposed.

15.4 Appeals under sections 15.1 – 15.3 shall be heard by the Student Behaviour Appeal Panel ("SBAP") convened under section 13.5 of the Code of Student Behaviour, which shall consist of either three or five members as the presiding member shall determine; and section 13.7 of the Code shall apply.

15.5 Notice of appeal must be given to the Dean within 14 days of receiving the Dean's reasoned decision and the notice must set out the grounds of appeal.

15.6 It is for the appellant to satisfy the Panel that the appeal should be allowed.

15.7 The Panel shall, following a hearing at which the appellant has been afforded a full opportunity to present the appeal, either dismiss the appeal and confirm the Dean's decision or penalty, or allow the appeal, cancel the Dean's decision and substitute a different decision and/or quash the penalty and substitute such other penalty or penalties as is or are no more severe than that imposed by the Dean.

15.8 The decision of the SBAP shall be final.

**Statute G: Finance**

*In force 11 February 2014 (replaces previous version of Statute G in force as at 12 February 1999 and amended in 1998 and 2008)*

**Chapter I: Powers of Investment and Management**

1.
  - (1) The Council has power to acquire, charge, manage, and dispose of any property to which this Statute applies in such manner and upon such terms as the Council in its discretion thinks fit and is entitled to exercise any power and may enter into and may carry out any transaction in relation to such property which an individual of full legal capacity, holding or acquiring such property for her or his own benefit could exercise, enter into or carry out.
  - (2) The powers conferred under (1) and the powers to invest and expend property conferred by Sections 2 and 3(1) of this Statute extend to the following property:
    - (a) all property of the College which is not held on any specific trust, and
    - (b) any property comprised within an endowment, benefaction or trust for purposes connected with the College of which the College is the trustee.
  - (3) In this Statute:
    - (a) "Fund" means a particular endowment, benefaction or trust which includes any property of the kind referred to in (2)(b);
    - (b) "property" includes money, securities, shares, stocks, funds, goods, things in action, land and every description of property wherever situated whether involving liability or not and also obligations and every description of interest, whether present or future or vested or contingent, arising out of, or incidental to, property; and
    - (c) "property of the College" means any property of the kind referred to in (2)(a).
2. The property to which this Statute applies and the proceeds of any disposition thereof may be invested by the Council upon or in such other property as the Council in its discretion thinks fit and the Council may exercise any power to invest and transpose the investments of such property and may enter into and may carry out any transaction in relation thereto which an individual of full legal capacity investing or transposing investments of property for her or his own benefit could exercise enter into or carry out.
3.
  - (1) The Council may appropriate for expenditure so much of the fair value of the property to which this Statute applies as in its discretion it considers is prudent in all the circumstances having regard to the total return achieved and reasonably to be expected in the long term of the property of the College or, as the case may be, of the Funds to which this Statute applies.
  - (2) In exercising the powers conferred in (1) the College Council shall have regard to:

- (a) those applicable obligations prescribed from time to time by the Charity Commission, or any successor or other organisation which has regulatory responsibility for the College;
  - (b) the obligation to balance the need to fulfil its objects and the objects of any trust at the current time against the need to do so in the future; and
  - (c) such matters as the Governing Body may specify by Ordinance and shall report annually to the Governing Body on the manner in which they have done so.
- (3) Within this Section:
  - (a) “fair value” means the amount at which an asset could be exchanged in an arm’s length transaction between informed and willing parties, other than in a forced or liquidation sale; and
  - (b) “total return” means return in terms of both income, whether received or accrued, and capital appreciation, whether realised or unrealised.
- (4) Any appropriation by the Council under (1) must in the case of property of the College be made for the purposes of the College and in the case of a Fund must be made for the purposes of that Fund.
- (5) Any reference in these Statutes or in any Regulations made by the Council to the income or revenues of the College or of any Fund must include the total sums appropriated in accordance with (1).
- 4. The Council shall have the power to borrow money on behalf of the College and to give such guarantees or pledges as are required on behalf of the College.
- 5.
  - (1) The Governing Body may accept endowments and donations for any purpose in furtherance of the interests of the College as a place of education, religion, learning and research.
  - (2) The Governing Body may make Ordinances giving effect to the wishes or suggestions of donors recorded in writing (whether such as to create a trust or not) regarding the application of such endowments and donations or any place or emolument supported thereby, provided that no such Ordinances shall operate to vary the terms of any trust or to derogate from the obligations of the College under University Statutes.
- 6. Where under any instrument the College is sole trustee of a fund and is directed to make payments from it for the benefit of persons holding a Fellowship, Studentship, Scholarship, Prize or other emolument in the College, the Governing Body may, notwithstanding any term of the instrument, make Ordinances:
  - (a) enlarging the field of study or research for which the emolument may be awarded, provided always that the Governing Body shall have regard to the spirit in which the trust was established;
  - (b) determining the qualifications of candidates for the emolument, the duration of its tenure and its titular value;

- (c) making payments to the holder of the emolument additional to its titular value in cases of financial need;
  - (d) making payments for expenses in connection with the operation of the trust;
  - (e) directing that unexpended income of the trust fund be applied to the general educational purposes of the College or to provide financial support to College members.
7. The College shall pay annually to the University any sum required by the University Statutes to be levied from the College and the income of Trust or other separate Funds included in the College Assessment may be charged with a proportionate share of the total sum levied from the College.
  8. The Council may contribute to any organisation which either has a connection with a locality in which the College owns land or patronage or has among its objects the promotion of the arts, sciences, learning or literature or the welfare of members of the College provided that it is satisfied that such a contribution is in the interests of the College as a whole.

## **Chapter II: Accounts and Audit**

1. The financial year for the College Accounts shall end on the thirtieth day of June. It shall be the duty of the Bursar to render accounts of all College Funds, whether established by Statute or otherwise, for audit as soon as possible thereafter.
2. One or more auditors, not being a member or members of the Governing Body, shall be appointed each year by the Governing Body to examine and verify the College accounts and sign them if they be found correct.
3. Before the division of the Michaelmas Term, a College meeting shall be held to receive the audited accounts and the budget set by the Council for the current financial year in respect of the activities of the College.
4. ...
5. If the Governing Body is not satisfied with the accounts, the matter may be referred to the Visitor.
6. The College accounts shall be kept and rendered as nearly as possible in the form prescribed by the University Statutes, and a copy thereof signed by the Auditors shall be sent to the Treasurer of the University not later than the date required by University Statutes and Ordinances.

## **Chapter III: Superannuation**

1. The College shall participate in the Universities Superannuation Scheme (hereinafter called the U.S.S.).
2. ...
3. The Governing Body shall by Ordinance frame such rules for the administration of pension schemes for College Officers and Fellows as it may from time to time think fit, provided that such rules are not inconsistent with the provisions of the schemes themselves.



4. The Governing Body may, for so long as it thinks fit, require members of the College Assistant Staff who are not eligible to join officers' pension schemes to become members of the Cambridge Colleges Federated Pension scheme or of such other pension scheme as may in the future be established for such staff.
5. No employee who is in post at the commencement of this Statute shall be bound by the provisions of section 3 of this chapter unless he gives his consent thereto in writing.
6. The Council shall have discretion to supplement the retirement benefits of a College officer in accordance with the rules applied from time to time by the University to supplement the pensions of University Officers.
7. The Council shall have discretion to supplement the retirement benefits of a member of the College staff, whether or not he or she is a member of the College Employees' Pension Fund, if it is satisfied, having regard to length of service and financial circumstances, that such supplementation is justified.

**Ordinance under Statute G.I.5(2) and G.I.6: The Administration of Trust Funds**

*In force from 5 July 2005. Amended 5 July 2016 and 28 June 2022*

1. Unless the investment powers contained in the trust instrument for a specific fund provide otherwise all capital monies and surplus income available for investment in the trust funds held by the College shall be invested in the Christ's College Consolidated Fund.
2. A record shall be kept of the rules relating to each fund held by the College. The trust funds held by the College shall be administered in accordance with the arrangements agreed from time to time by Governing Body and Council. They shall have discretion:
  - (i) to make any additional rules relating to applications and awards necessary in order to carry out the wishes of the benefactors, and to vary such rules from time to time as necessary.
  - (ii) to vary the disposition of income if they are satisfied that this is necessary in order to fulfil the primary objects of the trust;
  - (iii) to increase the value and/or the number of awards if the annual income is sufficient for the purpose and if candidates of sufficient merit are available.
3. When the expenditure from a Trust Fund in any year exceeds the income for that year the Bursar shall have discretion either to carry forward a debit balance on the Fund or to realise sufficient units at the end of the financial year to clear the deficit from accumulated income, if available, or from capital if the trust instrument so permits.
4. A statement showing the capital assets, accumulated income, and the debit or credit balance at 30 June on the Trust Account and a summary of annual income and expenditure from each trust fund shall be submitted to the Governing Body for consideration at the special meeting in the Michaelmas Term when the audited accounts of the College for the previous financial year are submitted for approval.
5. Where a Fellowship, Lectureship, Scholarship, Studentship, or Exhibition is wholly financed from a specific Trust Fund that Fellowship etc., shall bear the name of the trust but all other Fellowships etc., shall be held on the foundation of the Lady Margaret.
6. Each fund shall bear the proportion of the annual payment of University contribution by the College which is attributable to the income of the fund for the year in question.
7. Each Fund shall bear a proportionate part of the expenses incurred in the operation of the consolidated fund for the year in question.
8. In any year where the income of any of the Trust Funds listed in Schedule 1 is not wholly absorbed by the purposes of the Fund, the surplus shall be transferred to the Education Fund, provided that the Council may decide in any year to transfer only a proportion of the surplus in the case of any Fund where, in the

opinion of the Council, that surplus will be absorbed by the purposes of the fund in the following or the next following year.

### **Schedule 1**

1. **Astor**, Vincent – Prize – 1979
2. Robert Owain **Bishop**
3. **Bennett**, John William Memorial Fund – Travel - 1978
4. Emily & Gordon **Bottomley**
5. **Broadbanke** Scholarship Fund
6. **Bunting** Scholarship Fund
7. Rev Canon F H **Burrows** Prize
8. **Calverley** Prize Fund
9. S G **Campbell** Prize
10. Rev E T S **Carr** Prize
11. **Cartmell**, Rev J W – Travel - 1969
12. Archdeacon **Clarke** Scholarship Fund
13. **Darwin** Prize
14. **Davies**, R D – Travel – 1972
15. **De Hart** Prize
16. **Downs**, B W – Misc - 1978
17. J G **Drummond** Travel Prize
18. **Fantham** Memorial Fellowship
19. **Fay**, P J – Prize - 1967
20. **Fitzpatrick** Prize
21. **Gell** Prize Fund
22. **Greig** Prize
23. **Haddon** Prize
24. **Harrison** Prize
25. G T **Harvey** Exhibition Fund
26. E W **Hobson**
27. Dr J **Holland Rose** Prize
28. Latimer **Jackson** Prize
29. Reuben **Levy**
30. **Liversidge** lectureship
31. A H **Lloyd** Benefaction
32. **Lucas** Fund 25%
33. **Lucas-Williamson** (Lucas 75%)
34. **Lucas-Williamson** (Williamson)
35. **Minchin** Fund – Scholarships - 1979
36. **Odell**, Robert Eric Memorial Fund – Fellowship - 1975
37. **Parker**, E H – Prize – 1968
38. **Porteous** Prize Fund
39. **Prest**, A R - Prize – 1967
40. **Rajah** of Cochin Sanskrit Prize Fund

41. **Richardson**, Tony – Travel - 1969
42. Rev J D **Ridout** Prize Fund
43. J A **Robinson** Prize Fund
44. **Rouse** Fellowship
45. Richard **Rysley** Scholarship Fund
46. **Schofield**
47. Sir Arthur E **Shipley** Prize
48. **Sing** (Synge) Exhibition Fund
49. **Skeat** Prize
50. Robertson **Smith** Fund
51. **Snow**, CP Lecture Fund – 1975
52. **Sosnow**, Norman – Travelling Scholarship Fund – 1975
53. **Staines** Read – Prize – 1967
54. **Stoll** Studentship Fund
55. **Syed** Mahmood Prize Fund
56. **Thompson** Prize Fund
57. Lady **Wallis Budge** Fund (*a provision to the same effect is part of the Fund rules*)
58. Bishop **Ward** Scholarship Fund
59. Dr **Widdrington** Scholarship Fund
60. Rev Thomas **Wilson** Exhibition Fund
61. Josephine Rebecca **Wolf** Fellowship
62. T C **Wyatt** Prize

**Ordinance under Statute G.III.3: Rules for administration of Pensions Schemes**

*In force 29 September 1995. Amended 5 July 2016, 10 May 2022 and 29 November 2022*

**Universities Superannuation Scheme (U.S.S.)**

1. All Fellows, Directors of Studies and Subject Advisers (but excluding the Chaplain) in receipt of pensionable stipends shall be permitted to join the U.S.S.
2. The College Council may designate other College employees to be permitted to join this Scheme.

**Statute H: College Assistant Staff**

*In force 12 February 1999 and amended in 1998 and 2008*

1. Subject to section 2 below the numbers, salaries and conditions of service of the members of the Assistant Staff shall be determined by the Council who may delegate such of their powers under this section as they think fit to such College officers as they may designate by Regulation.
2. Such of the principal members of the Assistant Staff as may be designated by the Governing Body from time to time by Ordinance shall be appointed and may be dismissed by the Governing Body.
3. Other members of the Assistant Staff may be dismissed by the Bursar or such other College officer as the Council may designate subject to an appeal to the Council, whose decision shall be final.
4. Before passing or confirming an order of dismissal the Governing Body or the Council, as the case may be, shall afford the member of staff concerned the opportunity to be heard in person by a panel appointed by them consisting of three Fellows other than the Bursar or other officer by whom he was dismissed. The member of staff concerned shall also have the right to nominate a representative to assist in the presentation of his case, to call witnesses, and to question witnesses upon whose evidence the case against him is based.

**Ordinance under Statute H.2: Designation of College Assistant Staff to be appointed by the Governing Body**

*In force 29 September 1995. Amended 26 November 2013 and 10 May 2022*

1. Appointments to the following posts shall be made by the Governing Body:-
  - The Director of College Services/Steward
  - The Librarian
  - The Butler
  - The Head Chef
  - The Head Porter
  - The Head Gardener
2. The Governing Body may delegate this power to a Staff Appointments Committee which shall include at least three Fellows.
3. The power to dismiss the holders of the posts specified in paragraph 1 above shall be exercised by the Council subject to the provisions of Statute H.4, save that the power to dismiss any person holding the post of Butler, Head Porter or Head Gardener on 10 May 2022 shall be exercised only by the Governing Body acting on the advice of the Staff Appointments Committee. The power to dismiss any subsequent holders of the posts of Butler, Head Porter and Head Gardener shall be exercised by the Council as indicated above.

**Statute I: Academic Staff**

*In force 11 February 2014 (replaces previous version of Statute I in force as at 12 February 1999 and amended in 1998 and 2008)*

**Chapter I: General****1. Application**

- (a) This Statute applies:
  - (i) to any person holding a College Office designated by the Governing Body as one to which this Statute applies;
  - (ii) to any person employed by the College to carry out teaching or research, save for those holding appointments which have been excluded by the Governing Body from the scope of this Statute on the ground that the duties in that regard are only of a limited nature; and
  - (iii) to the Master, to the extent and in the manner set out in Chapter VII.
- (b) In this Statute any reference to “academic staff” is a reference to persons to whom this Statute applies. A “primary office or employment” in relation to a member of the academic staff means one by virtue of the tenure of which that person is a member of the academic staff. A “secondary office or employment”, in relation to a member of the academic staff, means one (i) which is not a primary office or employment for that member; (ii) in respect of which the duties are of a limited nature only; and (iii) which is either prescribed by Ordinance as secondary, or so specified at the time of appointment.
- (c) Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this Statute concerning a member of the academic staff; provided that this
  - (i) shall not affect the validity of any compromise agreement made under section 203 of the Employment Rights Act 1996, or any agreement or waiver of rights permitted by law generally; and
  - (i) shall not preclude any member of the academic staff agreeing to terminate his or her office or employment by the College on whatever terms may be agreed.
- (d) Chapters II to V of this Statute shall not apply to the dismissal of a member of the academic staff from any secondary office or employment, provided that dismissal from a primary office or employment is not in contemplation. The Governing Body shall prescribe by Ordinance a procedure for dealing with removal from a secondary office or employment before its prescribed or normal termination date, which shall include provision for a hearing and an appeal.



2. General principles of construction and application

- (a) This Statute and any Ordinances made under this Statute shall be applied and construed in every case to give effect to the following guiding principles:
  - (i) to ensure that members of the academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
  - (ii) to enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and
  - (iii) to apply the principles of justice and fairness.
- (b) Nothing in this Statute shall be construed as affecting the Statutes and Ordinances of the College concerning re-election on the expiry of a fixed term of a Fellowship.
- (c) A reference to an Act of Parliament or a provision within such an Act is a reference to it as it is in force for the time being, taking account of any amendment, extension or re-enactment and includes any subordinate legislation for the time being in force made under it.

3. Dismissal

- (a) For the purposes of this Statute, “dismiss” and “dismissal” refer to academic staff and:
  - (i) include remove or, as the case may be, removal from office; and
  - (ii) in relation to employment under a contract, shall be construed in accordance with Section 95 of the Employment Rights Act 1996.
- (b) A member of the academic staff may be dismissed if that dismissal is for a reason set out in section 98 of the Employment Rights Act 1996.
- (c) A member of the academic staff may be dismissed
  - (i) by reason of redundancy in accordance with Chapter II of this Statute;
  - (ii) for disciplinary reasons in accordance with Chapter III of this Statute;
  - (iii) for incapacity on health grounds in accordance with Chapter IV of this Statute; and
  - (iv) on other grounds, including the non-renewal of a fixed-term appointment or the non-confirmation of appointment at the end of an initial probationary period, in accordance with Chapter V of this Statute.

4. Hearing, appeal and grievance panels
  - (a) A panel established for the purposes of this Statute shall comprise three persons. As far as reasonably practicable, none of those persons shall have had any prior involvement with the matter.
  - (b) The Governing Body may by Ordinance provide rules for the conduct of panels. Such rules may make provision for a panel to continue their consideration of a matter notwithstanding a reduction in their membership.
  - (c) A panel established for the purposes of this Statute shall conduct a hearing into the matter before them. At any hearing, the member of the academic staff concerned shall be entitled to be accompanied by a representative or another person of his or her choosing.
  - (d) A panel established for the purposes of this Statute shall give a reasoned decision in writing to the member of the academic staff concerned, which shall be reported to the Council. The Governing Body shall receive a summary report of any decision of a panel established for the purposes of this Statute, except in respect of the decision of a panel constituted under Chapter VII of this Statute, in the case of which the panel's reasoned decision shall be reported to the Governing Body.

## Chapter II: Redundancy

5. Application
  - (a) Nothing in this Chapter shall prejudice, alter or affect any rights, powers or duties of the College or apply in relation to a person unless:
    - (i) his or her appointment is made, or his or her contract of employment is entered into, on or after the twentieth day of November 1987; or
    - (ii) he or she is promoted on or after that date.
  - (b) For the purposes of this Section in relation to a person, a reference to an appointment made or a contract entered into on or after the twentieth day of November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of section 204 of the Education Reform Act 1988.
6. Definition of "redundancy"
 

For the purposes of this Statute dismissal shall be taken to be dismissal by reason of redundancy if it is attributable wholly or mainly to:

  - (i) the fact that the College has ceased, or intends to cease, to carry on the activity for the purposes of which the person concerned was appointed or employed or has ceased, or intends to cease, to carry on that activity in the place in which the person concerned was appointed or employed to work; or
  - (ii) the fact that the requirement for members of the academic staff to carry out activities of a particular kind or to carry out activities of a particular kind

in the place in which the person concerned was appointed or employed to work has ceased or diminished or is expected to cease or diminish.

7. Procedure for dismissal by reason of redundancy

The Governing Body shall prescribe by Ordinance a procedure for dismissing members of the academic staff on grounds of redundancy. The procedure shall provide for an initial stage of consultation at the end of which the Council shall resolve whether or not to proceed with a reduction of staff by reason of redundancy. The procedure shall provide, after such resolution,

- (i) for a process which is fair and which allows each member of the academic staff concerned, having been informed of the selection criteria to be employed, to make representations on his or her behalf;
- (ii) for giving each member of the academic staff dismissed under this Chapter notice of dismissal and for informing him or her of the reasons for it.

8. Appeal against dismissal by reason of redundancy

- (a) The procedure prescribed under section 7 of this Statute shall provide for an appeal to a panel by a member of the academic staff who has been given notice of dismissal under this Chapter.
- (b) The appeal panel shall be entitled to review all aspects of the matter other than the resolution of the Council to proceed with a reduction of staff by reason of redundancy.
- (c) The appeal panel shall have power to reach a final decision on the appeal, or to remit the matter back for further consideration.

### **Chapter III: Disciplinary Procedures**

9. Grounds for disciplinary action

- (a) For the purposes of this Statute, disciplinary action means action taken by the College for a reason which is related to the conduct or capability or qualifications for performing work of the kind which the member of the academic staff was appointed or employed to do. Without prejudice to the generality of the foregoing, this may include but is not limited to action taken by the College for the following matters:
  - (i) conviction of an offence such as to render the person convicted unfit for the performance of her or his duties as a member of the academic staff; or
  - (ii) conduct incompatible with those duties; or
  - (iii) conduct constituting failure or persistent refusal or neglect or inability to perform those duties or comply with the condition attaching to them; or
  - (iv) physical or mental incapacity.

- (b) In this section:
  - (i) “capability” means capability assessed by reference to skill, aptitude, health, or any other physical or mental quality; and
  - (ii) “qualifications” means any degree, diploma, or other academic, technical, or professional qualification relevant to an office or position held.

10. Disciplinary procedures

- (a) The Governing Body shall prescribe by Ordinance a disciplinary procedure for members of the academic staff, which shall provide for less serious matters to be dealt with by warnings following a procedure which is fair and which provides for a right of appeal against any warning.
- (b) The disciplinary procedure shall provide for more serious matters to be dealt with in a way which includes provision for
  - (i) fair and reasonable time limits for each stage;
  - (ii) the investigation of complaints and the dismissal of those found to be without substance;
  - (iii) suspension on full pay pending an investigation or hearing where that is necessary;
  - (iv) prohibition from entering or remaining in College premises pending an investigation or hearing where that is necessary;
  - (v) a hearing by a panel, at which the member of the academic staff against whom the complaint has been made shall have had notice of the complaint, and shall be entitled to be present, to hear the evidence, to call relevant witnesses, and to examine and cross-examine witnesses;
  - (vi) the dismissal by the panel of any complaint found to be without substance;
  - (vii) the dismissal by them without penalty of a complaint found to be of substance;
  - (viii) the imposition by the panel of an appropriate penalty or penalties, which in addition to a warning or dismissal (with or without notice), may include suspension without pay for up to three months, the withholding of future increments, reduction in grade in any primary office or employment, removal from any secondary office or employment, and the substitution (as an alternative to dismissal, where in the opinion of the panel dismissal would be justified) of any lesser office or employment for any primary office or employment; and
  - (ix) the award of compensation in respect of any loss caused or damage done.

11. Appeals

- (a) A member of the academic staff shall have a right of appeal against the finding of, or penalty imposed by, a panel constituted under section 10 of this Statute.
- (b) Such an appeal shall be to a fresh panel, having no common membership with the panel who heard the matter at first instance. It shall include a hearing by the appeal panel, but that hearing shall not take the form of a re-hearing of the evidence, and evidence shall only be heard as the appeal panel may determine in accordance with any Ordinance made under this Statute.
- (c) In determining an appeal, an appeal panel may substitute for the decision of the panel hearing the matter at first instance any decision that that panel might have made.
- (d) A dismissal by a panel hearing a matter at first instance shall be effective notwithstanding any appeal against such dismissal, unless either that panel, in giving their decision, or an appeal panel thereafter shall determine otherwise (subject to such conditions as the respective panel may impose).
- (e) A dismissal or notice of dismissal shall be cancelled, withdrawn or modified if an appeal panel decides that the member of the academic staff should not be dismissed or should only be dismissed with notice. The cancellation of a dismissal shall have effect to reinstate the member of the academic staff as if no dismissal had occurred.

12. Relationship with Chapter IV

The Governing Body may by Ordinance or Regulation provide for dealing with a case in progress under this Chapter where it appears that the conduct or capability of the member of the academic staff concerned may be attributable, wholly or in part, to a medical condition, but any proceedings under this Chapter shall be valid notwithstanding that they might have been brought under Chapter IV of this Statute, and a member of the academic staff may be subject to proceedings and to a penalty, including dismissal, under this Chapter notwithstanding the fact that his or her conduct or capability may have been attributable, wholly or in part, to a medical condition.

**Chapter IV: Incapacity on Health Grounds**

13. Dismissal on health grounds

- (a) This Chapter makes provision for dealing with cases of incapacity on health grounds in relation to members of the academic staff.
- (b) In this Chapter references to health grounds are references to capability assessed by reference to health or any other physical or mental quality.
- (c) The Governing Body shall prescribe by Ordinance a procedure for assessing incapacity on health grounds and for taking appropriate action in relation thereto, which may include dismissal.

- (d) That procedure shall include a hearing by a panel and a right of appeal to a fresh panel. The panel hearing the matter at first instance and the appeal panel shall each include a medically qualified person.

## Chapter V: Other Dismissals

### 14. Non-renewal of a fixed-term appointment

- (a) Any appointment to a primary office or employment in the College, by virtue of holding which the person appointed will be a member of the academic staff, and which is for a fixed-term, shall be made according to a Code of Practice.
- (b) The Code of Practice shall identify:
  - (i) Any offices or employment for which the fixed-term may be renewed or extended.
  - (ii) Any offices or employment for which the fixed-term will not be renewed or extended.
- (c) The Code of Practice shall define the nature and character of the office or employment to inform the member of the academic staff of his or her expectations, if any, in relation to renewal and extension.
- (d) In respect of offices or employment falling within (b)(i) above, the Code may make provision for such procedures, address such matters, and include such information, as is considered necessary for the proper governance and management of such fixed-term appointments. The Code shall:
  - (i) prescribe a procedure for a review in each case where a member of the academic staff has been appointed to an office or employment falling within (b)(i) above, and the fixed-term is due to terminate. The review shall be to decide whether the office or employment should be allowed to terminate without renewal, or should be renewed for a further fixed-term, or should be extended to an appointment of indefinite duration. The review may encompass matters which, in other circumstances, might fall to be dealt with under Chapters II, III, or IV of this Statute. If the decision of the review is that an office or employment should be allowed to terminate without renewal the member of the academic staff shall be notified of the reasons for that decision.
  - (ii) make provision for a right of appeal where the outcome of the first review is that the office or employment should be allowed to terminate without renewal.
- (e) In respect of offices or employment falling within (b)(ii) above, the Code shall make provision for such procedures, address such matters, and include such information, as is considered necessary for the proper governance and management of such fixed-term appointments.

15. Probationary appointments

- (a) The Governing Body shall prescribe by Ordinance a procedure, including appropriate consultation, for a review in each case where a member of the academic staff has been appointed to a primary office or employment for an initial probationary period and that period is coming to an end. The review shall be to decide whether appointment to the office or employment should be confirmed, whether the initial probationary period should be extended, or whether the member of the academic staff should be dismissed at the end of the probationary period.
- (b) The review may encompass matters which, in other circumstances, might fall to be dealt with under Chapters II, III or IV of this Statute.
- (c) The procedure under this section shall provide that, where it has been decided under subsection (a) of this section that dismissal should take place at the end of a probationary period, the member of the academic staff shall be notified of the reasons for that decision, and shall be afforded a right of appeal.

16. Dismissal on other grounds

The Governing Body shall prescribe by Ordinance a procedure for dealing with dismissal on any other ground than those covered by Chapters II, III, IV and sections 14 and 15 of Chapter VI of this Statute. The procedure shall include the right to a hearing by a panel and a right of appeal to a fresh panel.

**Chapter VI: Grievance Procedures**

17. Grievance Procedure

- (a) The Governing Body shall prescribe by Ordinance a grievance procedure for the settlement or redress of the grievances of members of the academic staff which concern their offices or employments, where those grievances relate to matters affecting themselves as individuals or to matters affecting their personal dealings or relationships with other staff or members of the College, not being matters for which express provision is made elsewhere in the Statutes.
- (b) The grievance procedure shall provide that consideration of a grievance may be deferred if other proceedings under the Statutes relevant to the grievance are pending or in progress.
- (c) The grievance procedure shall provide for the fair and speedy resolution of grievances, informally wherever possible, and shall provide for the person aggrieved to be allowed assistance by an appropriate person at any hearing.
- (d) The grievance procedure shall provide for a member of the academic staff who is dissatisfied with the outcome of a complaint to be heard by a panel, unless the complaint has been judged, in accordance with the procedure, as trivial, vexatious or outside the scope of the procedure.

## Chapter VII: Removal of the Master from office

### 18. Removal of the Master from office

- (a) The Governing Body shall prescribe by Ordinance a procedure for the removal of the Master from office.
- (b) The procedure for the removal of the Master from office shall provide for:
  - (i) the initial consideration by the Governing Body (exclusive of the Master and the complainant Fellows) of a complaint by any ten Fellows seeking the removal of the Master from office for good cause;
  - (ii) the dismissal by the Governing Body of such complaint if they are of the view that it is not supported by sufficient evidence of good cause for removal from office;
  - (iii) otherwise, the appointment by the Governing Body of a panel to hear and determine the matter, which panel shall comprise three persons who are not Fellows or former Fellows and are not employed by the College, one of whom holds, or has held, judicial office, or who is a barrister or solicitor of at least ten years' standing, that person to be chairman of the panel;
  - (iv) a right of appeal against the findings of a panel. The appeal shall be to a fresh panel, also constituted in accordance with (iii) above; and
  - (v) where the complaint is of incapacity on health grounds, the inclusion on the panel hearing the matter at first instance and on any appeal panel of a medically qualified person.
- (c) If the panel finds that the complaint constitutes sufficient reason for dismissal, and if not less than one-half of all members of the Governing Body, not being on leave granted by the Council and not being excluded by virtue of Statute B.III.5, agree that the Master ought to be dismissed, the President shall dismiss the Master.



## **Ordinance under Statute I**

*Replaced 2 July 2019*

### **Academic Staff**

#### **Part 1: General**

- (a) This part and the following parts shall be known as “the Academic Staff Ordinance”.
  - Part 2 Panels constituted under the Academic Staff Statute
  - Part 3 Redundancy procedure
  - Part 4 Disciplinary procedure
  - Part 5 Procedure for assessing incapacity on health grounds
  - Part 6 Procedure for the renewal of fixed-term appointments
  - Part 7 Procedure for dismissal on other grounds
  - Part 8 Procedure for removal from a secondary office or employment
  - Part 9 Grievance procedure
  - Part 10 Procedure for the removal of the Master from office
- (b) The Academic Staff Ordinance is made for the implementation of Statute I, Academic Staff Statute and shall be construed in accordance with it.
- (c) The following terms are defined below:
  - (i) “member of the academic staff” refers to the Master or a Fellow who holds an office or is employed by the College, in either case for teaching or research or both.
  - (ii) “position in the College”, in relation to a member of the academic staff, refers to the Mastership or a Fellowship or any College office held by that member, and also to any contract of employment between that member and the College;
  - (iii) a “primary position”, in relation to a member of the academic staff other than the Master, refers to any College office or employment held by that member on which the tenure of the Fellowship of the member depends; or which is specified by the Council as a primary position in relation to the member; or (if there would otherwise be no primary position in relation to the member) to the member’s Fellowship; and
  - (iv) a “secondary position”, in relation to a member of the academic staff other than the Master, refers to any position that is neither a primary position in relation to the member nor the member’s Fellowship.
  - (v) The Governing Body hereby declares that this Ordinance has no application to tutorships.
- (d) The application of the Academic Staff Ordinance in relation to a position held by a member of the academic staff shall conform to the terms and conditions

applying to that position, as determined by or under the Statutes of the College, by contract, or in any other way.

## **Part 2: Panels constituted under the Academic Staff Statute**

### *Constitution of panels*

- (a) The Council shall appoint annually two Lists (List A and List B). List A shall consist of not less than three persons, who shall have legal qualifications and at least one of whom shall not be a member of the College. List B shall consist of not less than twelve Fellows. The initial members of each List shall be placed in such order as the Council may determine. Persons appointed as new members shall be added at the end of the List in such order as the Council may determine. Members of either List, on appointment to a panel, shall go to the end of that List retaining their order as against one another. The Council shall appoint a substitute for a member of either List who is on leave of absence for the period of that leave, unless the Council are of the view that the period is sufficiently short not to prevent the member from serving on a panel if called upon to do so without causing delay to proceedings.
- (b) Panels constituted under the Academic Staff Ordinance shall be constituted according to the following rules:
  - (i) no member of a panel shall also be a member of an appeal panel in the same matter;
  - (ii) a panel or appeal panel to consider the removal of a Master shall be constituted in accordance with Part 10 (Procedure for the removal of the Master from office);
  - (iii) a medical panel and a medical appeal panel shall include a medically qualified person appointed by the Council;
  - (iv) a panel shall comprise three persons, at least one of whom shall be a man and at least one of whom shall be a woman;
  - (v) the panel chairman shall be a member of List A and, in the case of an appeal panel, shall not be a member of the College; and, subject to the preceding rules,
  - (vi) the other panel members shall be members of List B.
- (c) Members shall be selected from List A and List B for the constitution of a panel in compliance with the above rules and otherwise in strict order from the top of the List, but disregarding any member of the List who is disqualified from acting in accordance with the provisions of this Part.
- (d) Where it is not possible to select a panel in conformity with the above rules because there are insufficient persons remaining on either List after the exclusion of those persons who are disqualified from acting in accordance with the provisions of this Part, then to that extent selections may be made by the Council (or by the Master acting on their behalf), after considering the views of the member of the academic staff under consideration by the panel ("the Member Concerned"), and of other persons.

- (e) A meeting of a panel, whether for a hearing or for any other purpose, shall be valid and effective provided that the panel chairman is present.

*Disqualification of panel members*

- (f) A person who believes that he or she has an involvement with the matter before a panel that would make his or her participation as a member of the panel unfair shall for that reason decline to accept appointment as a member of the panel, or, if already appointed, shall disqualify him or herself from the panel.
- (g) A member of a panel who fails to attend the whole of any hearing (save for absences which, in the opinion of the chairman, are immaterial) shall be disqualified from the panel.
- (h) If the Member Concerned believes that a member of the panel has an involvement with the matter before the panel that would make his or her participation as a member of the panel unfair, then the Member Concerned shall object on that ground to the panel chairman without delay, and in any event not later than the start of the first hearing of the matter by the panel. The panel chairman shall rule on any such objection (including such an objection relating to him or herself). If the objection is upheld the member of the panel concerned shall be disqualified from acting further. A ruling dismissing the objection shall be open to appeal to the person at the top of List A, whose decision shall be final.
- (i) No objection of the sort referred to in paragraph (h) above shall be entertained after the start of the first hearing of the matter by the panel, unless the panel chairman (or the chairman of the appeal panel if the objection is taken at the appeal stage) is satisfied that it was not reasonably practicable for the Member Concerned to have raised the matter earlier. A ruling declining to entertain a late objection shall be open to appeal to the person at the top of List A, whose decision in the matter shall be final.
- (j) Where a member of a panel (not being the panel chairman) is disqualified from acting, the panel may, with the consent of the Member Concerned, continue to act, notwithstanding such reduction in membership. Alternatively the panel chairman may select a replacement member in accordance with the rules for selection, and may adjourn proceedings pending that appointment. Where the chairman of a panel is disqualified, a new chairman shall be selected in accordance with the rules for selection.
- (k) Where a person is added to the membership of a panel, then any hearing that has already taken place in whole or in part shall be disregarded and shall be held afresh.

*Role and powers of the panel chairman*

- (l) The panel chairman shall determine all procedural and interlocutory matters on behalf of the panel after such consultation (if any) with members of the panel as the chairman shall see fit.
- (m) The panel chairman may vary time limits; may allow the amendment of charges or of grounds of appeal; may permit any departure from the rules or procedure set out in this Part; and may exclude any person, including the Member

Concerned, from any hearing of the panel if, in the opinion of the panel chairman, such step is necessary in the interests of good order.

- (n) In exercising any discretion the panel chairman shall seek to give effect to the guiding principles set out in the Academic Staff Statute. Any exercise of discretion by the panel chairman may be made subject to such conditions as he or she shall see fit.
- (o) The panel chairman may postpone, adjourn and reconvene any hearing or other meeting of a panel. The panel chairman may discharge the panel and order a rehearing of the matter before a fresh panel, but shall only do so where he or she is of the view that that step is necessary in order to ensure a just and fair process.
- (p) Where it appears to the panel chairman, whether on receipt of an application made by the Member Concerned or the Presenting Officer (if one has been appointed) or otherwise, that a material aspect of the matter before the panel is or is likely to be the subject of criminal or civil proceedings in a court of law or the subject of disciplinary proceedings in the University, the panel chairman may direct such stay in the process of the panel as he or she may consider desirable. Subject to any such stay the panel chairman shall seek to ensure that the case before the panel is heard and determined as expeditiously as is reasonably practicable.
- (q) The panel chairman shall keep a record of the proceedings of the panel.
- (r) The panel chairman shall send a document recording the panel's decision (together with their findings of fact (if any) and the reasons for their decision) to the Master, the Member Concerned, the Presenting Officer (if one has been appointed) and any person who shall have been added as a party to the proceedings. Where a right of appeal exists, the chairman shall draw the attention of the Member Concerned to the fact and to the procedure, including any time limit, for appeal.
- (s) The panel chairman shall have power, by certificate under his or her hand, to correct in the record of proceedings kept under paragraph (q) above or in the document recording the decision of the panel any clerical mistakes or errors arising from any accidental slip or omission.

*Conduct of hearings*

- (t) The overriding objective of the rules of procedure is to enable panel to deal with cases justly. That will include, so far as practicable,
  - (i) ensuring that the parties are on equal footing;
  - (ii) saving expense;
  - (iii) dealing with the case in ways which are proportionate to the complexity of the issues; and
  - (iv) ensuring an expeditious and fair process.
- (u) Any hearing shall take place in private unless the panel, after considering the views of the Member Concerned, direct otherwise.
- (v) Panels shall, so far as appears to them to be practicable, seek to avoid formality and their proceedings and shall not be bound by any enactment or rule of law

relating to the admissibility of evidence in proceedings before courts of law. They shall make such inquiries of persons and witnesses appearing before them as they consider appropriate and shall otherwise conduct their hearing in such manner as they consider most appropriate for the clarification of the issues before them and generally for the just handling of the proceedings.

### **Part 3: Redundancy procedure**

#### *Resolution to effect a reduction in the academic staff by way of redundancy*

- (a) This procedure shall apply where the Council have decided that it may be appropriate to effect a reduction in the academic staff of the College as a whole, or of any area of academic work within the College, by way of redundancy.
- (b) Where the Council have so decided, they shall consult such members of the academic staff and such other persons holding office in, or employed by, the College as they consider likely to be affected by a reduction of the sort contemplated. They shall also conduct such further process of consultation as may be required by law or as they may consider appropriate. The Council may specify time limits for response to any consultation that they conduct. After considering the responses received to the consultation, the Council shall either resolve to take no further action; or shall resolve to continue, extend or vary the process of consultation, with such modification (if any) of the terms of consultation as they shall see fit; or shall resolve to effect a reduction in the academic staff by way of redundancy and decide what direction (if any) to give in relation to the extent of the reduction.

#### *Selection for redundancy*

- (c) Where the Council have resolved to effect a reduction in the academic staff by way of redundancy, they shall appoint a redundancy committee of one or more persons to select the members of the academic staff for dismissal by reason of redundancy and to give notice of dismissal to those members of the academic staff so selected. The redundancy committee shall act in accordance with any direction of the Council under paragraph (b) above.
- (d) The redundancy committee shall formulate the selection criteria which they propose to employ, and shall notify each member of the academic staff considered for selection of those selection criteria. They shall afford each member of the academic staff considered for selection the opportunity to make such written or oral representations on his or her own behalf as he or she shall see fit. If, following the receipt of such representations, any change is made to the selection criteria, then any member of the academic staff who might be materially affected by such change shall be afforded a new opportunity to make such representations.
- (e) The redundancy committee shall give notice of dismissal to each member of the academic staff who is selected for dismissal, and shall also inform him or her of the selection criteria finally adopted, of the reasons for his or her dismissal, and of his or her right of appeal under this Part.

- (f) The procedure to be adopted by a redundancy committee shall be determined by the committee themselves as they see fit, subject to the adoption of a just and fair process which complies with the rules and paragraphs (c), (d), and (e) above.

*Appeal*

- (g) A member of the academic staff who is given notice of dismissal by reason of redundancy may, within fourteen days from the date of that notice, give to the Master notice of appeal to a redundancy appeal panel. The notice of appeal shall state the grounds of appeal.
- (h) The lodging of an appeal shall not affect the operation of the notice of dismissal, but the chairman of the redundancy appeal panel may extend the period of notice if he or she considers it just fair and in all the circumstances that an extension should be granted.
- (i) Where the redundancy appeal panel decide to remit the matter back for further consideration, then
  - (i) they may direct that further consideration should be given by the same redundancy committee, or direct that a differently constituted redundancy committee be selected for that purpose;
  - (ii) they may give such other directions as they see fit, including directions affecting other members of the academic staff, provided that they may confirm, suspend, extend or cancel any notice of dismissal given to such other members, but shall not give notice of dismissal to any member of the academic staff not already under such notice; and
  - (iii) a fresh right of appeal to the redundancy appeal panel shall accrue to any member of staff from notice of dismissal given or confirmed as a result of that further consideration.
- (j) Where the redundancy appeal panel reach a final decision on any appeal, no further right of appeal under College procedures lies against that decision.

**Part 4: Disciplinary procedure**

*Less serious matters: Warnings*

- (a) If it appears to the Master, after receiving a complaint or otherwise, that there are grounds for believing that the conduct or performance of a member of the academic staff ("the Member Concerned") is or has been unsatisfactory, the Master shall inquire into the matter. If the Master concludes after investigation that the Member Concerned is or has been at fault, the Master may issue an oral warning. The Master shall specify the reason for the warning, shall indicate that it constitutes the first stage of the College's disciplinary procedure, and shall advise the person concerned that he or she may appeal against the warning under paragraph (d) below.
- (b) If the Master concludes after investigation that the fault is sufficiently serious to justify it, or if a further offence occurs after an oral warning, the Master may issue a written warning. Such a warning shall specify the reason for the warning, improvements required in the conduct or performance of the Member Concerned, and the period of time within which such improvements are to be

made. The Master shall advise the Member Concerned that he or she may appeal against the warning under paragraph (d) below, and shall indicate that, if no satisfactory improvement takes place within the stated time, charges may be instituted before a disciplinary panel.

- (c) The Master shall keep a written record of any oral or written warning issued. Each warning shall specify the period from the date of issue after which, in the absence of further disciplinary matters arising, it will be disregarded for all purposes. The period shall not exceed one year in the case of an oral warning and shall not exceed two years in the case of a written warning.
- (d) The Member Concerned may appeal in writing to the Master against a disciplinary warning within fourteen days of the date of the warning, stating the grounds of appeal. The appeal shall be communicated to the Council, who shall determine it as they shall see fit. If the appeal is allowed, the warning shall be disregarded.

*More serious matters: The institution of charges before a disciplinary panel*

- (e) If the Master receives a complaint against a member of the academic staff ("the Member Concerned") seeking the institution of a charge or charges ("a Charge") before a disciplinary panel, then the Master shall investigate the matter as he or she shall see fit. If, whether as a result of the investigation of a complaint or otherwise, the Master considers that there are grounds for believing that a Charge should be instituted before a disciplinary panel, then the Master shall write to the Member Concerned inviting his or her comment in writing by specified date. If the Master considers that the College might otherwise suffer significant harm, the Master may suspend the Member Concerned from the performance of his or her duties until the next following meeting of the Council without loss of emolument. As soon as practicable following receipt of the comments (if any) of the Member Concerned, the Master shall consider the matter in the light of all the available evidence and may dismiss the matter summarily, or issue an oral or written warning, or determine that a Charge should be instituted before a disciplinary panel.
- (f) Where the Master has determined that a Charge should be instituted before a disciplinary panel, then
  - (i) the Master shall report that fact to the next following meeting of the Council, who shall appoint and instruct a suitable person ("the Presenting Officer") to formulate the Charge and to present it, or arrange for its presentation, before a disciplinary panel; and
  - (ii) a disciplinary panel shall be selected to hear and determine the matter.
- (g) On receiving the report of the Master, the Council shall consider whether to suspend the Member Concerned from the performance of his or her duties without loss of emolument. Any such suspension shall be reviewed by the Council at regular intervals, each review taking place within two months of the time of the last decision to suspend or at the next following meeting of the Council after that decision, if later. The Council shall not impose or continue suspension unless they consider that the College might otherwise suffer significant harm.

- (h) The Presenting Officer shall seek to ensure that the case is heard and determined as expeditiously as is reasonably practicable.
- (i) As soon as reasonably practicable after the date of his or her appointment, the Presenting Officer shall send to the Member Concerned and to the panel chairman notice of the Charge together with a copy of the Academic Staff Statute and of the Academic Staff Ordinance.
- (j) The panel chairman, after consultation with the Member Concerned and with the Presenting Officer, shall determine the date and time of the meeting of the disciplinary panel for the purpose of hearing the case, and shall send notice of the date, time and place of the meeting to the Member Concerned, to the Presenting Officer and to the members of the disciplinary panel.
- (k) Not later than seven days before the date set for the hearing, the Presenting Officer shall send to the Member Concerned and to the members of the disciplinary panel a copy of the Charge, together with any documents specified therein; a list of all witnesses that the Presenting Officer proposes to call, with statements containing the evidence they are expected to give; and a copy of any other documents that the Presenting Officer proposes to put in evidence.

*Evidence*

- (l) Evidence that a person has been convicted of a criminal offence by or before any court of law, or that any court of law has found proved an offence with which he or she was charged, shall, for the purpose of establishing that that person committed the offence or was guilty of any act or conduct in respect of which he or she was so charged or convicted, be admissible in any proceedings before a disciplinary panel.

*The decision of the disciplinary panel*

- (m) Where, after hearing, the disciplinary panel find the Charge or any part thereof to be without substance, then they shall dismiss the Charge or that part thereof.
- (n) Where, after a hearing, the disciplinary panel find the Charge or any part thereof to be established, then before deciding what penalty (if any) to impose, they shall give the Member Concerned and the Presenting Officer the opportunity to put forward any matters bearing on the penalty to be imposed unless they are of the view that a sufficient opportunity has already been given in the course of the hearing.
- (o) The disciplinary panel may decide to impose no penalty, or may impose a penalty comprising one or more of the following:
  - (i) an oral or written warning;
  - (ii) suspension without pay for up to three months;
  - (iii) the withholding of future increments in stipend;
  - (iv) reduction in grade in any primary position;
  - (v) removal from any secondary position;
  - (vi) the substitution of a lesser position for any primary position;



- (vii) deprivation of Fellowship;
- (viii) dismissal with or without notice;
- (ix) the award of compensation to any person in respect of any loss caused or damage done; and
- (x) any penalty considered by the disciplinary panel to be lighter than some penalty comprising one or more of the above.

If the disciplinary panel are of the view that the conduct of the Member Concerned constitutes gross misconduct such as to justify dismissal without notice, they shall so state. If the penalty of dismissal without notice is imposed in the absence of such a statement (or, in the event of an appeal, such a statement by the disciplinary appeal panel), then the College shall pay compensation to the Member Concerned in respect of the absence of proper notice. The disciplinary panel shall not impose the penalty of the substitution of a lesser office or employment for any primary office or employment unless they are of the view that the conduct of the Member Concerned is such as to justify dismissal.

- (p) Where, after a hearing, the disciplinary panel are of the view that the Member Concerned should be dismissed, but that the dismissal is for some other substantial reason than good cause, they shall so state, specifying the reason, in their findings and shall dismiss the Member Concerned accordingly.

#### *Appeal*

- (q) The Member Concerned may, within fourteen days from the decision of the disciplinary panel, give to the Master notice of appeal to the disciplinary appeal panel. The notice of appeal shall state the grounds of appeal and whether it is an appeal against the findings of the disciplinary panel, or the penalty imposed, or both.
- (r) The appeal shall then be heard and determined as expeditiously as is reasonably practicable by the disciplinary appeal panel, who may substitute for the decision of the disciplinary panel any decision that that panel might have made. The decision of the disciplinary appeal panel in the matter shall be final.

#### *The addition of parties and the consolidation of matters*

- (s) The panel chairman may agree to the addition of any other person as party to a case before a disciplinary panel; provided that the panel chairman shall not so act unless he or she is of the view that the step is desirable in order to ensure a just and fair process. Such other person shall receive from the Presenting Officer the paper specified in paragraph (k) above, and shall have the right to a fair process before the panel.
- (t) The Council may determine that charges against more than one member of the academic staff may be heard concurrently by the same disciplinary panel.

#### *Relationship with removal on health grounds*

- (u) If at any stage the panel chairman forms the view that the conduct or capability of the Member Concerned may be attributable, wholly or in part, to a medical condition, then he or she shall

- (i) if he or she is of the view that such action is necessary to ensure a just and fair process, stay the proceedings of the disciplinary panel and direct the selection of an incapacity panel for proceedings to continue under Part 5 below; or otherwise
- (ii) if he or she is of the view that the disciplinary panel might be assisted by the appointment of a medically qualified person as Medical Consultant, to ask the Council to make such an appointment; or otherwise
- (iii) take no action.

A Medical Consultant under (ii) above shall not be a member of the disciplinary panel but shall offer advice and guidance to the panel on medical matters.

- (v) Where proceedings are transferred to an incapacity panel under paragraph (u) above, then, if at any stage the panel chairman forms the view that it would be consistent with a just and fair process to transfer the proceedings to a disciplinary panel, he or she may stay the proceedings of the incapacity panel and either
  - (i) transfer the proceedings back to the initial disciplinary panel; or
  - (ii) direct the discharge of the initial disciplinary panel and constitute the incapacity panel as a disciplinary panel for all further proceedings; or
  - (iii) direct the discharge of the initial disciplinary panel and the selection of a fresh disciplinary panel, and transfer the proceedings to them.

In the event of a transfer of proceedings, the chairman of the panel to whom the proceedings are transferred shall have authority to rule as relevant and admissible any part of the proceedings that took place before the transfer, provided that he or she is of the view that that course would help to ensure an efficient, just and fair process.

- (w) Where a new panel is selected under paragraph (u) or (v) above, then the chairman of the old panel may continue to act as chairman of the new panel notwithstanding the provisions of Part 2 above.

## **Part 5: Procedure for assessing incapacity on health grounds**

### *The institution of a case before an incapacity panel*

- (a) Where the Council decide that an incapacity panel should be appointed for the consideration of a case of a member of the academic staff ("the Member Concerned") under the Academic Staff Statute, they shall at the same time appoint a suitable person ("the Presenting Officer") to present the case to the panel.
- (b) Any person having authority in law to act on behalf of the Member Concerned shall have power so to act in respect of all proceedings before an incapacity panel or an incapacity appeal panel. Any requirement in relation to the Member Concerned shall be satisfied if it is satisfied in relation to a person having authority to act on behalf of the Member Concerned or a representative appointed by the Member Concerned, whether or not it is also fulfilled in relation to the Member Concerned him or herself.

- (c) As soon as reasonably practicable after appointment, the Presenting Officer shall send to the Member Concerned and to the panel chairman notice of the reason why it is thought that the removal of the Member Concerned by reason of incapacity on health grounds should be considered together with a copy of the Academic Staff Statute and of the Academic Staff Ordinance.
- (d) The Presenting Officer shall seek to ensure that the case is heard and determined as expeditiously as is reasonably practicable.
- (e) The panel chairman, after consultation with the Member Concerned and with the Presenting Officer, shall determine the date and time of a meeting of the incapacity panel for the purpose of a hearing of the case, and shall send notice of the date, time and place of the meeting to the Member Concerned, to the Presenting Officer and to the members of the incapacity panel.
- (f) Not later than seven days before the date set for the hearing, the Presenting Officer shall send to the Member Concerned and to the members of the incapacity panel a copy of the communication referred to in paragraph (c) above, together with any documents therein specified; a list of all witnesses the Presenting Officer proposes to call, with statements containing the evidence they are expected to give; and a copy of any other documents which the Presenting Officer proposes to put in evidence.

*Medical evidence*

- (g) The Presenting Officer may seek from the Member Concerned such medical evidence as he or she considers necessary for the purpose of the presentation of the matter to the incapacity panel. Such evidence may include the opinion of a medically qualified person appointed by the College, at College expense, to advise on the health of the Member Concerned. In the event of the Member Concerned declining to provide any or all of the evidence requested, the Presenting Officer may apply to the chairman of the incapacity panel for a direction for the production of medical evidence. The panel chairman will then hear and determine the matter, and may direct the production of such medical evidence (whether or not sought by the Presenting Officer) as the panel chairman shall specify. The Member Concerned may appeal against such a direction to the person at the top of List A, whose decision shall be final.
- (h) If, after a direction to produce medical evidence, the Member Concerned declines to provide any or all of the evidence directed, the incapacity panel and an incapacity appeal panel may draw such inferences as to the health of the Member Concerned as they shall see fit from all the circumstances of the case. In addition, the panel chairman may refer the matter to the Council for the institution of proceedings before a disciplinary panel, but the Council shall only institute such proceedings if they are of the view that the Member Concerned was under an obligation to provide evidence directed by reason of the terms of his or her appointment or by reason of the Statutes and Ordinances.

*The decision of the incapacity panel*

- (i) Where, after a hearing, the incapacity panel find that the Member Concerned is incapable of performing satisfactorily the duties of his or her position, they may take action which may be of any of the following:

- (i) suspension on grounds of ill health pending receipt of evidence to the satisfaction of the medically qualified member or members of the panel of fitness to resume work;
- (ii) suspension on grounds of ill health pending further review by the incapacity panel at a specified date; or
- (iii) dismissal with or without notice on grounds of ill health.

During any period of suspension on grounds of ill health the Member Concerned shall be paid in accordance with the terms of his or her office or employment. If the panel decide to dismiss without notice on grounds of ill health, the College shall pay compensation to the Member Concerned in respect of the absence of proper notice.

#### *Appeal*

- (j) The Member Concerned may, within fourteen days from the decision of the incapacity panel, give to the Master notice of appeal to the incapacity appeal panel. The notice of appeal shall state the grounds of appeal and whether it is an appeal against the findings of the disciplinary panel (stating which findings are appealed against), or the action taken by them, or both.
- (k) The appeal shall be heard and determined as expeditiously as is reasonably practicable by an incapacity appeal panel, who may substitute for the decision of incapacity panel any decision that that panel might have made. The decision of the incapacity appeal panel in the matter shall be final.

#### **Part 6: Procedure for the renewal of fixed-term appointments**

- (a) Any appointment of a member of the academic staff ("the Member Concerned") to a position in the College ("the Position") that is for a fixed term shall be made according to the Code of Practice that defines the matters to be considered in relation to renewal at the end of the fixed term, or the appointee shall be told at the time of appointment that no provision exists for renewal at the end of the fixed term. The Code of Practice is attached to this Ordinance.

#### **Part 7: Procedure for dismissal on other grounds**

- (a) If it appears to the Master, after receiving a complaint or otherwise, that there are grounds for believing that a member of the academic staff ("the Member Concerned") should be dismissed for some substantial reason other than redundancy or good cause, then the Master may determine that the matter should be considered by a special dismissals panel.
- (b) Where the Master has so determined, then
  - (i) the Master shall report that fact to the next following meeting of the Council, who shall appoint and instruct a suitable person ("the Presenting Officer") to formulate the matter and to present it, or arrange for its presentation, before a special dismissals panel; and
  - (ii) a special dismissals panel shall be selected to hear and determine the matter.

- (c) The procedure to be followed in relation to a matter before a special dismissals panel (including the procedure for appeal) shall be the same as that in relation to a matter before a disciplinary panel, save that, in substitution for paragraph (o) of that procedure, the conclusion of a special dismissals panel shall be one of the following:
  - (i) to take no action; or
  - (ii) to dismiss with or without notice.

If the panel decide to dismiss without notice, the College shall pay compensation to the Member Concerned in respect of the absence of proper notice.

- (d) After hearing the views of the Member Concerned and the Presenting Officer, a special dismissals panel may resolve to constitute themselves as a disciplinary panel, provided that they are satisfied that that course is consistent with a just and fair process, and in particular that the Charge for the disciplinary procedure is clearly specified and is fairly related to the matter before the special dismissals panel.

**Part 8: Procedure for removal from a secondary position**

- (a) This Part applies where the Master is of the opinion that a member of the academic staff ("the Member Concerned") should be removed from a secondary position before its prescribed or normal termination date, but is not aware of any grounds that would justify proceedings for dismissal from a primary position held by the Member Concerned.
- (b) The Master shall discuss the reasons for that opinion with the Member Concerned. If, after that discussion, the Master remains of the same opinion, then he or she shall ask the Council to constitute a committee (of which the Master shall not be a member) to consider the matter and to report. Before reporting, the committee shall give the Member Concerned a fair opportunity to show why he or she should not be removed from the secondary position before its prescribed or normal termination date.
- (c) The report of the committee shall be communicated to the Member Concerned for comment by a specified date, and shall then be communicated, with the comments (if any) of the Member Concerned, to the Council, whose decision in the matter shall be final.

**Part 9: Grievances**

- (a) If a member of the academic staff ("the Member Concerned") has a grievance then he or she should seek to resolve it informally through discussion with the appropriate College officer or other authority in the College. If such action does not suffice to resolve the grievance, or if, in the circumstances of the case, it is not reasonable to expect another course to be followed first, the Member Concerned may refer the grievance to the Master.
- (b) When a grievance has been so referred, the Master shall seek to resolve the matter promptly and fairly after discussion with the Member Concerned. The Master

may seek the advice of the Council regarding the grievance, and shall do so at the request of the Member Concerned.

- (c) The Master or the Council, as the case may be, shall rule inadmissible any complaint judged
  - (i) not to be one concerning a position in the College held by the Member Concerned; or
  - (ii) not to be one relating to matters affecting the Member Concerned as an individual or his or her personal dealings or relationships with other staff of the College; or
  - (iii) to be one for which express provision is made elsewhere in the Statutes.

In particular if the Master or the Council, as the case may be, are of the view that the complaint should be dealt with in accordance with the disciplinary procedures of the College, of whatever sort and whether or not those procedures should be invoked in relation to the complainant or any other person, they shall rule the grievance inadmissible.

- (d) The Master or the Council, as the case may be, may defer the consideration of a grievance pending the completion of other proceedings under the Statutes, including disciplinary proceedings of whatever sort, relevant to the grievance which are pending or in progress.
- (e) If the Master or the Council, as the case may be, are of the view that a complaint is trivial or vexatious they shall declare it to be so.
- (f) If the Member Concerned remains dissatisfied after consideration of the grievance by the Council under paragraph (b) above, he or she may ask that it be referred to a grievance panel. A grievance panel shall thereupon be appointed, who shall seek to resolve the matter.
- (g) The report of the grievance panel shall be considered by the Council, who shall make a reasoned response to the panel on the recommendations of the report. The panel may, at their discretion, make a further report to the Council recommending the reconsideration by the Council of any matter. The Council's decision on any such further report shall be final. Any reports or response made under this paragraph shall be copied to the Member Concerned.

#### **Part 10: Procedure for the removal of the Master from office**

This Part shall apply in place of Parts 3 to 8 in the case of the Master.

- (a) On receipt of a complaint signed by any ten Fellows seeking the removal of the Master from office for good cause (such complaint stating the reasons for such removal), the President shall write to the Master notifying him or her of the complaint and inviting comment in writing. The President shall also without delay summon a meeting of the Council, exclusive of the Master and of the complainant Fellows.
- (b) After considering the complaint and the comments (if any) of the Master, the Council shall dismiss the complaint if they are of the view that it is not supported by sufficient evidence of good cause for removal from office. Otherwise they

shall without delay appoint a panel of three persons who are not Fellows and are not employed by the College, one of whom holds, or has held, judicial office, or is a barrister or solicitor of at least ten years' standing, that person to be chairman of the panel.

- (c) The procedure to be followed in relation to a matter before a panel to consider the removal of a Master (including the procedure for appeal) shall be the same as that in relation to a matter before a disciplinary panel, save that, in substitution for paragraph (o) of that procedure, the conclusion of a panel to consider the removal of a Master shall be one of the following:
  - (i) to take no action; or
  - (ii) to remove the Master from office.
- (d) The Master may, within fourteen days from a decision of the panel to remove him or her from office, give to the President notice of appeal to an appeal panel. The notice of appeal shall state the grounds of appeal. The President shall then without delay summon a meeting of the Council, exclusive of the Master, who shall without delay appoint an appeal panel of three persons who are not Fellows and are not employed by the College, one of whom holds, or has held, judicial office, or is a barrister or solicitor of at least ten years' standing, that person to be chairman of the panel.
- (e) In the event of an appeal, the Master shall be suspended from office and from the emoluments thereof pending the decision of the appeal panel. If the appeal panel reverse the decision of the panel to consider the removal of a Master, then the suspension shall forthwith be lifted and the Master shall be reinstated into the emoluments of his or her office, including any stipend that he or she would have received but for the suspension under this paragraph.

## Code of Practice on Renewal of Fellowships

*Amended 23 November 2021, 7 February 2023, 4 July 2023*

This Code sets out the College's agreed policy on the renewal of Fellowships.

1. Per Statute D.II.4/5: Junior Research Fellowships in Class I, including named Research Fellowships, are elected by Governing Body for one fixed term (which may include one or more periods of intermission), which will not be extended or renewed.
2. Per Statute D.II.3: Senior Research Fellowships in Class I may be renewed as set out there.
3. Per Statutes D.III and E.II: Fellowships in Class II fall into several categories.
  - (a) The Senior Tutor, Bursar, Chaplain, Development Director and Director of Admissions whose primary employment is with the College are elected to a Fellowship coterminous with their College employment.
  - (b) College Lecturers holding a University/qualifying appointment may be appointed for a fixed initial term of three years, and may then be reappointed while they hold a qualifying appointment either for a further fixed term or to the retirement age. Reappointment will be by Council, taking account of the report of a review committee appointed by Council and after consideration of the Lecturer's performance.
  - (c) College Lecturers whose primary employment is with the College may be appointed by Council
    - (i) either for one fixed term, not to exceed four years, which will not be extended or renewed except that the Council in wholly exceptional circumstances may extend the term on a one-off basis, provided that the total term does not exceed four years;
    - (ii) or for a fixed initial term of three years, and may then be reappointed either for a further fixed term or to the retirement age. Reappointment will be by the Council, taking account of the report of a review committee appointed by Council and after consideration of the Lecturer's performance.
  - (d) Statute E.II.2 (b) provides for College Lectureships held by Fellows in Class II which may be held for up to six years and may be prolonged for a further period or periods not exceeding six years each.
  - (e) Statute E.II.2 (c) provides for College Lectureships held by persons who are not Fellows of the College. The College does not currently make appointments on this basis.
4. Per Statute D.V.4: elections to Fellowships in Class IV may be subject to such conditions as Governing Body specifies. The College's normal practice will be:
  - (a) to elect persons whose primary employment is with the College to a Fellowship coterminous with their College employment, or



- (b) to elect persons to a fixed term Fellowship. Renewal of such a Fellowship will be subject to Council confirming a teaching requirement or other benefit to the College.
- 5. For the avoidance of doubt, Class V Fellowships have tenure for life.

## **Statute J: Miscellaneous Provisions**

*In force 12 February 1999 and amended in 1998 and 2008*

### **Chapter I: Commemoration of Benefactors**

1. The commemoration of the Foundress and other Benefactors shall be celebrated each year in the Michaelmas Term in such manner as may be prescribed from time to time by the Governing Body in Ordinances.

### **Chapter II: Commencement, Repeal and Savings**

1. These Statutes shall come into force on 1st October next following the date of their approval by the Queen in Council and all Statutes of the College in force immediately before that day shall then cease to have effect save as hereinafter provided. The Bursar shall provide a copy of the Statutes to all Fellows holding office on that day, and to every Fellow on his election thereafter.
2.
  - (1) The interests and conditions of tenure of any person holding the Mastership, a Fellowship, a College office, or an award (in this section referred to as an emolument) immediately before the day on which these Statutes come into force shall, notwithstanding the last foregoing section, continue to be regulated by the Statutes then in force unless he signifies to the Governing Body by notice in writing within one year of that day that he wishes his interests and conditions of tenure in respect of all such emoluments to be regulated by these Statutes. Provided that any re-election or reappointment to, continuance in, or extension of any emolument shall in any case be regulated by these Statutes.
  - (2) A notice under this section shall be addressed to the Master, who shall report it to the next meeting of the Governing Body, and its receipt shall be recorded in the minutes of the meeting.
3.
  - (1) If, within thirty days of the doing of any act, including an election, by any person or body having power to act under these Statutes, it is represented in writing to the Master that there has been a contravention of the Statutes, or Ordinances or Regulations in the doing of such act, he shall inquire into the matter and shall declare either that there has been no such contravention, or that the said act is of no effect or, if he is of opinion that the irregularity has not affected the result, that the validity of the act is not affected by such contravention. If he has not announced his decision within ten days after receipt of the representation or, if they are dissatisfied with his decision, any six Fellows may within one week appeal in writing to the Visitor whose decision shall be final. If there is no such appeal, the decision of the Master shall be final.
  - (2) No act by any person or body having power to act under these Statutes shall be invalid by reason of the fact that there has been a contravention of the Statutes, Ordinances or Regulations unless there has been a representation in writing as aforesaid within thirty days after the doing thereof.

### Chapter III: Interpretation and Procedure

1. In these Statutes, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

'Governing Body' means the Master, Fellows, and any members of the College co-opted to serve in accordance with the provisions of Statute B.III.

'Extraordinary Resolution' means a resolution of which at least seven clear days' notice has been given and for which not less than two-thirds of all the members of the Governing Body, not being on leave of absence granted by the Council and not being excluded by virtue of Statute B.III.5, have voted.

'Special Resolution' means a resolution of which at least seven clear days' notice has been given and for which not less than one-half of all the members of the Governing Body, not being on leave of absence granted by the Council and not being excluded by virtue of Statute B.III.5, have voted.

'Fellow' means a Fellow elected under Statute D.VII.

'Residence' means residence within the University precincts as defined for purposes of the University Statutes; and 'reside' shall be interpreted accordingly.

'Senior Fellow' means the Fellow who is highest in the order of precedence prescribed by Statute D.VII.5

'Term' means University Term as defined by University Statutes.

'University' means the University of Cambridge.

'Special meeting' means a meeting of the Governing Body of which not less than seven days' notice shall be given.

2. Where by these Statutes a power is conferred on any person other than the Master or the President it may in the absence of that person be exercised by a person who is authorised by the Governing Body to act as a deputy for that person.
3. Where in these Statutes provision is made for voting all votes must be given in person at the meeting at which the business on which the vote is taken is transacted.
4. Where in these Statutes notice in writing is required to be given to a Fellow it shall be sufficient for notice to be sent by post or delivered by hand to the address given to the Bursar in accordance with Statute D.IX.8. If no address has been given it shall be sufficient for notice to be left for the Fellow in question in the Porter's Lodge, Saint Andrew's Street.
5. Neither the Master nor any Fellow shall participate in any discussion or vote of the Governing Body or of the Council, as the case may be, which relates to his appointment to a College Office or to the tenure, stipend, or other conditions affecting his own Fellowship or College Office. This section shall not however prevent any Fellow or College Officer from participating in a discussion or vote on issues affecting a Class or Classes of Fellowship, or College Offices in general.

6. If any question arises as to the meaning or effect of any of these Statutes, it shall be determined by the Master, who shall report his decision within three months to the Governing Body. The Master's determination shall be binding on all members of the College unless varied by a special resolution of the Governing Body. The Master or any five Fellows may appeal against any such special resolution to the Visitor whose decision shall be final.

**Ordinance under Statute J.1: Commemoration of Benefactors**

*In force 29 September 1995*

1. The service for the Commemoration of Benefactors shall be held in the Chapel at a time appointed by the Master on the last day of Full Term each year in the Michaelmas Term.
2. Notice shall be sent to all Fellows and Scholars requesting their attendance.
3. At the appointed hour, the Master shall read out the names of the Lady Margaret and the other principal benefactors of the College and there shall follow a service of thanksgiving for the benefits which through their good works have been conferred upon the present members of the College.
4. At the conclusion of the service, the Master, Fellows and Scholars, the Chaplain, the Preacher and College guests attending the Commemoration shall dine together in Hall.