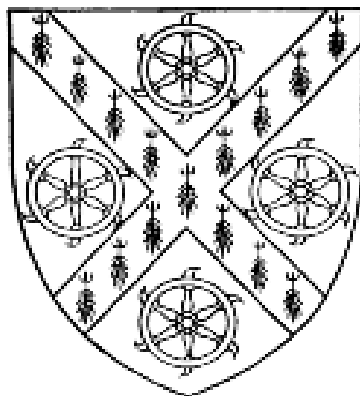


**ST CATHERINE'S  
COLLEGE  
OXFORD**



**BY-LAWS  
2013**



# ST. CATHERINE'S COLLEGE OXFORD

## BY-LAWS

### I. GENERAL

1. A By-law may be made, rescinded, varied or suspended only at a meeting of the Governing Body.
2. Save in the case mentioned in the next succeeding By-law, a By-law may be made, rescinded, varied or suspended only if notice shall have been given in the agenda for a meeting of the Governing Body of a proposal so to do.
3. A By-law may be made, rescinded, varied or suspended at a meeting of the Governing Body without such prior notice if the meeting has present at it at least one-half of the members of the Governing Body and a decision so to do is reached by a majority consisting of at least three-quarters of those present.
4. In the Statutes, By-laws and Regulations words importing the masculine gender shall include the feminine and vice-versa.
5. In the Statutes, By-laws and Regulations a requirement that a communication be in writing shall be satisfied by a received e-mail.
6. In these By-laws, unless the context otherwise requires, any reference to the Master shall, in the event of the absence of the Master or the inability of the Master to act or the office of Master being vacant, be to the Vice-Master or to a Pro-Master, as the case may be. If neither the Master nor the Vice-Master nor a Pro-Master is able to discharge his responsibilities under these By-laws, any reference in these By-laws to the Master or to the Vice-Master or to a Pro-Master shall be to the senior Official Fellow present.
7. The Governing Body shall ensure that obligations resting on the College to safeguard freedom of speech, to prevent harassment, and to practise equal opportunity among the sexes are observed.
8. The Governing Body shall ensure that the constitutions of the Junior Common Room and the Middle Common Room of the College are freshly approved once every five years.

## II. THE MASTER

1. The Master shall, so far as possible, give to the Governing Body eighteen months' notice of his intention to relinquish his office.
2. The Master and a member of the Governing Body nominated for election as Master shall not be present at a Special Meeting summoned to receive the nomination of a person for election as Master; and the Master shall not be present at earlier discussions at the Governing Body concerning his successor or his own renewal in office.
3. The Vice-Master shall cause a preliminary meeting of the Governing Body to consider an impending or actual vacancy in the office of Master to occur between seven and twenty-one days from the event that shall have caused it to be summoned, save where that event occurs in vacation in which case the meeting shall occur as soon as practicable. The Vice-Master shall give at least four clear days' notice of the meeting and such notice of subsequent meetings of the Governing Body in connection with the election or renewal of a Master as the Governing Body shall deem to be reasonable.
4. The Governing Body shall appoint a Mastership Committee to assist in nominating a person for election as Master. The Vice-Master shall be a member of the committee. The Governing Body shall appoint a member of the committee to be its chairman, or shall instruct the committee to appoint a chairman.
5. The Mastership Committee shall consider when to recommend that the Vice-Master summon a meeting of the Governing Body under the provisions of Clause 6 of Statute IV. A meeting so summoned may decide to defer nomination.
6. On being so instructed by the Governing Body, the Vice-Master shall summon a Special Meeting of the Governing Body under Clause 7 of Statute IV to receive the nomination of a person for election as Master. The Vice-Master shall include in the notice the name of any person proposed for nomination and the names of his proposers.
7. If a person nominated for election as Master is not so elected within one month of the Special Meeting of the Governing Body that receives his nomination, or if the person nominated withdraws, the Vice-Master shall summon the Governing Body to proceed to the nomination of a different person for election as Master.
8. A pre-election of a Master shall state the day on which the Master is duly elected. The day so stated shall not be more distant than eighteen months from the day of pre-election.

### III. THE FELLOWS

1. On the Governing Body determining to create a Fellowship other than an Official non-Tutorial Fellowship or a Visiting Fellowship, the recommendation of a person for election shall be referred to the Fellowships Committee.
2. A proposal to create an Official non-Tutorial Fellowship or to confer such a Fellowship on an Officer not holding one shall be referred to the Fellowships Committee or to an ad-hoc committee.
3. Any two members of the Governing Body, including the Master, may propose that a person be considered for election to a Visiting Fellowship. The name of a person so proposed shall be sent in writing to the Master. The Master shall, on receiving such a proposal, refer it forthwith to the Visiting Fellowships Committee which shall report to the Governing Body on the proposal so referred and the Governing Body shall thereupon determine whether the person proposed be elected.
4. Any three or more members of the Governing Body, including the Master, may propose that a person be considered for election to a Professorial Fellowship or to a Fellowship by Special Election, or for election or re-election to a Domus Fellowship. The name of a person so proposed shall be sent in writing to the Master. The Master shall, on receiving such a proposal, refer it forthwith to the Fellowships Committee and inform the Governing Body of the proposal, the name of the person proposed and the names of his proposers. The Fellowships Committee shall report to the Governing Body on the proposal so referred and the Governing Body shall thereupon determine whether the person proposed be elected or re-elected.
5. Any three or more members of the Governing Body, including the Master, may propose that a person be considered for nomination for election to an Emeritus or a Honorary Fellowship. The name of a person so proposed shall be sent in writing to the Master. The Master shall, on receiving such a proposal, refer it forthwith to the Fellowships Committee and, in the case of a Honorary Fellowship, inform the Governing Body of the proposal, the name of the person proposed and the names of his proposers. The Fellowships Committee shall report to the Governing Body on the proposal so referred and the Governing Body shall thereupon determine whether the person proposed be nominated at the next Stated General Meeting for election. If the Governing Body determines that the person proposed be so nominated, he shall be nominated by three or more members of the Governing Body.

### III

6. The Governing Body may, on the Fellowships Committee being requested to consider the recommendation or nomination of a person for election or re-election to a Fellowship other than a Visiting Fellowship or for appointment or re-appointment to a Research Associateship, add to it for that purpose not more than three further members of the Governing Body.

7. The renewal of Official Tutorial Fellows of Class B shall be considered by the Academic Policy Committee.

8. Fellows by Special Election, Research Fellows and Junior Research Fellows who wish their Fellowships to be renewed under the provisions of Clauses 14, 17 and 18 respectively of Statute VI shall request the Master in writing that the matter be considered by the Fellowships Committee.

9. Subject to the express terms or the expectations of their appointment, and before their election, the Governing Body shall define the rights and responsibilities in the College of Fellows by Special Election, Research Fellows, Junior Research Fellows, Visiting Fellows and Domus Fellows.

10. Unless it shall prove impracticable so to do, a person proposed or likely to be proposed for election to a Fellowship other than a Visiting, Emeritus, Honorary or Domus Fellowship shall be invited by the Master to meet the members of the Governing Body.

11. A Research Fellow and a Junior Research Fellow shall, before the commencement of the second Full Term of the final year (whether of his initial tenure or not) of his Fellowship, or at such other times as the Master approves, submit to the Master a report on the progress of his research. A Research Fellow or a Junior Research Fellow shall, for the purposes of this By-law, be deemed to commence the tenure of his Fellowship at the commencement of the Full Term in which he takes up his Fellowship, or at the commencement of the Full Term following if he takes up his Fellowship out of Full Term.

12. A Research Fellow, a Junior Research Fellow or a Research Associate may, with the prior consent of the Governing Body, engage in teaching.

13. Votes taken under the provisions of Clauses 2, 3, 11, 14, 15, 17, 18 or 26 of Statute VI shall be in secret ballot.

### III

14. The Fellows of the College shall take seniority from the day of their election or pre-election, at the discretion of the Governing Body. If more than one Fellow is either elected or pre-elected at the same meeting of the Governing Body, the seniority of such Fellows shall be determined at that meeting. A person elected or pre-elected to a Fellowship (other than a Visiting or Domus Fellowship) who has previously held a Fellowship in the College (other than a Visiting or Domus Fellowship) shall take seniority for all purposes other than that of appointment as Vice-Master as if he had never ceased to hold a Fellowship in the College. An Official or a Professorial Fellow who has previously held a Fellowship in the College shall take seniority for the purpose of appointment as Vice-Master from the day on which he first became a member of the Governing Body provided his membership has been continuous.

15. A pre-election of a Fellow shall state the day on which he is duly elected. The day so stated shall not be more distant than fifteen months from the day of pre-election.

16. The declaration required by Clause 4 of Statute V shall be made to the Master.

17. A meeting under the provisions of Clause 27 of Statute VI of the Master and the denominated Officers shall be summoned by the Master on being requested in writing so to do by any six members of the Governing Body, who shall specify the reason or reasons why the Fellow concerned should be deprived of his Fellowship.

#### IV. ELECTIONS AND APPOINTMENTS

1. A Committee shall be constituted to consider persons for election to the office of Visitor. Any two members of the Governing Body may propose a person to be elected.
2. An election of a Visitor shall be made within twelve months of the office falling vacant.
3. The Visitor shall, save in a grave emergency, give four weeks' notice in writing to the Master of his intention to visit the College for the purpose of discharging his official duties and shall, so far as the nature of the case allows, specify the nature of any inquiries that he deems it expedient to make.
4. The Master shall be informed in writing of an intention to invoke the powers of the Visitor under Clauses 5, 6 or 7 of Statute III and shall, on the receipt of such information, inform each member of the Governing Body forthwith of the fact of such intention. The Visitor shall intimate to the Master his intention to exercise his powers under these same clauses or under Clause 8 and the Master shall inform each member of the Governing Body forthwith that the Visitor does so intend. The Visitor, in exercising his powers under these same clauses, shall consider any representations that the Governing Body or any member of it may make. On the Master in his own behalf invoking the powers of the Visitor under these same clauses, any reference to the Master in the foregoing provisions of this By-law shall be to the Vice-Master.
5. Consideration of a proposal to appoint an Associate shall be referred to the Fellowships Committee in the case of a Research Associate and to the Visiting Fellowships Committee in the case of a Visiting Associate.
6. No Visiting Associate shall be appointed for more than one year at a time or hold his position for longer than two years continuously.
7. No Research Associate shall ordinarily be appointed for more than two years at a time or hold his position for longer than five years continuously.
8. Subject to the express terms or the expectations of their appointment, and before their appointment, the Governing Body shall define the rights and responsibilities in the College of Associates.
9. A Research Associate shall submit to the Master a report on the progress of his research before the end of each period of his appointment.



#### IV

10. Appointments and elections to Lecturerships, Scholarships and Exhibitions may be made by a meeting of the Academic Policy Committee occurring in the week before any Full Term to take effect from 12 noon on the Monday of the week following provided that (a) the appointments and elections are for a period of not more than one year, (b) the appointments and elections together with supporting information are contained in the agendum for a Governing Body sent out on the Friday of the week before Full Term, (c) that no Fellow objects to an appointment or election before 12 noon on the Monday of the week following. If a Fellow does so object, the appointment shall be discussed at the meeting of the Governing Body in question.

11. Responsibility for ensuring that the stated intentions of the College with respect to the length of fixed-term appointments and their renewal do not come into conflict with the Fixed-Term Employees (Prevention of Less Favourable Treatment Regulations 2002) or substituted or related provisions rests with the Academic Policy Committee.

12. Election to graduate Scholarships and Studentships shall be on the recommendation of a committee consisting of the Master, the Senior Tutor, the Tutor for Graduates, the Academic Registrar one member of the Academic Policy Committee and two members of the Fellowships Committee. The members concerned shall be chosen by the Master, the Senior Tutor and the Academic Registrar after considering the applications for such scholarships in particular years.

## V. THE OFFICERS

1. The Vice-Master shall be appointed from among the Official and the Professorial Fellows in the order of their seniority as Fellows. The Vice-Master shall ordinarily hold his office from one Stated General Meeting to the next Stated General Meeting but one. In the event of a casual vacancy in the office, a Vice-Master shall be appointed at the next convenient meeting of the Governing Body to hold office until the day of the next Stated General Meeting. A retiring Vice-Master shall cease to hold his office at the conclusion of the Stated General Meeting at which his successor is appointed.

2. The Master shall, during the Trinity Term prior to a Stated General Meeting at which a Vice-Master is due to be appointed, ascertain the wishes in this matter of the senior eligible Fellow. A Fellow who, being the senior eligible Fellow, declines the office of Vice-Master shall take seniority for later appointment to the office as if he had just completed a tenure in the office. A Fellow who, being the senior eligible Fellow, wishes to defer acceptance of the office of Vice-Master, may do so without losing his seniority for appointment to it if his reasons for wishing to defer his tenure of the office are reasons that commend themselves to the Dispensations Committee.

3. No Officer shall be appointed Pro-Master without being suspended in his office for the period during which he is Pro-Master.

4. On a Fellow being appointed to be Pro-Master the Nominating Committee shall, on the recommendation of the Dispensations Committee, nominate other members of the Governing Body to an office which he holds and membership of committees of which he is a member for such periods as are appropriate in the circumstances. A member so appointed shall be eligible for immediate re-appointment to the office or committee. In the case of the membership of the Nominating Committee, a secret ballot under By-Law VIII.21 shall be held.

5. Each Officer other than the Master, the Vice-Master, the Bursars, the Academic Registrar and the Tutor for Visiting Students shall be appointed to his office for a period of five years, at the conclusion of which period he shall not ordinarily be eligible for immediate reappointment to it. The five-year period of office of an Officer who is suspended in his office under the provisions of By-law V.3 or who is granted study-leave or dispensation from duties may, at the discretion of the Dispensations Committee, be extended by a period of up to one year. An Officer appointed to fill a casual vacancy in an office shall be appointed for such a period as the Governing Body determines.

6. An Officer may be required to reside in or within a reasonable distance of the College during Full Term.

7. The Master of the Gardens shall have general oversight of the Gardens and of the Garden staff of the College. By-law V. 5 notwithstanding, he shall be eligible for reappointment immediately on conclusion of his five-year period of office.

8. The Governing Body may appoint an Officer who shall have general oversight of and make recommendations concerning Visiting Students.

9. The Governing Body may appoint an Officer who shall have general oversight of the work being carried out at the Kobe Institute.

10. The Governing Body may appoint an assistant or assistants to the Dean who shall exercise powers on his behalf.

## VI. STUDY LEAVE

1. The Master and Official Tutorial Fellows of Class A shall have a right to study-leave. Official Tutorial Fellows of Class B, Officers who are not Official Tutorial Fellows and those holding Lecturerships may, ordinarily as a term of their appointment, be granted a right to study-leave.
2. Study-leave shall ordinarily be one term for every six terms of service. Save exceptionally in the case of holders of main college offices, no accumulation of terms for the purposes of entitlement to study-leave shall occur above eighteen terms.
3. The exercise of the right to study-leave shall be subject to the approval of the Dispensations Committee.
4. The purpose of study-leave shall be the advancement by research or other means of the objects of the College. An applicant for study-leave shall inform the Dispensations Committee of the nature of the work he wishes to undertake during his leave.
5. An applicant for study-leave shall inform the Dispensations Committee of all sums to be received from an outside source or sources in connection with work to be undertaken during study-leave, and the committee shall, in the event of the total sum to be so received being substantial, consider whether a deduction (which shall in no case exceed the sum to be so received) shall be made from the total College emoluments that accrue during study-leave to an applicant granted study-leave. The committee shall take into account the sum of the expenditures to which a person is reasonably put in taking advantage of his leave.
6. Subject to a discretion in the Dispensations Committee in relation to the amount of the sums specified in the last preceding By-law, the Master and an Official Tutorial Fellow granted study-leave shall ordinarily receive their stipend and such part of their allowances, and an Officer and a Lecturer granted study-leave shall receive such parts of his emoluments and allowances, as the Governing Body, on the recommendation of the Dispensations Committee, shall approve.
7. An Official Tutorial Fellow and a Lecturer shall make such arrangements as shall be necessary for the tuition during his absence of members of the College under his charge, and shall satisfy the Master of the adequacy of such arrangements.

## VI

8. Additional study-leave may be granted in cases of special academic merit. The applicant must be undertaking a specific and major research project the completion of which would be substantially disrupted or delayed if leave were not granted. The Dispensations Committee, when considering applications for such leave, shall ask two referees, whose names shall be provided by the applicant, to write in confidence to the committee concerning both the academic distinction of the applicant and the quality of the research project being undertaken. In addition the committee may invite two appropriate persons of high academic standing to comment, either in person or in writing, on the application. The committee shall further satisfy itself that the arrangements for carrying out the research are practicable and require a successful applicant to write a report on the completion of his leave.

9. Dispensation from duties may, subject to the approval of the Dispensations Committee, be granted in special cases.

10. The Dispensations Committee may, for the purpose of calculating the extent of the right to study-leave, allow or disallow a term during which an applicant for study-leave was granted dispensation from duties.

11. A member of a committee who is granted study-leave or dispensation from duties may, at the discretion of the Dispensations Committee, be required to resign from that committee or may have his membership of the committee suspended for a period of up to one year. A temporary vacancy occurring through a suspension of membership shall be filled for such a period as is appropriate and the ordinary tenure of the member suspended may be extended by a period not greater than that for which he was suspended.

## VII. THE GOVERNING BODY

1. Save on the ground referred to in By-law VII.4, the summoning by the Master of a meeting of the Governing Body shall be by a written notice intimating the time and, if not in College, the place of the meeting, which notice shall be sent to each member at least seven clear days before the day on which the meeting is to be held, at the address which each member shall have denominated as his address for the purposes of these By-laws.
2. So far as is possible, a meeting of the Governing Body shall be held on a day determined at a previous meeting. The minutes of a meeting at which the time of a subsequent meeting are determined shall, on circulation and provided the requirements of the last preceding By-law are satisfied, constitute the notice required by that By-law.
3. Subject to the next succeeding By-law, the business to be disposed of at a meeting of the Governing Body shall be intimated in a written agenda which shall be sent to each member at least three clear days before the day on which the meeting is to be held.
4. On the ground of necessity, a meeting of the Governing Body may be summoned, or notice of business at a meeting of the Governing Body intimated, by an emergency notice. Such a notice may take the form most suited to the circumstances but must take a written form and be sent at least one clear day before the day on which the meeting is to be held. To proceed with such business the Governing Body must, by a majority consisting of at least two-thirds of those present, confirm that the notice was given on the ground of necessity.
5. The Master shall summon a meeting of the Governing Body required by six or more members under the provisions of Clause 2 of Statute II as soon as reasonable notice can be given. On requesting the Master so to summon a meeting of the Governing Body, the members concerned shall specify the business they wish to have placed on the agenda and the Master shall place such business on the agenda. Other business may be placed on the agenda for such a meeting at the discretion of the Master.
6. Business other than that intimated under By-laws VII.3 or 4 (save only matters suitable to be taken under Master's Business and matters arising from the minutes) shall be disposed of at a meeting of the Governing Body only if the meeting has present at it at least one-half of the members and a decision to proceed is reached by a majority consisting of at least three-quarters of those present.

## VII

7. The Master shall determine the business to be placed on the agenda for a meeting of the Governing Body. Any member may request that a particular item of business be placed on the agenda for the next meeting and, if the Master refuses so to do, may, at that meeting, inform the Governing Body, or ask the Secretary to inform the Governing Body, that the Master has so refused. The business in issue shall then be proceeded with on the provisions of the last preceding By-law being complied with. On the request in writing of six or more members of the Governing Body, the Master must place a particular item of business on the agenda for the next meeting.

8. The circulation of memoranda and papers for discussion at, or containing information relevant to a discussion at, a meeting of the Governing Body shall be at the discretion of the Master. When sent, such memoranda and papers shall, whenever possible, be sent to each member at the same time as the intimation of the business to which they relate. Memoranda and papers for discussion that are not so sent shall be discussed if the meeting so determines.

9. Meetings of the Governing Body shall be conducted by the Master or, in his absence, the Vice-Master or, in the absence of both of them, the senior Official Fellow present.

10. Subject to the direction of the Governing Body, the Master may, after having discussed the agenda for a meeting of the Governing Body with representatives of student members, invite ordinarily not more than four student members to attend that meeting for discussion of items of business relevant to student members. The Master shall indicate on the agenda items of business for which student members have been invited to attend. Student members so invited may remain at the meeting for the taking of any votes on the business so indicated only if the meeting so decides.

11. The Master may refuse to receive motions that have been seconded only if he is of the opinion that they are not fairly within the ambit of the business being disposed of. If the Master does so refuse, a vote shall forthwith be taken to determine the view of the meeting on the relevance of the motion to the business being disposed of and if the meeting, by a majority of at least two-thirds of those present and voting, determines that the proposal is fairly within the ambit of the business being disposed of, the Master shall receive the motion.

## VII

12. The Master may, at his discretion, vary the order in which the business before a meeting of the Governing Body is taken but not so that the discussion of controversial business may commence more than two hours after the hour stated for the commencement of the meeting. Discussion of controversial business may be commenced more than two hours after the hour stated for the commencement of a meeting only if the meeting so determines.

13. A meeting of the Governing Body, including a Special Meeting summoned under Clause 2 of Statute IV or Clause 27 of Statute VI, may determine to adjourn to an agreed later time notice of which later time, other than such notice as is reasonable to those members of the Governing Body who were not present, need not be given.

14. The minutes of a meeting of the Governing Body shall be sent by the Secretary to each member within seven days of the day of the meeting. The Secretary shall, before so circulating the minutes, obtain the Master's approval of their content. If the Master and Secretary disagree on their content, the minutes shall be circulated by the Secretary in the form approved by the Master.



## VIII COMMITTEES

1. The Governing Body may appoint committees in addition to the Finance Committee with such powers and members as it may determine, and may discharge such committees.
2. Unless the contrary be expressly provided, the Master shall be a member of and Chairman of all committees.
3. The Chairman of each committee shall, unless the committee otherwise determines, prepare the agenda for and summon the meetings of each committee.
4. Each committee of which the Master is a member may elect a Vice-Chairman who need not necessarily be the Vice-Master if a member. Each committee of which the Master is not a member shall elect a Chairman who need not necessarily be the Vice-Master if a member. If the Chairman and the Vice-Chairman are absent from a meeting, the committee shall appoint a chairman for that meeting.
5. Each committee may appoint a sub-committee and determine its membership and powers. A sub-committee shall report to the committee by which it was appointed but may report directly to the Governing Body if the committee so determines. The Governing Body shall be informed of the appointment of, the powers of, and the membership of a sub-committee.
6. Each committee other than Nominating Committee and the Fellowships Committee may co-opt up to two additional members provided that (a) there is a good cause for such co-optation, (b) the prior consent of the Nominating Committee is obtained, (c) the co-optation is for a period not in excess of twelve months and (d) the co-optation is reported to the Governing Body. Proviso (b) may be dispensed with if the co-optation is limited to a particular meeting. A sub-committee of any committee other than the Nominating Committee and the Fellowships Committee may co-opt up to two additional members who are not members of the committee provided that the committee agrees and that the provisions relating to co-optation on to committees are observed.
7. Joint meetings of committees, or meetings of representatives of committees, may be held when determining matters of joint interest.
8. A committee shall have a quorum if twice the number present is not less than the number of the members of the committee.

## VIII

9. Subject to the direction of the Governing Body and of the committee in question, the Master may invite representatives of student members to attend a meeting of a committee for discussion of items of business relevant to student members.

10. Decisions taken at each committee shall be by a majority of those present and voting. In the event of an equality of votes, the Chairman shall have a casting vote in addition to his ordinary vote.

11. Each committee shall ensure that minutes of its decisions and recommendations are taken. Any member of the Governing Body may consult the minutes of all committees other than the Dispensations Committee.

12. The standing committees of the College shall be the following: the Nominating Committee, the Finance Committee, the Academic Policy Committee, the Fellowships Committee, the Visiting Fellowships Committee, the Domestic Committee, the Dispensations Committee, the Strategy Committee, the Computing Committee, the Alumni Committee, the Safety Committee, the Kobe Institute Committee, the Student Liaison Committee and the Development Committee.

13. Unless the contrary be expressly provided, only members of the Governing Body shall be members of a standing committee save where a Fellow or an Officer not on the Governing Body is co-opted on to it.

14. Members of standing committees other than the Nominating Committee shall be appointed by the Governing Body on the nomination of the Nominating Committee. Members of other committees shall be appointed by the Governing Body for such periods as it determines, with or without reference to the Nominating Committee.

15. The tenure of membership of standing committees other than the Nominating Committee shall ordinarily be from and to the day of the first meeting of the Governing Body to be held after the thirtieth day of September in the appropriate years and changes in the membership of such committees shall ordinarily take place at such meetings.

16. A Fellow shall ordinarily be appointed or elected to membership of a standing committee for the ordinary tenure of membership of that committee. Where the vacancy that he is filling in a committee is due to a cause other than retirement under the principle of rotating membership, the appointment or election shall be for such a period as is appropriate.

## VIII

17. A member of a standing committee, other than a co-opted member, shall not, save as is provided in By-laws V.4 and VIII.37 and 56, ordinarily be eligible for immediate reappointment or re-election on the expiry of his membership of the committee but may, subject to By-law VIII.6, be co-opted on to it.

18. The Nominating Committee shall ordinarily report to the Governing Body at the first meeting of the Governing Body to be held after the thirtieth day of September in each year, and at such other times as are necessary.

19. Nominations by the Nominating Committee sent to each member of the Governing Body at least three days before the day of the meeting of the Governing Body considering the nominations shall be accepted without debate at that meeting unless a member of the Governing Body has given notice in writing to the Master prior to 7 p.m. on the day before the day on which the nominations are to be considered that he intends to oppose acceptance of the nominations or any part of them. A member of the Governing Body who so intends shall, in his notice to the Master, specify the reason or reasons why the nominations or a part of them should not be accepted.

20. Unless the contrary be expressly provided, the Nominating Committee shall nominate (a) the members of standing committees of the College, (b) the Officers of the College other than the Vice-Master, provided it is the intention of the Governing Body that an office in the College that is vacant or due to become vacant shall be held by some person who is already a Fellow of the College, (c) the representatives of the College on the Board of Electors to a Professorship allocated to the College and (d) the President of the Senior Common Room.

21. The Nominating Committee shall have, in addition to the Master and Vice-Master, three members who shall be Official Fellows. The Governing Body shall ordinarily elect to membership of the Nominating Committee at its last meeting in a Trinity Full Term, the tenure of membership to be for two years from the first day of September following, but shall elect to fill a casual vacancy whenever necessary. Such elections shall be in secret ballot.

22. The Finance Committee shall have, in addition to the Master and the Bursars, four members, whose ordinary tenure of membership shall be three years.

## VIII

23. The Academic Policy Committee shall have referred to it and shall consider (a) the admissions policy of the College, (b) Scholarships, Studentships and Exhibitions, (c) all matters relating to the provision of tuition for undergraduate members of the College, (d) issues relating to Graduate and Visiting Students and (e) the creation of Official Tutorial Fellowships and Professorial Fellowships, but not ordinarily the recommendation of a person for election save on the occasion of the renewal in his Fellowship of an Official Tutorial Fellow of Class B. Matters relating to graduates shall wherever appropriate be referred for consideration to a sub-Committee.

24. The Academic Policy Committee shall have, in addition to the Master, the Senior Tutor, the Academic Registrar, the Tutor for Graduates and the Tutor for Admissions, three members, whose ordinary tenure of membership shall be three years.

25. The Fellowships Committee shall make recommendations for electing and appointing to those Fellowships and positions specified in sections III and IV of these By-laws. The Fellowships Committee shall have, in addition to the Master and those added under By-law III.6, four members, whose ordinary tenure of membership shall be six years. The Fellowships Committee shall, whenever it thinks it proper, consult with the Academic Policy Committee.

26. The Visiting Fellowships Committee shall have referred to it and shall consider the creation and renewal of Visiting Fellowships and Associates and shall make recommendations of persons for election to such Fellowships and positions.

27. The Visiting Fellowships Committee shall have, in addition to the Master, six members, whose ordinary tenure of membership shall be four years.

28. The Governing Body, or the Master or any Fellow or Officer of the College after discussion with the Home Bursar, may refer a matter affecting the domestic arrangements of the College to the Domestic Committee.

29. Neither the Domestic Committee nor any member of the College save the Bursars shall in any way concern itself or himself with the employment of or the directing of any member of the staff of the College in the discharge of his duties to the College, unless the committee or the member of the College is specifically authorized so to do by the Governing Body or by either Bursar.

## VIII

30. The Domestic Committee shall have, in addition to the Master, the Dean and the Home Bursar, three other members of the Governing Body, whose ordinary tenure of membership shall be two years, the Domestic, Accommodation and Maintenance Managers, two student members elected by the Junior Common Room, and one student member elected by the Middle Common Room, ordinarily for one year at a time in both cases.

31. The Dispensations Committee shall have referred to it and shall consider (a) an application for study-leave or dispensation from duties by the Master or a Fellow, Officer or Lecturer, (b) an application for suspension in his Fellowship by a Research Fellow or Junior Research Fellow, (c) a reference under Clause 12 of Statute IV or under By-law V.2, (d) a proposal for making a provision under Clause 4 of Statute X, (e) an application for reimbursement from the College Research Fund, (f) the exercise of the discretion under By-law V.5, and (g) the need to appoint, and the appointment of, a Pro-Master together with the terms of any such appointment.

32. On reporting to the Governing Body, the Dispensations Committee shall not be required to explain in detail the reasons for its recommendations.

33. The Dispensations Committee shall have, in addition to the Master, the Senior Tutor and the Academic Registrar, four members, whose ordinary tenure of membership shall be four years.

34. The Strategy Committee shall have referred to it and shall consider developments relating to the long-term academic and financial business of the College.

35. The Strategy Committee shall have, in addition to the Master, two members whose ordinary tenure shall be one year, together with two other members co-opted in relation to specific topics under consideration.

36. The Computing Committee shall have referred to it and shall consider all matters relating to computing and data networks (including matters affecting hardware and software) in so far as the College is affected by them. These matters shall include the purchase, maintenance, configuration and operation of computers, the making of rules for their operation, the use of any rooms of the College designated for computing, and related issues of licensing, data protection and copyright. The Committee shall propose an annual budget for consideration by the Finance Committee each Trinity Term.

## VIII

37. The Computing Committee shall have as members, in addition to the Dean and the Home Bursar, three Fellows of the College. Two of those Fellows shall be members of the Governing Body, and one of them shall be the representative of the College on the Colleges' Information and Technology Committee and who shall ordinarily be the Chairman of the committee. The committee shall, after consultation with the Officers of the Common Room in question, co-opt as members for such periods as it determines a representative from each of the Junior and Middle Common Rooms, and also co-opt, when appropriate, a Lecturer or Associate of the College and a member of the staff of the College with responsibilities in connection with computers and computing equipment. The ordinary tenure of membership of the Fellows who are members of the committee shall be three years but, By-Law VIII.17 notwithstanding, they shall be eligible for re-appointment on conclusion of their tenure.

38. The Computing Committee shall propose rules concerning the use of computers in College to be made as By-laws and Regulations by the Governing Body.

39. In the event of an emergency or serious threat to the integrity of the College's essential data, the most senior member of the committee able to act may take such steps as are necessary and desirable to protect the data in question.

40. No reference of any matter to, and no decision or recommendation of, the Domestic, Student Liaison, Safety, Computing or Library Committees shall limit the powers vested in and the duties laid upon any Officer of the College.

41. The Alumni Committee shall have referred to it and shall consider all matters relating to the alumni of the College.

42. The Alumni Committee shall have, in addition to the Master and the Secretary for Alumni, four Fellows of the College, two of whom must be members of the Governing Body, whose ordinary tenure of membership shall be five years, and five alumni co-opted after consultation with alumni.

43. The Safety Committee shall have referred to it and shall consider all matters relating to security in the College.

44. The Safety Committee shall have, in addition to the Home Bursar, who shall be Chairman, and members required by law, one additional member whose tenure shall be two years.

## VIII

45. The Committee for the Kobe Institute shall have referred to it and shall consider all matters relating to the Kobe Institute.

46. The Committee for the Kobe Institute shall have, in addition to the Master, the Finance Bursar and the Kobe Officer, four members whose ordinary tenure of membership shall be four years.

47. There shall be a Student Liaison Committee, the Chairman of which shall be a Fellow not holding an Office in the College.

48. The Development Committee shall concern itself with the functioning of the College Development Office.

49. The Development Committee shall have, in addition to the Master, the Secretary for Alumni and the Head of Development, four members whose ordinary tenure of membership shall be five years.

50. There shall be a Development Council for the College, whose members shall be nominated by the Master and who may attend the Stated General Meeting.

51. The Garden Committee shall have referred to it and shall consider all matters relating to the Gardens of the College which matters shall include employment of the Garden staff of the College.

52. The Garden Committee shall have, in addition to the Master of the Gardens and the Home Bursar, four Fellows of the College, two of whom must be members of the Governing Body, whose ordinary tenure of membership shall be four years.

53. The Governing Body or the Librarian may refer a matter affecting the Library to a Library Committee.

54. The Library Committee shall have, in addition to the Master and the Librarian, four other members of the Governing Body, whose ordinary tenure of membership shall be three years, and two student members, one elected by the Middle Common Room and one elected by the Junior Common Room ordinarily for one year at a time.

55. The Wine Committee shall have referred to it and shall consider all matters relating to the College Wine Cellar.

## VIII

56. The Wine Committee shall have, in addition to the Home Bursar and President of the Senior Common Room, two members, whose ordinary tenure of membership shall be seven years but who, By-law VI.17 notwithstanding, shall be eligible for immediate reappointment.

57. Further committees shall be constituted, when necessary, to consider matters relating to the Statutes and By-laws, the Archive and building projects.



## IX. FINANCIAL MATTERS

1. The Finance Committee shall have referred to it and shall consider all matters involving the expenditure of the capital and income of the College, save only expenditure of a class which the Governing Body regards as trivial and normal recurrent expenditure of a class which has already been considered by the committee. The committee shall determine the general aims of the investment policy of the College.
2. Subject to the last preceding By-law, the Finance Committee shall make available so much of the College's capital or income as is required to meet expenditure which has been authorised by the Governing Body or by an Officer or a committee of the College acting under an authority to expend granted by the Governing Body.
3. The Finance Committee shall from time to time consider recommending to the Governing Body the transfer of sums to a College Research Fund and may make recommendations concerning the disbursement of capital from the Fund. The Fund shall be used only to further projects of research approved by the Governing Body.
4. The Investment sub-Committee shall assist the Finance Committee to formulate, and shall implement, the investment policy whereby the general aims of the financial policy of the College shall be achieved. The Finance Committee and the Investment sub-Committee shall, in formulating and implementing the investment policy ensure, either by retaining the services of, or by consulting whenever necessary, the persons specified in Clause 6 of Statute VIII, that the provisions of that clause are observed.
5. A record shall be kept of all investment transactions which shall form part of the minutes of the Finance Committee. Whenever the Finance Committee shall require it, which shall not be less than twice a year, the Investment sub-Committee shall report to the Finance Committee on investment transactions carried out since the last discussion. Once in each year the Finance Bursar shall report to the Governing Body on the composition of the investments of the College and on the policy which has informed investment decisions.
6. The Finance Bursar shall at least once a year review the Trusts of the College and report thereon to the Finance Committee.

## IX

7. The College may provide allowances for the Master, Fellows, Officers, Associates and Lecturers and may reimburse them for sums they expend in the discharge of their duties to the College. Where the duty in question is that of research, a decision to reimburse shall be taken on the recommendation of the Dispendations Committee. In other cases, the Finance Bursar shall, subject to the general direction of the Finance Committee, determine which sums expended qualify for such reimbursement; and in the case of sums expended by the Finance Bursar, such determination shall be by the Finance Committee.

8. The Finance Bursar shall, once in each academic year, report to the Finance Committee on the amount spent on College entertainment.

9. The Seal of the College shall be affixed to a document requiring it on and only on the authority of two persons being respectively (a) the Master, an Officer of the College or a member of the Investment sub-Committee and (b) a member of the Governing Body, whether an Officer or not. The two persons giving authority for the affixing of the Seal shall satisfy themselves that the Seal should be so affixed and shall authenticate its affixing in their own hand. A record shall be kept by the Finance Bursar, or a Deputy appointed by him for the purpose, of all documents to which the Seal of the College has been affixed.

## X. DOMESTIC MATTERS

1. The Master's House shall be deemed to contain public and private rooms. The public rooms are: the Reception Room or Rooms (according to usage), the Dining Room, the Kitchen, the Guest Room, the Office, together with the Hall and Stairway.
2. Class A Tutorial Fellows shall be entitled to a room or rooms in College or in special circumstances elsewhere. Accommodation may be provided for Fellows not so entitled, Officers of the College who are not Fellows, Associates and Stipendiary Lecturers at the discretion of the Governing Body, but their entitlement shall ordinarily be decided at the time of their first appointment.
3. The allocation of rooms shall be by the Home Bursar subject to reference to an Accommodation Committee which shall consist of the Master, the Vice-Master, the Senior Tutor, Home Bursar, the Academic Registrar and the Accommodation Manager.
4. The College shall be responsible for the decoration of all rooms in College save only the private rooms of the Master's House.
5. The College may, if it thinks it necessary, alter and decorate the private rooms of the Master's House.
6. The College shall not, save in an emergency, commence a structural or decorative alteration affecting a room in College, including the rooms of the Master's House, without the Home Bursar first having ascertained the wishes in the matter of the Master or Fellow or Fellows concerned and endeavoured, so far as proves practicable, to meet those wishes.
7. No alteration or change of decoration affecting a room in College, including the rooms of the Master's House, shall be commenced without the Home Bursar having first been informed.
8. No alteration affecting the structure of any part of the College, including the Master's House, shall be commenced without the permission of the Home Bursar having first been obtained.
9. The Home Bursar shall have the right to inspect any room in College once in each academic year on giving reasonable notice.

10. Common table means the provision of dinner in Hall or, in the discretion of the Home Bursar, some other suitable place on each evening in Full Term, and on each evening out of Full Term save when the Home Bursar, with the consent of the Governing Body, determines that the Kitchen be closed.

11. Any person who, having ceased to be the Master or a Fellow of the College otherwise than by reason of having been deprived of his office or his Fellowship or, in the case of an Official or a Professorial Fellow, having had his Fellowship not renewed, may, at his own cost, dine on High Table.

12. Each Fellow may partake, at a cost determined by the Governing Body, of breakfast, lunch and tea served in the Senior Common Room or, in the Home Bursar's discretion, some other suitable place save when the Home Bursar, with the consent of the Governing Body, determines that the Kitchen be closed.

13. Subject to limitation on evenings which the Governing Body may determine to be evenings of a special nature, a member of the College who is an ordinary, or convocation member of the University may, at his own cost, dine on High Table three times in each academic year during Full Term, and a member of the College who is a congregation member of the University may, at his own cost, dine on High Table twice in each Full Term.

14. Unless the contrary be expressly provided or decided, matters relating to the Senior Common Room, including its membership, shall be decided at meetings of the Governing Body.

15. The Officers of the Senior Common Room shall be the President of the Common Room, the Vice-Master and the Home Bursar. The President shall be appointed by the Governing Body and shall ordinarily hold office for five years.

16. Any two members of the Senior Common Room may propose that a person be considered for election to membership of the Senior Common Room. Membership may be honorary or ordinary. The name of a person so proposed shall be sent in writing to the President of the Senior Common Room. The President shall, on receiving such a proposal, forthwith inform the members of the Governing Body of the proposal and refer it to the Senior Common Room Officers. Membership, or rights of use, of the Senior Common Room may be proposed by other committees of the College directly to the Governing Body (subject only to prior consultation with the President) if the proposal arises from consideration of a matter within the terms of reference of the particular committee making the proposal. A right to common table shall be recommended only in circumstances agreed with the Finance Committee.

17. The Officers of the Senior Common Room shall report to the Governing Body on a proposal for membership, and shall make recommendations as to the extent of the rights to be enjoyed by the person proposed if elected. Membership shall ordinarily be for a specific period, which may be renewable or non-renewable, but may be for life. In the case of a renewable membership, the President shall inform the Governing Body in writing, at least six months before it is due to occur, of the date on which a membership will expire, and stipulate a period within which any proposal not to renew the membership shall be made. If no two or more members of the Governing Body propose to the President in writing, stating their reasons, that the membership be not renewed, the membership shall be renewed on the same terms automatically, save that the Officers may recommend to the Governing Body that the rights to be enjoyed and the period of membership shall be different to those previously enjoyed. The President shall report on the substance of any proposal for non-renewal to the Governing Body, which shall decide whether or not to renew, and on what terms.

18. The minutes of the Delegacy for non-Collegiate Students, later the Delegates of St Catherine's Society, the minutes of the St. Catherine's Association, and the minutes of the St. Catherine's College Committee of the University shall be kept in the archive room of the College.

## XI. STUDENT MEMBERS

1. Student members (students) of the College must respect and comply with its Statutes, By-laws and Regulations, as amended from time to time.

### *Circumstances in Which Formal Action May be Taken Against a Student*

2. Subject to the provisions of this By-law, formal action may be taken against a student who (a) is in neglect of studies, (b) is medically incapacitated, (c) fails his First Public Examinations, (d) holds a scholarship, exhibition, studentship or bursary in circumstances in which there exists sufficient cause for revoking or suspending it, and/or (e) engages in misconduct.

For the purposes of this By-law and associated Statutes and Regulations, “misconduct” means the commission of a (minor or major) offence within the meaning of the Regulations, and “misconduct of a serious nature” means the commission of a major offence, or the serious commission of one or more minor offences within the meaning of the Regulations.

### *Officers Responsible for Taking Formal Action Against a Student*

3. Primary responsibility for taking formal action against a student under Clause 2 rests with the Senior Tutor (for neglect of studies, failure in First Public Examinations, and revocation or suspension of a scholarship, exhibition, studentship or bursary), the Dean (for medical incapacity and misconduct not involving the Library), and the Librarian (for misconduct involving the Library), and references in this By-law and associated Statutes and Regulations to “the responsible Officer” shall be understood accordingly.

### *Neglect of Studies, Medical Incapacity and Misconduct*

4.a Subject to Clause 4.b and c, if the responsible Officer has grounds for believing a student to be in neglect of studies, to be medically incapacitated, or to have engaged in misconduct, he will investigate the matter in a fair and prompt manner and (a) resolve it informally (including by not taking any action), (b) suspend the student’s College membership on such terms as he deems appropriate, or (c) recommend that the student’s College membership be terminated.

4.b Subject to Clause 4.c, the responsible Officer shall not (a) recommend that a student's College membership be terminated for non-serious misconduct, (b) resolve a case of medical incapacity informally, nor (c) suspend or recommend termination of a student's College membership for medical incapacity without a statement from the College doctor or other medical evidence in support of his view that the student is medically incapacitated.

4.c In an emergency situation involving a student whom the responsible Officer has grounds for believing to have engaged in serious misconduct or to be medically incapacitated, the responsible Officer may suspend the student without first complying with Clause 4.a and b. Such suspension shall have effect pending an investigation and determination of the matter under Clause 4.a, which investigation shall be commenced by the responsible Officer as soon as practicable.

*Failure of First Public Examinations*

5.a A failure by a student to pass his First Public Examinations shall be investigated by the responsible Officer in a fair and prompt manner. In all but exceptional cases, the usual response to a student's first failure shall be a written warning that a second failure will result in automatic termination of the student's College membership. In exceptional cases, being cases that satisfy the requirements for termination of a student's course of study under the University Examination Regulations after a first failure, the usual response shall be a recommendation by the responsible Officer that the student's College membership be terminated.

5.b A second failure by a student to pass his First Public Examinations shall result in automatic termination of the student's College membership two weeks from the date of notification to the student of his examination result.

*Sufficient Cause for Revoking or Suspending a Scholarship, Exhibition, Studentship or Bursary*

6. If the responsible Officer has grounds for believing that there exists sufficient cause for revoking or suspending a student's scholarship, exhibition, studentship or bursary, he shall investigate the matter in a fair and prompt manner and (a) resolve it informally (including by not taking any action), (b) suspend the student's scholarship, exhibition, studentship or bursary on such terms as he deems appropriate, or (c) order that the student's scholarship, exhibition, studentship or bursary be revoked.

For the purposes of this By-law and associated Statutes and Regulations, "sufficient cause" includes a failure to maintain "a good standard of academic work", which shall ordinarily mean academic work of Upper Second Class standard or better.

*Procedures for Investigation*

7. Formal action shall only be taken against a student under Clauses 4 to 6 if the procedures for investigation have included the responsible Officer (a) informing the student in writing of the investigation within one week of commencing it, (b) inviting the student to attend a meeting to discuss the matter, and/or to provide any evidence or information which he believes ought to be considered before determining the matter, (c) considering such evidence or information as the student may provide, (d) consulting with the student's Director of Studies, the Dean (or if the Dean is the responsible Officer, the Senior Tutor), the Home Bursar, and in a case of suspected misconduct involving the use of computer equipment, the IT Officer, in addition to any others with whom the responsible Officer believes it necessary and appropriate to consult, and (e) concluding the investigation by reaching a decision and informing the student and the student's Director of Studies of that decision and the reasons for it in writing.

8.a Where the responsible Officer recommends that the College membership of a student be terminated, that recommendation and the reasons for it shall be communicated in writing as soon as practicable to the Secretary of the Review Panel described in Clause 8.b, and thereafter investigated and determined by that Panel in a fair and prompt manner. The procedures governing the Panel's investigation shall include the steps described in Clause 7 paragraphs (a) to (c). They shall also include the Review Panel consulting with the responsible Officer and such other persons whom it believes it necessary and appropriate to consult, and concluding the investigation by reaching a decision and informing the student, the student's Director of Studies, and the responsible Officer of that decision and the reasons for it in writing.



8.b The Review Panel shall be comprised of the Vice-Master, the Senior Tutor, the Dean, the Home Bursar, and the three “additional” (non-ex officio) members of the Academic Policy Committee, not including the responsible Officer. An exception shall arise where any of these people is a tutor in the subject being read by the student, in which case he shall be excluded from the Review Panel and replaced by a non-ex officio member of the Student Liaison Committee nominated by the Panel’s Chair. The Chair of the Review Panel shall be (a) the Vice-Master, or if he is a tutor in the subject being read by the student, (b) the Senior Tutor, or if he is either the responsible Officer or a tutor in the subject being read by the student, (c) the Dean, or if he is either the responsible Officer or a tutor in the subject being read by the student, (d) the Home Bursar. The Secretary of the Review Panel shall be the College Counsel.

9. A student who attends a meeting with the responsible Officer or Review Panel as part of an investigation under this By-law may invite someone to attend the meeting with him or her, but must give the responsible Officer or Review Panel seven days’ prior written notice if the person he is inviting is legally qualified. Also in attendance at such a meeting will be the Secretary of the Review Panel or another administrative Officer assisting the Panel or responsible Officer.

*Appeals Against a Decision to Suspend a Student's College Membership, or to Suspend or Revoke a Student's Scholarship, Exhibition, Studentship or Bursary; and Appeals Against the Automatic Termination of a Student's College Membership Following a Second Failure of First Public Examinations*

10. A student may appeal against (a) a decision of the responsible Officer to suspend his College membership, (b) a decision of the responsible Officer to suspend or revoke his scholarship, exhibition, studentship or bursary, or (c) the automatic termination of his College membership following a second failure to pass his First Public Examinations, by sending the Secretary of the Review Panel described in Clause 8.b written notice of his wish to appeal, including a description of the reason(s) for the appeal and a copy of either the decision being appealed against or the examination result (as applicable). To be valid, a notice of appeal under this Clause must be received by the Secretary within two weeks of the date of the responsible Officer's decision or notification of the examination result (as applicable). As soon as practicable thereafter, the Review Panel shall investigate and determine the appeal in a fair and prompt manner. The procedures governing the Panel's investigation shall be as described in Clause 8.a. The Review Panel's decision shall be final, unless it is to reject an appeal against the automatic termination of a student's College membership following a second failure of First Public Examinations, which decision may be appealed by the student under Clause 11 as though it were a decision to terminate his College membership.

*Appeals Against a Decision to Terminate a Student's College Membership*

11.a A student may appeal against a decision of the Review Panel to terminate his College membership by sending the Master written notice of his wish to appeal, including a description of the reason(s) for the appeal and a copy of the decision being appealed against. To be valid, a notice of appeal under this Clause must be received by the Master within four weeks of the date of the Review Panel's decision. (No appeal will lie against the recommendation of termination itself.) As soon as practicable thereafter, the Master shall reply in writing to the student, acknowledging his receipt of the notice, and if appropriate the validity the notice and the procedures to be followed in determining the appeal. Those procedures shall be determined by the Master with a view to ensuring a fair and prompt resolution of the appeal, and shall include the student being invited to present his case and any supporting evidence to the Governing Body in person and/or writing, and the student being notified in writing of the outcome of the appeal and the reasons for it within four weeks of the Governing Body reaching its decision. The Governing Body's decision shall be final.

11.b A student who appears in person before the Governing Body in connection with an appeal under this Clause may invite someone to attend and speak on his behalf, but must give the Master seven days' prior written notice if the person he is inviting is legally qualified. In that case, the Review Panel may also invite a legally qualified person to attend the meeting and speak on its behalf.

## XII. ACADEMIC STAFF

1. Associates are excluded from the operation of Statute XI.
2. Those Officers who are not Fellows are designated as within Clause 3(1)(a) of Statute XI.
3. Lecturers are excluded from the operation of Statute XI unless their duties to the College exceed three hours teaching in each term of the academic year.
4. Where it appears to the Master that the conduct or performance of a member of academic staff is falling below an acceptable standard or the member of staff appears to be otherwise in difficulties, the Master may arrange to meet with that person on an informal basis to explore the situation and to consider what action can be taken to improve his conduct or performance. The Master may appoint a colleague (being a Fellow or Emeritus or Honorary Fellow of the College) to conduct the informal discussions with the person concerned either with the Master or alone. The informal discussion shall not be viewed as a disciplinary act but as an opportunity to explore together any problems that appear to have arisen and consider solutions that may be available. A record of this initial meeting may be kept, provided the member of staff agrees and a copy of any note is made available to him. If the person concerned prefers, the discussion may be kept confidential at this stage.
5. In any case where it seems to the Master that the performance and/or conduct of a member of academic staff appears not to meet acceptable standards but where the circumstances do not appear to raise *prima facie* grounds for dismissal, the Master may convene a meeting with the individual for the purpose of considering the matter and any appropriate sanction. No disciplinary sanction shall be imposed unless the person concerned has had reasonable notification of the allegations made against him and an opportunity to respond and until the matter has been properly investigated by or at the behest of the Master.
6. Prior to the disciplinary meeting, the person concerned shall be provided with written notification of the date and nature of the meeting and the matters to be considered, together with copies of any relevant statements. He shall have the opportunity to be accompanied or represented by a colleague or representative from any professional body or trade union of which he is a member such as the AUT. The individual shall not normally be permitted legal representation at this stage.

## XII

7. In the event that it appears to the Master that the individual's conduct and/or performance has fallen below acceptable standards, and depending on the gravity of the situation and all the circumstances of the case, the Master may issue an oral or written warning.

8. An oral warning is the first stage of the disciplinary procedure. It shall state clearly that it comprises the first stage of the disciplinary process. The reasons for the warning shall be specified, together with any agreed plan of action for improvement, where applicable. The oral warning shall be recorded in a dated written note, a copy of which shall be provided to the individual. The note shall be kept in the individual's file and shall be destroyed after 3 years.

9. In the event that the person's conduct and/or performance does not improve, or gives further cause for concern whether of a similar nature or not, within the twelve month period during which the oral warning remains live, and in any case where the seriousness of the matter so merits, the disciplinary action which the Master may take short of dismissal is a written warning. The written warning shall specify the reason and set out the improvement required and the time for achieving it. It shall be dated and a copy shall be provided to the individual as well as being kept in the individual's file. A written warning remains Alive@ for a period of two years after which it shall be destroyed.

10. In the event that either an oral or a written warning is issued, the person concerned shall be notified of his right of appeal under Part V of the Statute.

11. In any case before the Master, whether on a complaint under Clause 14(1) or otherwise, he shall consider all the circumstances of the case including the outcome of any enquiries instituted under Clause 14(2) and any comments from the person concerned invited under Clause 14(3). If, after such consideration, it appears to the Master that there are *prima facie* grounds for dismissal for good cause as defined in Clause 5 of the Statute, the Master may call on the Governing Body to appoint an Academic Disciplinary Committee to consider and report on the case in accordance with Clauses 16-19 of the Statute. The Master may suspend the person concerned at this stage in accordance with Clause 14(3).

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

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

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

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

16. The Committee Chairman may make any interlocutory directions he considers necessary for the fair conduct of the hearing, including but not limited to any directions as to the hearing date(s), whether at the request of either party or otherwise of his own motion. The Chairman may also remit any matters to the Master for further consideration and has power to join further parties to the case if he considers it appropriate to do so upon notice to the parties of such joinder. The Chairman of the Committee shall set the date, time and place for the hearing and may also set appropriate time limits for each stage (including the hearing), to the intent that any matters be heard and determined expeditiously.

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17. At least 21 days before the date set for the hearing, the prosecutor shall forward the following to the Committee and person charged and any other parties to the hearing:

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

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

19. The jurisdiction and power of the Committee shall not be restricted by the fact that the person charged has been, or is liable to be, prosecuted in a court of law in respect of any act or conduct which is the subject of proceedings before the Committee. The Committee may postpone or adjourn a hearing, if it considers it appropriate, to enable a prosecution to be undertaken.

20. Subject to the consent of the Committee, both the prosecutor and the person charged may introduce new evidence at the hearing save that in the case of the prosecutor such new evidence shall not be admitted except for good reason. In the event that new evidence is admitted, the other party shall have the right to an adjournment to allow him time to consider the evidence and its effect on the case and may then submit further evidence in response, provided that the Committee consents, such consent not to be unreasonably withheld.

21. The Committee may proceed with the hearing in the absence of any party but shall not do so in the absence of the person charged or his representative unless it is satisfied that it is reasonable to do so in all the circumstances of the case or unless the person charged agrees or so requests.

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

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

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

25. The Committee shall ensure that its secretary or some other appropriate person is present throughout the hearing so that a full and accurate record of the evidence may be taken.

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

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

28. The decision of the Committee shall be recorded in a document in which the Committee's findings of fact, its reasons for the decision and any recommendations as to penalty are contained. The document shall be sent directly by the secretary of the Committee to the person charged and to his representative in addition to the other parties specified in Clause 19 of the Statute. The person charged shall be notified of his right of appeal against the decision or against any recommendation of the Committee as to penalty.

29. Where any charge has been upheld and the Committee has recommended dismissal, the Master or his delegate shall inform and consult the Governing Body prior to making any decision as to penalty. He shall arrange for a special meeting of the Governing Body for this purpose and shall keep the person charged informed as to the process. The person charged shall have the right to make further representations to the Master at this stage.



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

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

32. If after considering all the circumstances of the case the Master concludes that the removal on medical grounds of the member of staff (hereafter the person concerned) should be considered, he shall so inform the person concerned. The notification shall be provided in writing and shall be presumed to have reached the person concerned two days after being sent. The Master shall notify the person concerned that a Medical Board (the Board) is to be appointed to consider whether he shall be removed from office on medical grounds, and shall request the person concerned to nominate someone to sit on the Board. If, within a reasonable period of time, the person concerned fails to nominate a person who is willing and able to sit on the Board reasonably expeditiously, the Master shall presume a default and shall himself nominate someone.

33. At the same time as notifying the individual, the Master shall also convene a special meeting of the Governing Body to consider the matter confidentially and shall request the Governing Body to nominate a member to sit on the Board. If possible the member nominated by the Governing Body shall have some experience of the mental or physical incapacity apparently affecting the person concerned. The Governing Body shall canvass and propose the names of three medically qualified people to the person concerned to act as Chairman of the Board. For this purpose the Governing Body may seek the advice of the College doctor or any other suitable person on a confidential basis. In the event that agreement cannot be reached between the Governing Body and the person concerned as to the appropriate person to chair the Board, the Governing Body shall request the Master for the time being of the Royal College of Physicians to nominate a Chairman. The Governing Body shall nominate an appropriate person from among the Fellowship who is unconnected with the case to act as secretary to the Board.

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34. Where a Medical Board has been appointed to determine a case referred to it under Clause 23(3) of the Statute, the Chairman shall appoint the time, date and place for the hearing and the secretary shall notify all parties in writing. The Board shall have power to adjourn the hearing from time to time as it sees fit.

35. At least 21 days before the hearing, the Master shall refer whatever relevant evidence he has in confidence to the Board and shall make the evidence available to the person concerned and/or any representative he has nominated to act for him, except for information for which a medical practitioner has claimed exemption from disclosure under the provisions of section 7 of the Access to Medical Reports Act 1988.

36. The Master shall consider the case and, if he thinks it necessary, may appoint someone to present the case for removal as well as the relevant oral and documentary evidence to the Board. Witnesses may be called by the person presenting the case, in which case copies of their statements shall be made available to the Board and the person concerned at least 14 days prior to the date set for hearing.

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

38. The person concerned shall be entitled to present whatever evidence he considers relevant, subject to the overall right of the Board to regulate its own conduct of the hearing. At least 10 days before the hearing, the person concerned shall provide the secretary to the Board with copies of any evidence, including medical evidence, on which he wishes to rely. The secretary to the Board shall be responsible for ensuring that copies are made available to Board members and other parties as soon as possible. The person concerned and the person presenting the case for removal may each call two expert witnesses whose statements shall first be presented in writing to the other parties.

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

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

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

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

43. At any stage before making its decision the Board may call for additional information including requiring the person concerned to undergo medical examination by a medical practitioner chosen or agreed by the Board, at the College's expense. In the event that the person concerned fails to undergo any medical examination required by the Board, or if the medical evidence is inconclusive, the Board shall exercise its judgement on the basis of the evidence available to it.

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

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

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

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

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

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

50. A Notice of Appeal against any decision under Parts II, III or IV of the Statute must be served on the Master within 28 days of the decision. The Master shall bring the fact that an appeal has been made to the attention of the Governing Body and inform the appellant that he has done so. The Master shall consider any appropriate action, including suspension, that may be required in relation to the appellant and/or his position in the College pending the outcome of the appeal.

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

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

53. The Chairman shall consider whether to sit alone or with two other persons. In the event that he decides to sit with two other persons, they shall be the persons appointed by the Governing Body in accordance with By-law 51 above and the body so constituted shall be referred to as the Appeal Body, which term shall also refer to the Chairman in the event that the Chairman sits alone.

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

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

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

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57. Any hearing of the appeal may be adjourned or postponed at the discretion of the Chairman. The Appeal Body may dismiss the appeal for want of prosecution. However no decision to dismiss in such circumstances shall be made without first having provided the appellant with an opportunity to make representations whether orally or in writing.

58. Except as provided in By-law 57 above no appeal may be determined without an oral hearing, due notice of which has been served on the appellant and any persons appointed by him to represent him.

59. Each party to the hearing shall be entitled to make a statement and to address the Appeal Body. Witnesses may be called with the consent of the Appeal Body. Leave to adduce fresh evidence and/or the calling of witnesses examined at first instance shall only be given if the Appeal Body is satisfied that it is necessary or expedient in the interests of justice.

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

61. In accordance with the provisions of Clause 30(3) of the Statute the Appeal Body may allow or dismiss an appeal in whole or in part or remit the appeal in such manner and for such purpose as it sees fit within the provisions of Clause 30(3) of the Statute. In the event that the Appeal Body remits the appeal in accordance with Clause 30(3)(a)B(d), the Chairman may set such time limits for further consideration as he considers appropriate.

62. The reasoned decision of the Appeal Body, including any decision under Clause 30(3)(a)-(d), shall be recorded in writing and shall be sent to the Master and to the parties to the appeal.

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

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64. Any complaint relating to a matter within Clause 33 of the Statute shall be addressed to the Master in writing. It should specify with sufficient detail the grounds of complaint. The complainant should specify whether he wishes any aspect of the matter to be kept confidential at this stage.

65. If the Master (in any other case other than an appeal against a disciplinary warning) forms the *prima facie* view that a complaint in relation to a matter specified in Clause 33 of the Statute should be dismissed or that no further action should be taken for the reasons set out in Clause 34(2) of the Statute, he shall so inform the complainant and invite his views before taking further action. Upon receipt of the complainant's response, or in the event that no response is received within 21 days, the Master shall consider the matter further and shall take such action as seems to him right including dismissing the complaint. The Master shall notify the complainant of his decision at the earliest opportunity.

66. Provided that he acts within 10 days of receiving the decision of the Master under the last preceding clause, the complainant may refer the matter to the Governing Body. If a majority of the Governing Body so determines, it may appoint a Grievance Committee to hear the complaint notwithstanding it has been dismissed by the Master.

67. In any case where, upon due consideration, the Master is satisfied that the subject matter of the complaint may properly be considered with, or forms part of, a complaint under Part III, or a determination under Part IV or an appeal under Part V of the Statute, he shall so inform the complainant and defer any further action on it until such time as the complaint, determination or appeal has been heard or the time for instituting has passed.

68. In any case where the complaint has not been disposed of by the Master, or where an appeal is made under Clause 13(2) of the Statute, the Master shall refer the matter to a Grievance Committee (Athe Committee@) established in accordance with the provisions of Clause 36 of the Statute. The Governing Body shall appoint one of its members to act as Chairman. The Master shall notify the Committee of the nature of the complaint or appeal and shall provide the Committee with copies of any statements or other relevant documents which he considers will assist in the fair disposal of the matter. Any appeal under Clause 13(2) of the Statute shall be in writing and shall specify with sufficient detail the grounds of appeal and any supporting information.

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69. The Master shall notify the individual concerned that the matter has been referred to the Committee and shall provide the individual concerned with copies of the documents which he has provided to the Committee.

70. The Committee shall meet as soon as is reasonably practical to consider the matter on a preliminary basis. At this stage, the Committee may appoint someone to act as secretary or clerk to assist in all aspects of the grievance hearing or appeal and the preparatory steps. The Committee may call for written statements from the individual concerned or any other person and may cause such investigations to be conducted as appear appropriate, if necessary by an independent person specifically appointed for the purpose. The Committee shall appoint a time for the matter to be heard and may make such arrangements as it considers fit for the fair and just hearing of the matter. The Committee may appoint its Chairman to act in its stead in all preliminary matters. The Committee shall have power to adjourn the proceedings from time to time as it sees fit.

71. The matter shall not be disposed of without an oral hearing at which the individual concerned, and any person against whom the grievance or appeal lies, shall be entitled to be heard and to be accompanied by a friend or representative save that the hearing may proceed in the absence of the individual concerned or any other party who fails to attend without reasonable cause.

72. Provided that due regard is had to the interests of justice and fairness, the conduct of the hearing and any associated matters may be determined by the Committee. In particular, the Committee may determine whether and to what extent oral examination of witnesses shall be permitted, whether any evidence may be taken in the absence of the individual concerned (or the person against whom any complaint is made) and whether and what time limits shall be set for the proceedings.

73. The reasoned decision of the Committee as to whether the complaint or appeal is well-founded shall be notified in writing to the individual concerned and any person against whom any complaint is made, as well as to the Governing Body. In the event that any part of the grievance or appeal is upheld, the Committee shall also notify the Governing Body of its recommendations as to the proper redress for the individual concerned and any other recommendations as it sees fit.

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

22 June 2011