



Lucy
Cavendish
College

Ordinances

*Updated and approved at the
Governing Body meeting held
on 21 February 2024*

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ORDINANCES FOR LUCY CAVENDISH COLLEGE

OCTOBER 1998

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A. THE CONSTITUTION AND GOVERNMENT

A.1. THE GOVERNING BODY

a) Duties

In addition to its statutory duties, the Governing Body at the statutory annual Audit Meeting to consider the audited accounts of the College shall

- Consider the annual report from the Audit Committee
- Review the activities of the Council in the year under audit and how they relate to the College’s strategic plan
- Elect/re-elect the members of the Audit Committee
- Elect/re-elect members of the Finance and Investment Committee

In the Easter Term the Governing Body shall hold an annual budget meeting to approve the forthcoming annual budget of the College proposed by the Council

The Governing Body shall review the College’s current strategic plan and risk register on a yearly basis and every five years agree the College’s strategic plan for the following five years.

The Governing Body shall normally elect the members of the Council in the Easter Term for them to take up office on the following 1st October

b) Meetings

- (i) The Governing Body shall hold an annual meeting called the Audit Meeting in the Michaelmas Term to consider the audited accounts of the College.
- (ii) In addition to the Audit Meeting, there shall be at least one meeting of the Governing Body each Term, and such other meetings as may be required.

If five or more Governing Body Fellows wish to raise a decision of the Council for discussion by the Governing Body they may require the Secretary to the Governing Body to add it to the agenda for the next meeting of the Governing Body.

A.2. THE SECRETARY TO THE GOVERNING BODY

a) Procedure for election and re-election

The Secretary to the Governing Body shall be elected from among its members. Nominations with proposer, seconder and consent of nominee shall be submitted to the Registrar or a senior Fellow and circulated with the Agenda papers at least seven days before the Governing Body meeting at which the election will take place. If only one nomination is received, voting may be by a show of hands; in cases where considerable discussion has been engendered before the vote, or where there are two or more nominations, voting will be by secret ballot.

b) Tenure

The tenure of the Secretary to the Governing Body shall be for three years when first elected with the possibility of re-election for a further period or periods of five years.

c) Duties

The Secretary to the Governing Body shall be ultimately responsible for:

- the service of notice of meetings of the Governing Body;
- the preparation of the Agenda and supporting papers;
- the keeping and circulation of minutes of all Governing Body meetings; and
- ensuring that actions required by the Governing Body are carried out;
- compliance with the Statutes and Ordinances.

A.3. THE COUNCIL

a) Membership

The President and four ex officio officers (Vice-President, Bursar, Senior Tutor and Secretary to Council) and six Fellows elected from classes A, B or C + two student representatives (one u/g one p/g) as members for unreserved business and one staff representative as a member for unreserved business. At any one time there shall be a majority of elected members who are engaged in teaching, learning and/or research

The Registrar will be Secretary to Council and shall be ultimately responsible for:

- the service of notice of meetings of the Council.
- the preparation of the Agenda and supporting papers to be circulated to the Governing Body
- the keeping and circulation of minutes of all Council meetings to the Governing Body
- ensuring that the actions required by the Council are carried out in compliance with the Statutes and Ordinances and the College's strategic plan.

Other Fellows and staff members should be invited to attend for particular business as necessary.

b) Procedure for election and re-election

Elections should normally take place in the Easter Term for tenure to begin on the following 1st October

Nominations with proposer, seconder and consent of nominee should be submitted to the Secretary to the Governing Body and circulated with the agenda papers at least seven days before the formal Governing Body meeting at which the election is to take place.

Voting will be by secret ballot with candidates being required to receive the majority of the votes of the members of the Governing Body present at the meeting

If any member of the Council should resign or die or an elected member become an ex officio member the Governing Body shall elect a replacement for the remainder of that person's term. Where a member takes sabbatical leave for a term a temporary replacement must be elected to fill the place. Where two or more terms are taken as leave the absent member must resign from the Council.

The student representatives are to be nominated by the Students' Union (JCR and MCR)

The staff representative is to be nominated by the members of staff of the College

c) Tenure

Elected members of the Council should normally serve a renewable term of three years. Student members should serve for one year and the staff member should normally serve for a renewable term of up to two years.

d) Powers

- Developing and proposing College policies within the framework of the strategic plan and annual budget as approved by the Governing Body.
- Providing day to day policy direction within the strategic plan and taking necessary decisions in the day to day running of the College within the agreed framework
- Overseeing the annual budget for approval by the Governing Body
- Monitoring and reviewing cash flow forecasts and financial performance on a quarterly basis, primarily through the management accounts, and highlighting areas to the Governing Body where there is insufficient mitigation or where corrective action may be needed
- Considering policies for student fees, rents and other charges and student debt
- Receiving and assessing reports from the Academic Forum through the Senior Tutor/Assistant Senior Tutor:Academic
- Overseeing profile raising and recruitment for the following academic year and receiving reports on student numbers
- Receiving applications and making recommendations to the Governing Body for sabbatical leave
- Proposing names for election and re-election to Fellowships for approval by the Governing Body

- Duties under the Academic Staff Ordinance, particularly under E.6 Procedure for confirmation of appointment at the end of an initial probationary period
- Recommending the appointment and re-appointment of College Officers for approval by the Governing Body where the appointment is not made directly by the Governing Body.
- Providing overall guidance on employment policy and practice
- Considering personnel matters as appropriate including staffing
- Considering and approving appointments as Lucy Cavendish Senior Associates and Visiting Fellows, and through an search panel set up as necessary, the appointment of Research Fellows for ratification by the Governing Body
- Receiving reports from College committees and panels as appropriate

e) Meetings

Meetings should be held nine times in each Academic Year, with additional meetings as required

During the Long Vacation the Governing Body grants delegated authority to the five ex officio officers to take forward matters requiring immediate attention.

The President shall normally preside at meetings of the Council. If the President is not present the Vice-President shall preside. If neither is present the Senior Fellow present at the meeting shall preside.

Meetings should be serviced by the Registrar as Secretary to Council, who should circulate the agenda and minutes to all Governing Body Fellows to allow them to raise matters of interest with the Secretary of the Council

f) Voting Procedures for the Council

The quorum for a meeting of the Council shall be six

Except where otherwise provided a decision of the Council shall be taken by majority of the members present and voting and in case of equality of votes the person presiding shall have a second or casting vote.

In any vote on the recommendation for election, re-election, appointment or re-appointment of any member of the Council to any office or Fellowship or on any application by them for leave of absence or on their removal from any office or position such member of Council shall not vote and shall not be counted in reckoning any necessary majority.

A.4. THE REGISTRAR

- (a) The Governing Body may appoint a Registrar, and may, when appropriate, declare such office to be a qualifying office for the purpose of a Class B Fellowship under Statute 11. The procedure for appointment is contained in Ordinance D.4.
- (b) The Registrar shall be responsible for such general administration as the Governing Body may determine.

C. THE FELLOWS

C.1. CLASS A: GENERAL FELLOWS

a) Normal procedure for election to a Class A Fellowship

- (i) A candidate suggested for election to a Class A Fellowship shall first be discussed at a meeting of the Council after as much information as possible has been obtained. Council may decide to seek references and a curriculum vitae.
- (ii) Council shall consider any references and curriculum vitae, and may agree to recommend the candidate to the Governing Body.
- (iii) The candidate's curriculum vitae shall be circulated to the Governing Body at least seven days before the meeting at which the recommendation is to be considered.
- (iv) The Governing Body shall fully discuss the candidate and may agree to proceed to elect the candidate at the meeting.
- (v) An election by secret ballot shall be held without further discussion at the next Governing Body meeting. Postal or proxy votes will not be valid.

b) Fast track procedure for election to a Class A Fellowship

- (i) Council may agree unanimously to implement the fast track procedure when it considers that the matter is urgent.
- (ii) Under this procedure, the normal provisions as above will apply, except that Council may decide to seek a curriculum vitae and references for the candidate, and request that these be considered directly at a Governing Body meeting without a prior Council meeting.

c) Procedure for re-election to a Class A Fellowship

- (i) During the Michaelmas Term, a Fellow whose Class A Fellowship is due to expire at the end of the current academic year may be asked to submit an updated curriculum vitae if they wish to be considered for re-election.
- (ii) During the Lent Term the Council shall consider the updated curriculum vitae and when appropriate may recommend to the Governing Body re-election for a period or periods to the end of the academic year in which retiring age is reached, provided that the Fellow continues to hold the qualifying office with which the Fellowship is associated..
- (iii) The updated curriculum vitae shall be circulated to the Governing Body at least seven days before the meeting at which the recommendation is to be considered. Voting will take place at that meeting and will normally be by a show of hands. In cases where considerable discussion has been engendered before the vote a secret ballot may be held if agreed by a simple majority of Governing Body Fellows present at the meeting.

C.2. CLASS B: OFFICIAL FELLOWS**a) Procedure for election of non-teaching College officers to a Class B Fellowship**

If the Council considers that a candidate for a non-teaching College office should also be elected to a Class B Fellowship, this recommendation may be made to the Governing Body at the same meeting that the candidate's appointment to the College office is noted, provided that the candidate's *curriculum vitae* has been circulated to the Governing Body at least seven days before that meeting. If the recommendation as to the Fellowship is accepted, the Governing Body will then vote by secret ballot on the recommendation for a Class B Fellowship at that meeting.

b) Procedure for re-election of non-teaching College officers to a Class B Fellowship

- (i) Ordinance E.6 of the Academic Staff Ordinance shall be followed in relation to any appointment of a member of the Academic Staff to a position in the College that is subject to confirmation at the end of an initial probationary period.
- (ii) During the Michaelmas Term, a Fellow whose Class B Fellowship is due to expire at the end of the current academic year may be asked to submit an updated *curriculum vitae* if they wish to be considered for re-election.
- (iii) During the Lent Term the Council shall consider the updated *curriculum vitae*, and when appropriate may recommend to the Governing Body re-election for a period or periods to the end of the academic year in which retiring age is reached, provided that the Fellow continues to hold the qualifying office with which the Fellowship is associated.
- (iv) The updated *curriculum vitae* shall be circulated to the Governing Body at least seven days before the meeting at which the recommendation is to be considered. Voting will take place at that meeting and will normally be by a show of hands. In cases where considerable discussion has been engendered before the vote a secret ballot may be held if agreed by a simple majority of Governing Body Fellows present at the meeting.

c) Procedure for election of College lecturers to a Class B Fellowship

If the Council considers that a candidate for a College lectureship should also be elected to a Class B Fellowship, this recommendation may be made to the Governing Body at the same meeting that the candidate's appointment to the College lectureship is noted, provided that the candidate's *curriculum vitae* has been circulated to the Governing Body at least seven days before that meeting. If the recommendation as to the Fellowship is accepted, the Governing Body will then vote by secret ballot on the recommendation for a Class B Fellowship at that meeting.

d) Procedure for re-election of College lecturers to a Class B Fellowship

- (i) Ordinance E.6 of the Academic Staff Ordinance shall be followed in relation to any appointment of a member of the Academic Staff to a position in the College that is subject to confirmation at the end of an initial probationary period.

e) Procedure for election of a qualifying University officer who is not being appointed to a College office conferring eligibility for a Class B Fellowship

- (i) A candidate suggested for election to a Class B Fellowship, who holds a qualifying University office and is not being appointed to a College office conferring eligibility for a Class B Fellowship, shall first be discussed at a meeting of the Council or the Governing Body, after as much information as possible has been obtained.
- (ii) The procedures described in Ordinance C.1.(a)(i) to (v) should then be followed, except that if the Governing Body unanimously agrees that the consideration and election of such a candidate is a matter of urgency, it may proceed to consider and elect such a candidate without prior consideration by the Council and without referees' letters having been obtained.

f) Procedure for re-election of the holder of a qualifying University office who does not hold a College office conferring eligibility for a Class B Fellowship

Re-election to these Class B Fellowships shall be by the relevant procedures of Ordinance C.1.(c) above.

C.3. FELLOW-COMMONERS

a) Tenure

A Fellow-Commoner may be elected for a period not exceeding three years in the first instance and may be re-elected for a further period to be determined as being in the interests of the College.

b) Eligibility

People who are active and particularly distinguished in their field and whose association might be beneficial to the College are eligible for election to the Fellow-Commoner category. .

c) Procedure for election

A candidate suggested for election to the category of Fellow-Commoner will first be discussed at a meeting of the Council, after as much information as possible has been obtained. The procedures described in Ordinance C.1.(a) should then be followed.

d) Procedure for re-election

- (i) During the Michaelmas Term, the Council may ask a Fellow-Commoner whose initial three year term in this category is due to expire at the end of the current academic year to provide an updated curriculum vitae if they wish to be considered for re-election.
- (ii) During the Lent Term the Council shall consider the updated curriculum vitae, and where appropriate may recommend to the Governing Body re-election for a period to be determined as being in the interests of the College.
- (iii) The updated curriculum vitae shall be circulated to the Governing Body at least seven days before the meeting at which the recommendation is to be considered. Voting will take place at that meeting and will normally be by a show of hands. In cases where considerable

discussion has been engendered before the vote a secret ballot may be held if agreed by a majority of Governing Body Fellows present at the meeting.

e) Duties

Fellow-Commoners shall observe the Statutes, Ordinances and good customs of the College and conform to such rules as may be made from time to time by the Governing Body. They shall pay such fees and contributions as the Governing Body may determine.

f) Privileges

The Governing Body will determine the privileges of a Fellow-Commoner

D. THE COLLEGE OFFICERS

The Council shall designate a Fellow (or the President if appropriate) as Reviewing Officer under Ordinance E.6 in relation to any appointment of a member of the Academic Staff.

D.1. THE VICE-PRESIDENT

a) Procedure for appointment and re-appointment

- (i) The Secretary to the Governing Body or a Senior Fellow shall ask the members of the Governing Body for nominations to the office of Vice-President with proposer, seconder and consent of the nominee at least fourteen days before the Governing Body meeting at which the nominations will be discussed. Any nominated candidates will be asked to provide a curriculum vitae for circulation to the Governing Body at least seven days before the relevant Governing Body meeting. If only one nomination is received, the Vice-President may be elected by a show of hands. In cases where considerable discussion has been engendered before the vote, or where there are two or more nominations, election will be by secret ballot. In either case, a simple majority of those present and voting will be sufficient to elect the Vice-President.
- (ii) The Vice-President shall be appointed or re-appointed for periods of up to three years at a time.
- (iii) The Vice-President shall retire at the end of the academic year in which they reach the age of 67.

D.2. THE BURSAR

a) Procedure for appointment

- (i) When the office of Bursar falls vacant or will fall vacant, the Council may advertise for candidates.
- (ii) Candidates shall be asked to submit a curriculum vitae and the names of two referees.

- (iii) A candidate or short list of candidates shall normally be interviewed by a search panel approved by the Governing Body and including co-opted members as appropriate. The current conditions of service as determined by the Governing Body shall be drawn to the attention of the candidates.
- (iv) The search panel shall have delegated authority from the Governing Body to make the appointment

b) Procedure for confirmation of appointment at the end of an initial probationary period

- (i) The Procedure under Ordinance E.6 will be followed.

D.3. THE TUTORS

a) Procedure for appointment

- (i) The Senior Tutor shall consider the need for tutors and, when appropriate shall recommend to the Governing Body the need for an appointment.
- (ii) After approving the need for such an appointment, the Governing Body shall ask the Senior Tutor to seek one or more candidates.
- (iii) The Senior Tutor shall have delegated authority to fill the vacancy and will recommend into which category of association the candidate should be elected. The candidate's curriculum vitae shall be circulated to the Governing Body at least seven days before the meeting at which the recommendation on the College association is to be considered.

b) Procedure for confirmation of appointment at the end of an initial probationary period

- (i) The Procedure under Ordinance E.6 will be followed.

D.4. THE REGISTRAR

a) Procedure for appointment

- (i) When the office of Registrar falls vacant or will fall vacant, the Governing Body may nominate a search panel to seek and to appoint candidates.
- (ii) Candidates shall be asked to submit a curriculum vitae and the names of two referees.
- (iii) The curriculum vitae and references shall be circulated to the members of the search panel, who will draw up a short list of candidates and interview as appropriate. The current conditions of service as determined by the Governing Body shall be drawn to the attention of the candidates.
- (iv) The search panel shall have delegated authority from the Governing Body to make the appointment.

b) Procedure for confirmation of appointment at the end of an initial probationary period

- (i) The Procedure under Ordinance E.6 will be followed.

D.5. THE PRAELECTOR

a) Procedure for appointment

The Governing Body shall appoint a Praelector from among its members.

b) Procedure for re-appointment

The Governing Body may re-appoint the Praelector as it sees fit.

D.6. THE STEWARD AND THE CURATOR

a) Procedure for appointment

The Governing Body shall decide directly on the appointment of candidates to fill the offices of Steward, Curator and any other secondary office which it may create or consider appropriate to fill directly.

b) Procedure for re-appointment

The Governing Body may re-appoint the Steward and the Curator and any other secondary office which it may create as it sees fit.

D.7. COLLEGE LECTURERS

a) Procedure for appointment

- (i) The Senior Tutor shall consider the need for College lecturers and shall normally consult Council before recommending to the Governing Body the need for an appointment to a vacancy or to a post in a new subject.
- (ii) After approving the need for such an appointment, the Governing Body shall establish a search panel to seek one or more candidates.
- (iii) Candidates shall be asked to submit a curriculum vitae and the names of two referees.
- (v) A candidate or short list of candidates shall normally be interviewed by a search panel approved by the Governing Body and including co-opted members as appropriate. The current conditions of service as determined by the Governing Body shall be drawn to the attention of the candidates.
- (vi) The search panel shall have delegated authority from the Governing Body to make the appointment

b) Procedure for confirmation of appointment at the end of an initial probationary period

- (ii) The Procedure under Ordinance E.6 will be followed.

D.8. RETIREMENT AGE

College officers will retire at the end of the academic year in which they reach the age of 67.

E. THE ACADEMIC STAFF

E.1. THE ACADEMIC STAFF ORDINANCES

(a) This Ordinance and the following Ordinances shall be known as “the Academic Staff Ordinances”:

- Ordinance E.2 Committees constituted under the Academic Staff Statute
- Ordinance E.3 Redundancy procedure
- Ordinance E.4 Disciplinary procedure
- Ordinance E.5 Procedure for assessing incapacity on health grounds
- Ordinance E.6 Procedure for the confirmation of appointments at the end of an initial probationary period
- Ordinance E.7 Procedure for dismissal on other grounds
- Ordinance E.8 Procedure for removal from a secondary office or employment
- Ordinance E.9 Grievance procedure
- Ordinance E.10 Procedure for the removal of the President from office

There are also Ordinances on fixed-term appointments and the College has a policy / procedure on retirement.

(b) The Academic Staff Ordinances are made for the implementation of the Academic Staff Statute and shall be construed in accordance with it.

(c) The following terms are defined below:

(i) “Member Concerned” means the member of the academic staff under consideration by a Committee under these Orders;

(ii) “member of the Academic Staff” means:

any person holding a College office designated by the Governing Body as one to which the Academic Staff Statute (Statute 32) applies being

- Admissions Director
- Assistant Senior Tutor
- Bursar
- CGCM course tutor
- College Lecturer
- College Assistant Professor
- College Librarian
- Development Director
- Registrar
- Senior Tutor

any person employed by the College to carry out teaching or research which does not include a person holding a Research Fellowship as a Research Fellow is not so employed;

the President, to the extent and manner set out in Ordinance 10.

- (iii) "position in the College", in relation to a member of the Academic Staff, refers to the office of President or a Fellowship or any College office held by that member, and also to any contract of employment between that member and the College;
- (iv) "Presenting Officer" refers to a suitable person, who may be a Fellow or other suitable person (including a solicitor), appointed by the President, or the Vice- President in the President's absence, to formulate a charge or charges and to present, or arrange for the presentation of such charges, before a Committee;
- (v) a "primary position", in relation to a member of the Academic Staff other than the President, refers to any College office or employment held by that member on which the tenure of the Fellowship of the member depends; or which is specified by the Governing Body as a primary position in relation to the member;
- (vi) a "secondary position", in relation to a member of the Academic Staff other than the President, refers to any position that is neither a primary position in relation to the member nor the member's Fellowship. Secondary positions are

Curator

Dean

Director of Studies

Praelector

Research Mentor

Secretary to the Governing Body

Secretary to Council

Silver Steward

Steward

Tutor (when a Fellow in Class A, B, C or D)

Vice-President

Wine Steward

- (d) Each year the Governing Body shall decide:

- (i) whether to designate any new office in the College as one to which the Academic Staff Statute applies and amend paragraph (c)(ii) of this Ordinance as appropriate;

- (ii) whether any new position in the College should be specified as a primary position (in accordance with sub-paragraphs (c)(v) of this Ordinance) or whether it should be a secondary position (sub-paragraph (c)(vi) of this Ordinance).
- (e) The application of the Academic Staff Ordinances in relation to a position held by a member of the Academic Staff shall conform to the terms and conditions applying to that position, as determined by or under the Statutes of the College as amended from time to time, by contract, or in any other way.
- (f) In any case where an Officer of the College or any person is designated to perform any duties or exercise any powers under the Academic Staff Ordinances, and that Officer or person is themselves involved in the matter in question or is otherwise unable to act, the Council may appoint an alternate to act in their place. When it is the President who is unable to act for any reason, the Vice-President will act in their place unless the Vice-President is also unable to act, in which case the Council may appoint an alternate to act in place of the President and the Vice-President.
- (g) Where it is proposed that a Fellow who is not a member of the Academic Staff within the meaning of the Academic Staff Statute should be deprived of their Fellowship, or suspended from its rights and privileges, under Statutes 20 or 21, the procedures set out in Academic Staff Ordinances 4 or 5 shall be applied as appropriate save that a Fellow's right of appeal shall be in accordance with Statutes 20 or 21 only.
- (h) Where it is proposed that a College officer who is not a member of the Academic Staff within the meaning of the Academic Staff Statute should be suspended or removed from their office for failing satisfactorily to perform the duties of their office under Statute 24 (ii), the Council may direct that the determination of such failure shall be regulated by some or all of the provisions specified in Academic Staff Ordinances 4 and 5 and in these Ordinances in respect of the removal of members of the Academic Staff, and (without prejudice to any other right of appeal they may enjoy) such a College officer shall have the same rights of appeal under Academic Staff Ordinances 4 and 5 as members of the Academic Staff, save that the provisions of this section shall not confer any rights in respect of the termination of an appointment by expiry.

E.2. COMMITTEES CONSTITUTED UNDER THE ACADEMIC STAFF STATUTE

Constitution of Committees

- (a) The Governing Body shall appoint annually a Standing Committee of ten persons. The members of the Committee shall be Fellows or other persons, being members of the Regent House of the University. The majority of members of the Standing Committee will not be members of Council. The Governing Body shall appoint a substitute for a member of the Standing Committee who is on leave of absence for the period of that leave where the leave of absence exceeds six weeks.
- (b) Committees constituted under the Academic Staff Ordinances shall be constituted according to the following rules:
 - (i) no member of a Committee shall also be a member of an Appeal Committee in the same matter;
 - (ii) a Committee or Appeal Committee to consider the removal of a President shall be constituted in accordance with Ordinance 10 (Procedure for the removal of the President from office);

- (iii) a Medical Committee and a Medical Appeal Committee shall include a medically qualified person appointed by the Council.
- (iv) the Chair shall be appointed by Council when appointing the Committee and shall not be a member of Council.
- (c) Where it is not possible to select a Committee in conformity with the above rules because there are insufficient persons remaining on the Standing Committee after the exclusion of those persons who are disqualified from acting in accordance with the provisions of this Ordinance, then to that extent selections of other persons may be made by the Council (or by the President acting on their behalf), after considering the views of the member of the Academic Staff under consideration by the Committee ("the Member Concerned").
- (d) A meeting of a Committee, whether for a hearing or for any other purpose, shall be valid and effective provided that all members of a committee are present. If someone does not attend, they will be disqualified in accordance with Ordinance E.2 (f) and the Committee may continue with a reduced number or otherwise in accordance with Ordinance E.2 (i) and (j).

Disqualification of Committee members

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

- (j) Where a person is added to the membership of a Committee, then any hearing that has already taken place in whole or in part shall be disregarded and shall be held afresh.
- (k) The President, or the Vice-President in the President's absence, shall appoint a suitable person to act as Secretary to Committees. In appointing a Secretary, the President, or the Vice-President in the President's absence, shall exclude any person who has had any involvement in the matter that would make their appointment as Secretary unfair.
- (l) Subject to compliance with the College's financial protocols including obtaining such approval as may be required, the College shall meet all proper costs of members of any Committee, its Secretary and legal adviser if any.

Role and powers of the Committee Chair

- (m) The Committee Chair shall determine all procedural and interlocutory matters on behalf of the Committee after such consultation (if any) with members of the Committee as the Chair shall see fit.
- (n) A Committee shall make its decisions unanimously, or if unanimity is not possible, by a majority vote of those members present and voting. In the event of a tie, the Chair shall have an additional vote.
- (o) In order to ensure that a fair and proper process is followed, the Committee Chair may vary time limits; may allow the amendment of charges or of grounds of appeal; may permit any departure from the rules or procedure set out in this Ordinance; and may exclude any person, including the Member Concerned, from any hearing of the Committee if, in the opinion of the Committee Chair, such step is necessary in the interests of good order.
- (p) In exercising any discretion the Committee Chair shall seek to give effect to the guiding principles set out in the Academic Staff Statute. Any exercise of discretion by the Committee Chair may be made subject to such conditions as they shall see fit.
- (q) The Committee Chair may postpone, adjourn and reconvene any hearing or other meeting of a Committee. The Committee Chair may discharge the Committee and order a rehearing of the matter before a fresh Committee, but shall only do so where they are of the view that that step is necessary in order to ensure a just and fair process.
- (r) Where it appears to the Committee Chair, whether on receipt of an application made by the Member Concerned or the Presenting Officer (if one has been appointed) or otherwise, that a material aspect of the matter before the Committee is or is likely to be the subject of criminal or civil proceedings in a court of law or the subject of disciplinary proceedings in the University, the Committee Chair may direct such stay in the process of the Committee as they may consider desirable. Subject to any such stay the Committee Chair shall seek to ensure that the case before the Committee is heard and determined as expeditiously as is reasonably practicable.
- (s) The Committee Chair shall arrange for a record of the proceedings of the Committee to be made.
- (t) The Committee Chair shall send a document recording the Committee's decision (together with their findings of fact (if any) and the reasons for their decision) to the President, the Member Concerned, the Presenting Officer (if one has been appointed) and any person who shall have been added as a party to the proceedings. Where a right of appeal exists, the Chair shall draw the attention of the Member Concerned to that fact and to the procedure, including any time limit, for appeal.

- (u) The Committee Chair shall have power, after consultation with the other members of the Committee, by certificate under their hand, to correct in the record of proceedings kept under paragraph (s) above or in the document recording the decision of the Committee any clerical mistakes or errors arising from any accidental slip or omission.

Conduct of hearings

- (v) The overriding objective of the rules of procedure is to enable Committees to deal with cases justly. That will include, so far as practicable,
 - (i) ensuring that the parties are on an equal footing;
 - (ii) saving expense;
 - (iii) dealing with the case in ways which are proportionate to the complexity of the issues; and
 - (iv) ensuring an expeditious and fair process.
- (w) Any party to a hearing by a Committee shall be entitled to be accompanied or represented by a person of their choice whether such person is legally qualified or not in connection with, or at, any hearing by a Committee. The party wishing to be accompanied or represented shall inform the Chair and the other parties in writing of the appointment or dismissal of any such representative.
- (x) With the consent of the President, or the Vice-President in the President's absence, the Chair may appoint a legal adviser to assist a Committee in such manner as the Committee may decide, provided that the Committee shall alone make any findings, decisions and recommendations.
- (y) Any hearing shall take place in private unless the Committee, after considering the views of the Member Concerned, direct otherwise.
- (z) Committees shall, so far as appears to them to be practicable, seek to avoid formality in their proceedings and shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before courts of law. They shall make such inquiries of persons and witnesses appearing before them as they consider appropriate and shall otherwise conduct their hearing in such manner as they consider most appropriate for the clarification of the issues before them and generally for the just handling of the proceedings.

E.3. REDUNDANCY PROCEDURE

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

- (a) This procedure shall apply where the Governing Body has decided that it may be appropriate to effect a reduction in the Academic Staff of the College as a whole, or of any area of academic work within the College, by way of redundancy.
- (b) Where the Governing Body has so decided, the Council shall consult such members of the Academic Staff and such other persons holding office in, or employed by, the College as they consider likely to be affected by a reduction of the sort contemplated. They shall also conduct such further process of consultation as may be required by law or as they may consider appropriate. The Council may specify time limits for response to any consultation that they conduct. After receiving a report from the Council on the responses received to the consultation, the Governing Body shall either resolve to take no further action; or shall resolve to continue,

extend or vary the process of consultation, with such modification (if any) of the terms of consultation as they shall see fit; or shall resolve to effect a reduction in the Academic Staff by way of redundancy and decide what direction (if any) to give in relation to the extent of the reduction.

Selection for redundancy

- (c) Where the Governing Body has resolved to effect a reduction in the Academic Staff by way of redundancy, the Council shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (i) of this paragraph to give effect to the decision of the Governing Body by such date as they may specify and for that purpose
 - i. a Redundancy Committee appointed by the Council shall comprise –
 - (a) a Chair being a member of the Governing Body; and
 - (b) two Fellows of the College (appointed in accordance with Ordinance E.2 whose academic work is not in an area in which a reduction in the Academic Staff is proposed.
- (d) The Redundancy Committee shall formulate the selection criteria which they propose to employ, and shall notify each member of the Academic Staff considered for selection of those selection criteria. They shall afford each member of the Academic Staff considered for selection the opportunity to make such written or oral representations on their own behalf as they shall see fit. If, following the receipt of such representations, any change is made to the selection criteria, then any member of the Academic Staff who might be materially affected by such change shall be afforded a new opportunity to make such representations.
- (e) The Redundancy Committee shall give notice of dismissal to each member of the Academic Staff who is selected for dismissal, and shall also inform their of the selection criteria finally adopted, of the reasons for their dismissal, and of their right of appeal under this Ordinance.
- (f) The procedure to be adopted by a Redundancy Committee shall be determined by the Chair of the Committee in accordance with Ordinance 2, subject to the adoption of a just and fair process which complies with the rules in paragraphs (c), (d) and (e) above.

Appeal

- (g) A member of the Academic Staff who is given notice of dismissal by reason of redundancy may, within fourteen days from the date of that notice, give to the President notice of appeal to a Redundancy Appeal Committee. The notice of appeal shall state the grounds of appeal. There is no right of appeal in respect of a resolution by the Governing Body to effect a reduction in the Academic Staff by reason of redundancy.
- (h) A Redundancy Appeal Committee shall consist of a person appointed by the Council who holds or has held judicial office or a barrister or a solicitor of at least ten years' standing. The person appointed shall sit with two other persons appointed by the Council being two Fellows of the College appointed in accordance with Ordinance 2 whose academic work is not in an academic area affected by the decision to reduce the number of the academic staff.
- (i) The lodging of an appeal shall not affect the operation of the notice of dismissal, but the Chair of the Redundancy Appeal Committee may extend the period of notice if they consider it just and fair in all the circumstances that an extension should be granted.

- (j) Where the Redundancy Appeal Committee decides to remit the matter back for further consideration, then
- (i) they may direct that that further consideration should be given by the same Redundancy Committee, or direct that a differently constituted Redundancy Committee be selected for that purpose;
 - (ii) they may give such other directions as they shall see fit, including directions affecting other members of the Academic Staff, provided that they may confirm, suspend, extend or cancel any notice of dismissal given to such other members, but shall not give notice of dismissal to any member of the Academic Staff not already under such notice; and
 - (iii) a fresh right of appeal to the Redundancy Appeal Committee shall accrue to any member of the Academic Staff from notice of dismissal given or confirmed as a result of that further consideration.
- (k) Where the Redundancy Appeal Committee reach a final decision on any appeal, no further right of appeal under College procedures lies against that decision.

E.4. DISCIPLINARY PROCEDURE

Disciplinary action may be taken under this Ordinance where it is related to the conduct or capability or qualifications of a member of the Academic Staff.

The following list provides examples of conduct which may lead to disciplinary action under this Ordinance. This is not an exhaustive list.

- any act of gross misconduct adversely affecting the College;
- abusive behaviour (including violent or offensive language);
- physical, verbal or psychological bullying of any type;
- harassment;
- misuse of e-mail or of the internet (including downloading or transmission of material which is defamatory, offensive or obscene, malicious, sexist or racist or protected copyright material);
- any serious or repeated breach or non-observance of any of the terms of appointment (or the College's Statutes) or refusal or neglect to comply with any reasonable and lawful directions of the College;
- conviction of any criminal offence, or any fraud or dishonesty or behaviour, which, in the reasonable opinion of the College, brings or is likely to bring a member of the Academic Staff or the College into disrepute, prejudice the College's interests or seriously impair the member's ability to perform their duties;
- serious or repeated breach of the College's policies or procedures;
- negligence and/or incompetence.

Any investigations to be undertaken by the President under this Ordinance may be undertaken by the President alone or with the assistance of such other person as the President considers appropriate. In addition, any reference to the President in this Ordinance shall include a reference to the next most senior Fellow acting as their delegate.

Less serious matters: Warnings

- (a) If it appears to the President, after receiving a complaint or otherwise, that there are grounds for believing that the conduct or performance of a member of the Academic Staff ("the Member Concerned") is or has been unsatisfactory, the President shall inquire into the matter. If the President concludes after investigation that the Member Concerned is or has been at fault, the President may issue an oral warning. The President shall specify the reason for the warning, shall indicate that it constitutes the first stage of the College's disciplinary procedure, and shall advise the person concerned that they may appeal against the warning under paragraph (d) below.
- (b) If the President concludes after investigation that the fault is sufficiently serious to justify it, or if a further offence occurs after an oral warning, the President may issue a written warning. Such a warning shall specify the reason for the warning, the improvements required in the conduct or performance of the Member Concerned, and the period of time within which such improvements are to be made. The President shall advise the Member Concerned that they may appeal against the warning under paragraph (d) below, and shall indicate that, if no satisfactory improvement takes place within the stated time, charges may be instituted before a Disciplinary Committee.
- (c) The President shall keep a written record of any oral or written warning issued. Each warning shall specify a period from the date of issue after which, in the absence of further disciplinary matters arising, it will be disregarded for all purposes. The period shall not exceed one year in the case of an oral warning and shall not exceed two years in the case of a written warning.
- (d) The Member Concerned may submit an appeal in writing to the President against a disciplinary warning within fourteen days of the date of the warning, stating the grounds of appeal. The appeal shall be communicated to an Appeal Committee, consisting of three Fellows appointed in accordance with Academic Staff Ordinance E.2, who shall determine it as they shall see fit. If the appeal is allowed, the warning shall be disregarded.

More serious matters: The institution of charges before a Disciplinary Committee

- (e) If the President receives a complaint against a member of the academic staff ("the Member Concerned") seeking the institution of a charge or charges ("a Charge") before a Disciplinary Committee, then the President shall investigate the matter as they shall see fit. If, whether as the result of the investigation of a complaint or otherwise, the President considers that there are grounds for believing that a Charge should be instituted before a Disciplinary Committee, then the President shall write to the Member Concerned inviting their comment in writing by a specified date. If the President considers that the College might otherwise suffer significant harm, the President may suspend the Member Concerned from the performance of their duties without loss of emolument pending receipt of comments from the Member Concerned and the determination of whether the matter should be placed before a Disciplinary Committee. As soon as practicable following receipt of the comments (if any) of the Member Concerned, the President shall consider the matter in the light of all the available evidence and may dismiss the matter summarily, or issue an oral or written warning (after meeting with the Member Concerned), or determine that a Charge should be instituted before a Disciplinary Committee.

- (f) Where the President has determined that a Charge should be instituted before a Disciplinary Committee, then
 - (i) the President shall report that fact to the next following meeting of the Council, who shall appoint and instruct a suitable person ("the Presenting Officer") to formulate the Charge and to present it, or arrange for its presentation, before a Disciplinary Committee; and
 - (ii) a Disciplinary Committee shall be selected to hear and determine the matter.
- (g) A Disciplinary Committee shall consist of three persons (being Fellows of the College or other persons being members of the Regent House of the University) selected by the Council from a standing panel of persons appointed annually in accordance with Ordinance E.2.
- (h) The President shall consider whether to suspend the Member Concerned from the performance of their duties without loss of emolument, and shall report to the Council on that decision. Any such suspension shall be reviewed by the President at regular intervals, each review taking place within two months of the time of the last decision to suspend. The President shall not impose or continue a suspension unless they consider that the College might otherwise suffer significant harm for instance by the Member Concerned interfering with an investigation..
- (i) The Presenting Officer shall seek to ensure that the case is heard and determined as expeditiously as is reasonably practicable.
- (j) As soon as reasonably practicable after the date of appointment, the Presenting Officer shall send to the Member Concerned and to the Committee Chair notice of the Charge together with a copy of the Academic Staff Statute and of the Academic Staff Ordinances.
- (k) The Committee Chair, after consultation with the Member Concerned and with the Presenting Officer, shall determine the date and time of a meeting of the Disciplinary Committee for the purpose of hearing the case, and shall send notice of the date, time and place of the meeting to the Member Concerned, to the Presenting Officer and to the members of the Disciplinary Committee.
- (l) Not later than seven days before the date set for the hearing, the Presenting Officer shall send to the Member Concerned and to the members of the Disciplinary Committee a copy of the Charge, together with any documents specified therein; a list of all witnesses that the Presenting Officer proposes to call, with statements containing the evidence they are expected to give; and a copy of any other documents that the Presenting Officer proposes to put in evidence.

Evidence

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

The decision of the Disciplinary Committee

- (n) Where, after a hearing, the Disciplinary Committee find the Charge or any part thereof to be without substance, then they shall dismiss the Charge or that part thereof.

- (o) Where, after a hearing, the Disciplinary Committee find the Charge or any part thereof to be established, then before deciding what penalty (if any) to impose, they shall give the Member Concerned and the Presenting Officer the opportunity to put forward any matters bearing on the penalty to be imposed unless they are of the view that a sufficient opportunity has already been given in the course of the hearing.
- (p) The Disciplinary Committee may decide to impose no penalty, or may :
- (i) discuss the issues raised with the Member Concerned; or;
 - (ii) advise the Member Concerned about their future conduct; or
 - (iii) warn the Member Concerned;
 - (iv) suspend the Member Concerned for such period as the Disciplinary Committee considers fair and reasonable, provided that the suspension shall not extend beyond three months; or
 - (v) dismiss or remove the Member Concerned from employment or office (including Fellowship) with or without notice;
 - (vi) take such further or other action under the Member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case; or
 - (vii) award compensation to any person in respect of any loss caused or damage done; and
 - (viii) combine any of the courses of action specified above.

If the Disciplinary Committee are of the view that the conduct of the Member Concerned constitutes gross misconduct such as to justify dismissal without notice, they shall so state. If the penalty of dismissal without notice is imposed in the absence of such a statement (or, in the event of an appeal, such a statement by the Disciplinary Appeal Committee), then the College shall pay compensation to the Member Concerned in respect of the absence of proper notice.

- (q) Where, after a hearing, the Disciplinary Committee are of the view that the Member Concerned should be dismissed, it shall so state, specifying the reason, in its findings and shall dismiss the Member Concerned.

Appeal

- (r) The Member Concerned may, within fourteen days from the decision of the Disciplinary Committee, give to the President notice of appeal to the Disciplinary Appeal Committee. The notice of appeal shall state the grounds of appeal and whether it is an appeal against the findings of the Disciplinary Committee, or the penalty imposed, or both.
- (s) A Disciplinary Appeal Committee shall consist of a person appointed by the Council who holds or has held judicial office or a barrister or a solicitor of at least ten years' standing. The person appointed shall sit with two Fellows of the College appointed in accordance with Ordinance E.2.
- (t) The appeal shall then be heard and determined as expeditiously as is reasonably practicable by the Disciplinary Appeal Committee, who may substitute for the decision of the Disciplinary Committee any decision that that Committee might have made. The decision of the Disciplinary Appeal Committee in the matter shall be final.

The addition of parties and the consolidation of matters

- (u) The Committee Chair may agree to the addition of any other person as party to a case before a Disciplinary Committee; provided that the Committee Chair shall not so act unless they are of the view that that step is desirable in order to ensure a just and fair process. Such other person shall receive from the Presenting Officer the papers specified in paragraph (k) above, and shall have the right to a fair process before the Committee.
- (v) The Council may determine that charges against more than one member of the Academic Staff may be heard concurrently by the same Disciplinary Committee. They may further determine that charges against one or more members of the academic staff shall be heard concurrently with charges against one or more members of the College in statu pupillari.

Relationship with removal on health grounds

- (w) If at any stage the Committee Chair forms the view that the conduct or capability of the Member Concerned may be attributable, wholly or in part, to a medical condition, then they shall
 - (i) if they are of the view that such action is necessary to ensure a just and fair process, stay the proceedings of the Disciplinary Committee and direct the selection of an Incapacity Committee for proceedings to continue under Ordinance 5 below; or otherwise
 - (ii) if they are of the view that the Disciplinary Committee might be assisted by the appointment of a medically qualified person as Medical Consultant, to ask the Council to make such an appointment; or otherwise
 - (iii) take no action.

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

- (x) Where proceedings are transferred to an Incapacity Committee under paragraph (w) above, then, if at any stage the Committee Chair forms the view that it would be consistent with a just and fair process to transfer the proceedings to a Disciplinary Committee, they may stay the proceedings of the Incapacity Committee and either
 - (i) transfer the proceedings back to the initial Disciplinary Committee; or
 - (ii) direct the discharge of the initial Disciplinary Committee and constitute the Incapacity Committee a Disciplinary Committee for all further proceedings; or
 - (iii) direct the discharge of the initial Disciplinary Committee and the selection of a fresh Disciplinary Committee, and transfer the proceedings to them.

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

- (y) Where a new Committee is selected under paragraph (w) or (x) above, then the Chair of the old Committee may continue to act as Chair of the new Committee notwithstanding the provisions of Ordinance 2 above.

E.5. PROCEDURE FOR ASSESSING INCAPACITY ON HEALTH GROUNDS

The institution of a case before an Incapacity Committee

- (a) Where the Council decide that an Incapacity Committee should be appointed for the consideration of a case of a member of the Academic Staff ("the Member Concerned") under the Academic Staff Statute, they shall at the same time appoint a suitable person ("the Presenting Officer") to present the case to the Committee.
- (b) An Incapacity Committee shall be comprised of two Fellows of the College and a medically qualified Chair appointed by the Council in accordance with Ordinance E.2.
- (c) Any person having authority in law to act on behalf of the Member Concerned shall have power so to act in respect of all proceedings before an Incapacity Committee or an Incapacity Appeal Committee. Any requirement in relation to the Member Concerned shall be satisfied if it is satisfied in relation to a person having authority to act on behalf of the Member Concerned or a representative appointed by the Member Concerned, whether or not it is also fulfilled in relation to the Member Concerned him or herself.
- (d) As soon as reasonably practicable after appointment, the Presenting Officer shall send to the Member Concerned and to the Committee Chair notice of the reason why it is thought that the removal of the Member Concerned by reason of incapacity on health grounds should be considered together with a copy of the Academic Staff Statute and of the Academic Staff Ordinances.
- (e) The Presenting Officer shall seek to ensure that the case is heard and determined as expeditiously as is reasonably practicable.
- (f) The Committee Chair, after consultation with the Member Concerned and with the Presenting Officer, shall determine the date and time of a meeting of the Incapacity Committee for the purpose of a hearing of the case, and shall send notice of the date, time and place of the meeting to the Member Concerned, to the Presenting Officer and to the members of the Incapacity Committee.
- (g) Not later than seven days before the date set for the hearing, the Presenting Officer shall send to the Member Concerned and to the members of the Incapacity Committee a copy of the communication referred to in paragraph (d) above, together with any documents therein specified; a list of all witnesses the Presenting Officer proposes to call, with statements containing the evidence they are expected to give; and a copy of any other documents which the Presenting Officer proposes to put in evidence.

Medical evidence

- (h) The Presenting Officer may seek from the Member Concerned such medical evidence as they consider necessary for the purpose of the presentation of the matter to the Incapacity Committee. Such evidence may include the opinion of a medically qualified person appointed by the College, at College expense, to advise on the health of the Member Concerned. In the event of the Member Concerned declining to provide any or all of the evidence requested, the Presenting Officer may apply to the Chair of the Incapacity Committee for a direction for the production of medical evidence. The Committee Chair will then hear and determine the matter, and may direct the production of such medical evidence (whether or not sought by the Presenting Officer) as the Committee Chair shall specify. The Member Concerned may appeal against such a direction to an Incapacity Appeal Committee.

- (i) If, after a direction to produce medical evidence, the Member Concerned declines to provide any or all of the evidence directed, the Incapacity Committee and an Incapacity Appeal Committee may draw such inferences as to the health of the Member Concerned as they shall see fit from all the circumstances of the case.

The decision of the Incapacity Committee

- (j) Where, after a hearing, the Incapacity Committee find that the Member Concerned is incapable of performing satisfactorily the duties of their position, they may take action which may be any of the following:
 - (i) suspension on grounds of ill health pending receipt of evidence to the satisfaction of the medically qualified member or members of the Committee of fitness to resume work;
 - (ii) suspension on grounds of ill health pending further review by the incapacity Committee at a specified date; or
 - (iii) dismissal with or without notice on grounds of ill health.

During any period of suspension on grounds of ill health the Member Concerned shall be paid in accordance with the terms of their office or employment. If the Committee decide to dismiss without notice on grounds of ill health, the College shall pay the Member Concerned in lieu of what would have been paid to the Member if they had worked during the notice period.

Appeal

- (k) The Member Concerned may, within fourteen days from the decision of the Incapacity Committee, give to the President notice of appeal to the Incapacity Appeal Committee. The notice of appeal shall state the grounds of appeal and whether it is an appeal against the findings of the Incapacity Committee (stating which findings are appealed against), or the action taken by them, or both.

An Incapacity Appeal Committee shall consist of a person appointed by the President, or by the Council, who holds or has held judicial office or a barrister or a solicitor of at least ten years' standing. The person appointed shall sit with a medically qualified person appointed by the Council, and two Fellows of the College appointed in accordance with Ordinance 2.

- (l) The appeal shall be heard and determined as expeditiously as is reasonably practicable by an Incapacity Appeal Committee, who may substitute for the decision of the Incapacity Committee any decision that that Committee might have made. The decision of the Incapacity Appeal Committee in the matter shall be final.

E.6. PROCEDURE FOR CONFIRMATION OF APPOINTMENT AT THE END OF AN INITIAL PROBATIONARY PERIOD

- (a) The following procedure shall be followed in relation to any appointment of a member of the Academic Staff ("the Member Concerned") to a position in the College ("the Position") that is subject to confirmation at the end of an initial probationary period.
- (b) The Council shall designate, in the case of each such appointment, a Fellow (or the President if appropriate) for the purpose of this Ordinance ("the "Reviewing Officer"). The Reviewing Officer

will be an appropriate person who is in a position to assess the performance of the Member Concerned and will usually, but not necessarily, be the line manager of the Member Concerned.

- (c) During the initial probationary period, the Reviewing Officer shall conduct such inquiries (which shall include discussion with the Member Concerned) as they may consider appropriate to assess the performance in the Position of the Member Concerned and shall keep a note of the outcome of those inquiries. The Reviewing Officer shall, during that period, give such help, guidance and warnings as they may consider appropriate to assist the Member Concerned to succeed in the Position.
- (d) Examples of areas to be assessed include, as appropriate:
 - (i) completion of all teaching and supervision responsibilities, including reports, within the timescales stipulated by the College;
 - (ii) performance of any other academic and administrative duties and responsibilities as prescribed by the College;
 - (iii) attendance at Governing Body meetings;
 - (iv) attendance at other College Committees (if relevant);
 - (v) compliance with the College's policies and procedures.
- (e) Not later than two months before the end of the initial probationary period, the Reviewing Officer shall meet the Member Concerned for discussion to enable the Reviewing Officer to decide whether
 - (i) to confirm the appointment of the Member Concerned at the end of the initial probationary period; or
 - (ii) to extend the initial probationary period; or
 - (iii) to give the Member Concerned notice of dismissal from the end of the initial probationary period;

and shall write to the Member Concerned stating the decision and the reasons for it.
- (f) If it would be inappropriate for the Reviewing Officer to make the decision under paragraph (e) above (for instance because a conflict has arisen), or the Reviewing Officer is otherwise unable to act, the President will consider the matter and, if required, ask the Council to appoint a Fellow from the Standing Committee in Ordinance E.2 and references to "the Reviewing Officer" in this Ordinance shall include that person.
- (h) Not later than fourteen days from the date of any letter from the Reviewing Officer giving notice of dismissal or removal, the Member Concerned may give to the President notice of appeal, setting out the grounds of appeal, to a Probation Appeal Committee which shall consist of three Fellows of the College appointed by the Council in accordance with Ordinance E.2. The Reviewing Officer shall send to the Chair of the Probation Review Committee the notes kept during the course of the initial probationary period and all correspondence with the Member Concerned.
- (i) The appeal shall then be heard and determined as expeditiously as is reasonably practicable by the Probation Review Committee who may uphold the decision of the Reviewing Officer or

substitute for the decision of the Reviewing Officer any decision that the Reviewing Officer might have made. The decision of the Probation Review Committee in the matter shall be final.

- (j) An initial probationary period shall not be extended more than once, and shall not be extended so that the whole period amounts to one year or more, without the consent of the Council.
- (k) If the Member Concerned submits a grievance during their probationary period, the President shall decide whether, in the circumstances of the particular case, the grievance should be considered in accordance with Ordinance E.9 before or after the probation process is complete or whether the issues raised in the grievance should be considered as part of the probation process set out in Ordinance E.6. The Member Concerned is not permitted to submit a grievance in relation to decisions made under paragraphs (e) or (h) of Ordinance E.6.

E.7. PROCEDURE FOR DISMISSAL ON OTHER GROUNDS

- (a) If it appears to the President, after receiving a complaint or otherwise, that there are grounds for believing that a member of the Academic Staff ("the Member Concerned") should be dismissed for some substantial reason other than the reasons which are addressed in other Ordinances, then the President may determine that the matter should be considered by a Special Dismissals Committee.
- (b) Where the President has so determined, then
 - (i) the President shall report that fact to the next following meeting of the Council, who shall appoint and instruct a suitable person ("the Presenting Officer") to investigate or appoint an investigator, formulate the matter and to present it, or arrange for its presentation, before a Special Dismissals Committee; and
 - (ii) a Special Dismissals Committee shall be selected to hear and determine the matter.
- (c) A Special Dismissals Committee shall consist of three persons (being Fellows of the College or other persons being members of the Regent House of the University) selected by the Council from a standing Committee of persons appointed annually in accordance with Ordinance E.2.
- (d) The procedure to be followed in relation to a matter before a Special Dismissals Committee (including the procedure for appeal) shall be the same as that in relation to a matter before a Disciplinary Committee.
- (e) If the Committee decide to dismiss without notice, the College shall make a payment to the Member Concerned which is equivalent to the amount which would have been paid to the Member Concerned if they had worked during the notice period.
- (f) After hearing the views of the Member Concerned and the Presenting Officer, a Special Dismissals Committee may resolve to constitute themselves as a Disciplinary Committee, provided that they are satisfied that that course is consistent with a just and fair process, and in particular that the Charge for the disciplinary procedure is clearly specified and is fairly related to the matter before the Special Dismissals Committee.

E.8. PROCEDURE FOR REMOVAL FROM A SECONDARY POSITION

- (a) This Ordinance applies where the President is of the opinion that a member of the Academic Staff ("the Member Concerned") should be removed from a secondary position before its prescribed or normal termination date, but is not aware of any grounds that would justify proceedings for dismissal from a primary position held by the Member Concerned.
- (b) The President shall discuss the reasons for that opinion with the Member Concerned. If, after that discussion, the President remains of the same opinion, then they shall ask the Council to constitute a Committee of three Fellows appointed in accordance with Ordinance E.2 to consider the matter and to report. Before reporting, the Committee shall give the Member Concerned a fair opportunity to show why they should not be removed from the secondary position before its prescribed or normal termination date. The Committee's review of the President's decision shall constitute an appeal.
- (c) The report of the Committee shall be communicated to the Member Concerned for comment by a specified date, and shall then be communicated, with the comments (if any) of the Member Concerned, to the Council, whose decision in the matter shall be final.

E.9. GRIEVANCES

- (a) If a member of the Academic Staff ("the Member Concerned") has a grievance then they should seek to resolve it informally through discussion with the appropriate College officer or other authority in the College. If such action does not suffice to resolve the grievance, or if, in the circumstances of the case, it is not reasonable to expect another course to be followed first, the Member Concerned may refer the grievance to the President.
- (b) If the grievance concerns the President, the Member Concerned should refer their grievance to the Vice-President or to the next most senior fellow who is not concerned in the grievance. References in this Ordinance to the President include the Vice-President or next most senior Fellow in such circumstances.
- (c) When a grievance has been so referred, the President shall seek to resolve the matter promptly and fairly after meeting with the Member Concerned. The President may seek the advice of the Council regarding the grievance.
- (d) The President shall rule inadmissible any complaint judged
 - (i) not to be one concerning a position in the College held by the Member Concerned; or
 - (ii) not to be one relating to matters affecting the Member Concerned as an individual or their personal dealings or relationships with other staff of the College; or
 - (iii) to be one for which express provision is made elsewhere in the Statutes.
- (e) In particular, if the President considers that the complaint should be dealt with in accordance with the disciplinary procedures of the College, of whatever sort and whether or not those procedures should be invoked in relation to the complainant or any other person, they shall rule the grievance inadmissible.
- (f) If the President considers that a complaint is trivial or vexatious they shall declare it to be so and dismiss it summarily or take no action upon it.

- (g) The President may defer the consideration of a grievance pending the completion of other proceedings under the Statutes, including disciplinary proceedings of whatever sort, relevant to the grievance which are pending or in progress.
- (i) If the Member Concerned remains dissatisfied after consideration of the grievance under paragraph (c) above, they may ask that it be referred to a Grievance Committee and this referral constitutes an appeal. A Grievance Committee comprising three Fellows appointed in accordance with Ordinance E.2 shall thereupon be appointed by the Council who shall seek to resolve the matter. A grievance that has been referred to a Grievance Committee shall not be disposed of without an oral hearing at which the aggrieved person and any person against whom the grievance lies shall have the right to be heard and to be accompanied by a friend or representative to give evidence, call witnesses, question any witnesses and to address the Grievance Committee.
- (j) The Grievance Committee shall make a decision on the grievance. The Committee's decision shall be final and notified to the Member Concerned. There shall be no further right of appeal.

E.10. PROCEDURE FOR THE REMOVAL OF THE PRESIDENT FROM OFFICE

- (a) This Ordinance shall apply in place of Ordinances E.3 to E.8 in the case of the President.
- (b) Any three members of the Governing Body may make a complaint to the Vice-President seeking the removal of the President from office for good cause. The Vice-President shall refer such a complaint to the Governing Body, exclusive of the President and the members making the complaint. If it appears to the Governing Body that the complaint does not raise a prima facie case, or that it is trivial or unjustified, it may determine that no further action shall be taken upon it.
- (c) If it appears to the Governing Body, on material presented, that the complaint raises a prima facie case which could, if proved, constitute good cause for the dismissal or removal of the President from office, it shall appoint a Tribunal to hear and determine the matter. A Tribunal appointed by the Governing Body shall consist of three persons who are not Fellows of the College and are not employed by the College, as follows:
 - (i) one person who holds, or has held, judicial office, or who is a barrister or solicitor of at least ten years' standing, who shall be the Chair; and
 - (ii) two other persons, being members of the Regent House, appointed by the Governing Body after such consultation by the Vice-President as may be appropriate with the University of Cambridge to identify appropriate persons.
- (d) A complaint referred to the Tribunal shall be dealt with in accordance with the procedure in Ordinance E.4 provided that the Vice-President shall perform any duty and exercise any power there assigned to the President, and that for the purposes of this Statute references in those sections to a Disciplinary Committee shall be construed as referring to the Tribunal.
- (e) The Tribunal shall send its decision on the complaint, together with its findings of fact and the reasons for its decision, to the President and the Vice-President.
- (f) If the Tribunal finds that the complaint constitutes good cause for dismissal, the Vice-President, after consulting the Governing Body, may dismiss the President.

- (g) The President may institute an appeal against dismissal by serving on the Vice-President a written notice setting out the grounds of the appeal. A notice of appeal shall be served within twenty-eight days of the date on which the notice of dismissal was sent to the President, provided that the person appointed to hear an appeal shall have power to hear an appeal commenced after that date if they consider that justice and fairness so require in the circumstances of the case.
- (h) An appeal commenced under paragraph (g) above shall be heard in accordance with the provisions of Ordinance E.4 provided that the next most senior Fellow after the Vice-President shall perform any duty and exercise any power there assigned to the President, and the appeal shall be heard by an Appeal Tribunal constituted in accordance with paragraph (c) of this Ordinance.
- (i) For the purpose of the removal of the President for incapacity on medical grounds, the provisions of Ordinance E.5 shall have effect provided that the Vice-President or the next most senior Fellow shall perform any duty or exercise any power there assigned to the President as in paragraph (h) above.
- (j) For the purposes of this Statute, references to the Vice-President shall, if the Vice-President is not in residence, or is incapacitated by illness or otherwise, be construed as referring to the next senior Fellow in residence.

F. THE MEMBERS

F.1. THE COLLEGE ROLL AND ALUMNI ASSOCIATION

a) The College Roll

A record shall be kept of all former Fellows, members, and students who have obtained degrees or other qualifications of the University of Cambridge. Such record shall be called the Lucy Cavendish College Roll.

b) The Alumni Association

- i) The Alumni Association shall consist of all those whose names appear on the College Roll. Membership of the Alumni Association in cases where a student leaves the College without obtaining a degree or other qualification may be granted at the discretion of the President and Tutors. The Governing Body shall have power to remove any member from the Alumni Association.
- ii) The privileges for all Alumni Association members shall be such as the Governing Body shall from time to time determine; College facilities are primarily for those Fellows, graduate members and student members currently working within the College

F.2. CAPABILITY TO STUDY

- a) The Governing Body shall approve, and keep under review, a Policy to Support and Assess Capability to Study which is to set out the College procedures where there are concerns about the capability to study of one of its students.
- b) The Policy to Support and Assess Capability to Study shall specify the person or body authorised by the Governing Body to take any formal action on behalf of the College and the person or body authorised to determine any appeal against such action.

F.3. DUTIES OF COLLEGE MEMBERS CONCERNING FREEDOM OF SPEECH

- a) No member of the College shall intentionally or recklessly disrupt or impede or attempt to disrupt or impede the activities and functions of the College or any part thereof.
- b) No member of the College shall intentionally or recklessly impede freedom of speech or lawful assembly within the precincts of the College. No member of the College shall intentionally or recklessly fail to give any notice which is required to be given to a College officer or a College authority under the terms of the Code of Practice issued under the provisions of Section 43 of the Education (No. 2) Act 1986.
- c) All members of the College shall comply with any instruction given by a College officer, or by any University officer or other person authorised to act on behalf of the College, in the proper discharge of their duties.
- d) All members of the College shall state their names when asked by the Senior Tutor or other person in authority in the College.

F.4. DISCIPLINARY PROCEDURES RELATING TO MISCONDUCT OF MEMBERS IN STATU PUPILLARI

- a) The Governing Body shall approve, and keep under review, rules of behaviour for students and a Student Disciplinary Procedure which is to set out the College procedures where there are concerns about whether a student has breached the Rules of behaviour
- b) The Student Disciplinary Procedure shall specify the person or body authorised by the Governing Body to take any formal action on behalf of the College and the person or body authorised to determine any appeal against such action.

F.5. PROCEDURES RELATING TO NON-PAYMENT OF UNIVERSITY OR COLLEGE ACCOUNTS

- a) The Governing Body shall approve, and keep under review, procedures relating to the non-payment of University or College accounts where there are concerns about the non-payment of accounts of one of its students.
- b) The procedure relating to non-payment of University or College accounts shall specify the person or body authorised by the Governing Body to take any formal action on behalf of the College and the person or body authorised to determine any appeal against such action.

F.6. ACADEMIC DILIGENCE AND PROGRESS

- a) The Governing Body shall approve, and keep under review, a policy to Support and Assess Academic Diligence and Progress which is to set out the College procedures where there are concerns about the academic diligence of one of its students.
- b) The Policy to Support and Assess Academic Diligence shall specify the person or body authorised by the Governing Body to take any formal action on behalf of the College and the person or body authorised to determine any appeal against such action.
- c) Where a student fails any University or other examinations (including professional examinations) the College may follow University procedures and submit an application to the EAMC
- d) The Policy to Support and Assess Academic Diligence and Progress shall determine whether or not a student continues with their studies.

F.7. STUDENT COMPLAINTS

- a) The Governing Body shall approve, and keep under review, a Student Complaints Policy which is to set out the College procedures for a student to make a Complaint about College teaching, services, facilities or a staff member (excluding harassment by the latter).
- b) The Student Complaints Policy shall specify the person or body authorised by the Governing Body to take any formal action on behalf of the College and the person or body authorised to determine any appeal against such action.

H. MISCELLANEOUS

As from the date that the Governing Body determines that this Ordinance comes into force (20 March 2019), the Regulations and Sub-Regulations of the Approved Foundation known as Lucy Cavendish College shall be repealed in their entirety.

End

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