

**ST. JOHN BAPTIST COLLEGE**  
**OXFORD**

**THE COLLEGE BY-LAWS**

Revised to 3 March 2020

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**AMENDMENTS**

This edition of the By-Laws includes amendments approved by the Governing Body as follows. In some cases the date shown is that of the substantive decision and the formal changes to the By-Laws were made somewhat later.

20 February 1985	By-Law VII (Finance and Investment Officers) deleted
1 May 1985	By-Law XV, Clause 1, amended
24 June 1985	By-Law XII, Clause 3, inserted By-Law XV, Clause 1, amended
18 February 1987	By-Law XXVI, Clause 1, amended
23 June 1987	By-Laws VI, VIII, IX, XXXI inserted By-Law III, XI, XII, XV-XXIV, XXVI, XXVIII amended
2 December 1987	By-Law XII, Clause 4, inserted By-Law XV, Clause 1, amended
15 February 1989	By-Law XXIII (Decanal Policy Committee) inserted
24 May 1989	By-Law XV (Committees), Clause 4, inserted
29 November 1989	By-Law XXXIII (Honorary Fellows, now XXXIV) inserted
24 June 1997	By-Laws III, IV, V, VI, VIII, IX, XVIII, XX, XXI (Bursary) revised By-Law XXV (Health & Safety Committee) inserted
10 March 1999	By-Laws XXXV-XXXIX (Academic Staff) inserted
12 January 2011	By-Law XIX (Emoluments Committee) revised
30 November 2011	By-Laws XL (Presidency) and XLI (EJRA) inserted

28 May 2014	By-Laws III, XVIII (Clause 2) amended
24 June 2014	By-Laws XV-XXV (Committees) revised. The obsolete By-Laws XXII (Disciplinary Committee) and XXIV (Committee on Committees) replaced by new By-Laws on Academic Services Committee and Research Committee
12 November 2014	By-Law XIX (Remuneration Committee), Clause 1, amended
3 December 2014	By-Law XXVI (Leave of Absence) retitled and revised
18 February 2015	By-Law XXXIII (Visiting Research Fellows) replaced by a new By-Law on Classes of Fellows
27 May 2015	By-Law XXXI (Visiting Scholars) deleted By-Laws XXIV (Research Committee) and XXX (Clause 2) amended
15 February 2017	By-Law XII (College Offices) Clause 1 updated By-Laws VI, XV, XVII, XXII: minor amendments
19 July 2017	By-Laws XIII, XXIX amended (decisions taken by GB on 9 March 2016 and 15 February 2017)
7 March 2018	By-Law XLI (EJRA) replaced. By-Laws XXXV, XXXVI, XXXVII, XXXVIII, XXXIX: minor Amendments
19 February 2020	By-Law II (Vice-President) Clause 3 added By-Laws XVII, XXII, XL, XLI: minor amendments

**BY-LAW I - THE EXECUTIVE COUNCIL**

(If it is set up as provided for in Statute II.2)

1. The President and the Vice-President together with the Bursar and the Senior Tutor being Fellows of the College shall be ex-officio members of the Executive Council. The elected members of the Executive Council shall not be less than eight or more than twelve in number, and no person shall be eligible who is not a Fellow of the College. Each elected member shall retain his or her membership for a period which shall be determined by the Governing Body at the time of his or her election, but this period shall in no case exceed the period for which the member's current tenure of his or her Fellowship is due to run. Every elected member of the Executive Council shall, on the expiry of his or her membership by lapse of time, be capable of re-election, provided that the number of elected members is not thereby made to exceed twelve and that the member is still a Fellow of the College. Every elected member of the Executive Council shall cease to be a member on ceasing to hold his or her Fellowship. Honorary Fellows and Fellows on probation shall not be members of the Executive Council.

2. The Executive Council shall have authority to act for and on behalf of the Governing Body in all matters connected with the maintenance and administration of the College, its buildings and estates; provided (i) that it shall not elect to the Presidency of the College or to any Fellowship, Scholarship or Exhibition; (ii) that it shall not authorise the alienation, by sale or otherwise, of any real property of the College; (iii) that it shall not make or alter any By-law of the College; and (iv) that it shall not exercise the rights of Patronage vested in the Governing Body.

3. The Executive Council shall be created on a date which the Governing Body may fix by resolution at any Stated General Meeting, of the business to be transacted at which due notice has been given; and the Governing Body may, by resolution passed at any Stated General Meeting after similar notice, abolish the Executive Council.

**BY-LAW II - THE VICE-PRESIDENT**

(Stat.V.5)

1. It shall be the duty of the Vice-President to do, if the President is absent, all the acts which the President is required to do, and in particular, in the absence of the President, to preside whenever possible at the Common Dinner of the College.

2. The most senior Fellow should preside at the Common Dinner of the College in the absence of both the President and the Vice-President. The Vice-President or the senior Fellow presiding shall on any occasion when he or she is so presiding be entitled to wine and dessert in Common Room free of charge.

3. The Governing Body has the authority to elect more than one Vice-President. In that event, the Governing Body shall determine the division of the duties of the Vice-President between two or more Vice-Presidents.

**BY-LAW III - THE BURSAR**

(Stat.V.II)

1. It shall be the duty of the Bursar or, if there is more than one Bursar, the Principal Bursar, under the direction of the Governing Body and its Committees and with the assistance of the College's agents and advisers, to manage the real and personal property of the College; to receive all payments due to it and to make all duly authorised payments on its behalf; to supervise the staff of the College and the maintenance of its buildings; and to keep a full and accurate account of receipts and expenditure, which shall at all times be open to the inspection of the President and Fellows, or to any of them. The Bursar shall assist the Governing Body in any visitation of the College Estates which it may order from time to time; and shall inspect the condition of the Estates and of the buildings thereon when required by the Governing Body to do so, or when the Bursar shall deem it expedient.
2. The Bursar shall depute no person to act in any of the above-mentioned capacities without the express leave of the Governing Body.
3. The Bursar is authorised to expend, without the consent of the Estates Committee, a sum not exceeding £20,000 on any item of repair or improvement. It shall be the Bursar's duty to report from time to time to the Estates Committee all expenditure incurred on repairs or improvements.
4. A Deputy Bursar shall be appointed by the Governing Body and shall have authority to exercise the functions of the Bursar during the Bursar's absence or incapacity.
5. The Bursar will co-ordinate the work of the Fellows and College Officers concerned with Bursarial administration. The Bursar will be responsible to the Governing Body for the administration of the College finances, estates and domestic affairs in accordance with the policies laid down by the Governing Body, and will advise the Governing Body on all matters connected with investment and management of its financial resources and properties.

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**BY-LAW IV - ESTATES BURSAR**

The Estates Bursar will: be responsible for advising the Bursar and the Estates Committee on the property investment policy of the College and on the advisability of purchases and sales of property of all designations; supervise the work of the College's agents in administering the College's properties, and act as a link between the College and its tenants.

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**BY-LAW V - ESTABLISHMENT BURSAR**

The Establishment Bursar will: be responsible for supervising the maintenance of domestic facilities in the College and adjacent houses especially with regard to services such

as heating and lighting and mechanical and electrical equipment; advise on the efficient use of the Estates Yard staff and the maintenance and repair of the College buildings and the North Oxford estate and have a special responsibility for works budgets and their presentation to the Estates Committee.

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### **BY-LAW VI - DOMESTIC BURSAR**

The Domestic Bursar will: be responsible for work conditions, housing, personal problems, and complaints of all Domestic staff, including Porters; supervise arrangements for Conferences, residence of Junior Members during vacations and Schools' Dinners; supervise assignment of accommodation of Junior Members, including graduate flats; be responsible for relations with Junior Members in such matters as quality of food and entertainment.

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### **BY-LAW VII - FINANCE AND INVESTMENT OFFICERS**

deleted

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### **BY-LAW VIII - FINANCE BURSAR**

The Finance Bursar will: be responsible for supervising and controlling the work of the accounting staff of the Bursary, and for producing the statutory accounts as well as other accounts in forms best suited to the needs of the College; establish and put into effective operation routines for the control of College expenditure in all departments; draw up budgets, and supervise their operation; supervise the College's tendering arrangements; supervise the collection of income from all sources; produce statements of income and expenditure at sufficient frequency to make possible the detection and control of any untoward developments; monitor the performance of investments of all kinds including short-term moneys and suggest improvements; have authority to instruct the College's Fund Managers and Bank in order to implement decisions of the Investment Sub-Committee; advise the Principal Bursar and Finance Committee on the balance of capital and income; be responsible for accounting and operating the system of pensions of Fellows and Staff; also for BUPA, Fellows' mortgages, and the regular payment of stipends, salaries and wages, and for tax returns.

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**BY-LAW IX - INVESTMENT OFFICER**

The Investment Officer will: be responsible for advising the Principal Bursar, the Investment Sub-Committee and the Finance Committee on financial policy and for ensuring that the College stockbrokers carry out this policy in the purchase and sale of stocks; be responsible for issuing instructions to the College stockbrokers for such purchases and sales, and for the placing of short-term moneys with institutions on a list agreed by the Governing Body on the recommendation of the Finance Committee; advise the Estates Committee on opportunities for investment in the property market. At such intervals as the Investment Officer or the Bursar may feel appropriate, the Investment Officer will provide Governing Body with an overall survey of the College's investment strategy.

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**BY-LAW X - THE DEANS**

(Stat.V.7)

1. It shall be the duty of the Deans of Arts to supervise the discipline of junior members of the College and to promote the welfare of junior members and their good relations with the President and Fellows.
2. There shall also be a Dean of Degrees, whose duties shall be to present candidates for degrees and to conduct the necessary correspondence. The Dean of Degrees shall also present candidates for matriculation. He or she may depute these duties to another Fellow of the College.

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**BY-LAW XI - THE ASSISTANT AUDITOR**

Each year the Governing Body shall normally appoint the Vice-President to act as Assistant Auditor. The Assistant Auditor shall hold office for one year and shall be eligible for re-election. It shall be the duty of the Assistant Auditor to examine the accounts of the College for the year ending on the thirty-first day of July before his or her appointment.

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**BY-LAW XII - COLLEGE OFFICES**

(Stat.V.2)

1. As at Michaelmas Term 2016 the following College Offices were also in existence:

Senior Tutor  
Fellow for Graduates  
Tutor for Women

Fellow Librarian  
Prevent Coordinator  
Data Protection Officer

Fellow for Research	Information Reviewer
Dean of Degrees	Assistant Dean of Degrees
Fellow for Equality	Keeper of the Groves
Keeper of the Archives	Keeper of Bagley Wood
Secretary to the Governing Body	Keeper of the College Pictures
Keeper of the College Silver	Keeper of the Laudian Vestments
Pinkernes	IT Fellow
Steward of High Table	Safety Officer
Statutes Officer	Sports Officer
Music & Visual Arts Officer	

2. The annual stipends of all College Officers shall be determined from time to time by the Governing Body. New appointments to College Offices shall commence from 1 September each year.

3. That appointments to College Offices should be for a definite period, normally five years, but subject to renewal.

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### **BY-LAW XIII - STATED GENERAL MEETINGS OF THE GOVERNING BODY**

(Stat.XVII.5)

The Stated General Meetings of the Governing Body shall be held on, or as nearly as conveniently may be to, (i) the Tuesday before the beginning of Michaelmas Full Term; (ii) the Wednesday of the fifth week of Michaelmas Full Term; (iii) the Wednesday before the beginning of Hilary Full Term; (iv) the Wednesday before the beginning of Trinity Full Term; and (v) the Feast of St. John Baptist. Any Stated General Meeting may be adjourned to a date fixed at the time of such adjournment, or to a date to be determined and announced by the President, being a date not more than two weeks after the date of the Stated Meeting concerned. The agenda for the meeting shall suffice as the notice in writing.

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**BY-LAW XIV - NOTICE BEFORE MEETINGS OF THE GOVERNING BODY**

(Stat.XVII.4)

Except in cases where longer notice is required by Statute, notice shall be sent in writing to every member of the Governing Body of the business to be transacted at every meeting of the Governing Body, at least four clear days before such meeting is held. The agenda for the meeting shall suffice as the notice in writing.

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**BY-LAW XV - COMMITTEES**

1. The President, or in his or her absence the Vice-President, shall chair all Committees of the Governing Body, except as otherwise specified in these By-Laws.
2. The election of members of Committees for which provision is made in the By-laws shall be made annually at a Stated General Meeting held in Trinity Term.
3. Where it has been resolved by the Governing Body that representatives of junior members shall be members of a Committee of the Governing Body, they shall not be present for the discussion of items of the agenda concerning individual members of the College or University, or of the staff of the College, or for other matters of a personal and confidential nature.
4. A number of places on certain committees (two each on the Educational Policy and Domestic Committees) is reserved for Fellows without membership of Governing Body, Stipendiary College Lecturers whose appointment runs for three years or longer, and Junior Research Fellows.
5. The Governing Body may, if it thinks fit, appoint any other person to be an additional member of any committee.
6. The Standing Committees approved by the Governing Body as at Trinity Term 2016 are listed below and the College Officer or other Fellow denoted acts as Secretary of the Committee:

Estates (Estates Bursar)  
 Finance (Bursar)  
 Educational Policy (Senior Tutor)  
 Domestic (Domestic Bursar)  
 Chapel & Patronage (Chaplain)

Academic Services (Fellow Librarian)  
 Remuneration (Bursar)  
 General Purposes (Vice-President)  
 Fellows Housing  
 Development & Alumni Relations

Decanal Policy (Senior Dean)	(Fellow for Development)
Entertainments (Steward of Common Room)	Equality (Equality Officer)
Promotion of the Arts	Research (Fellow for Research)
Statutes (Statutes Officer)	Health & Safety (Safety Officer)
Student Hardship (Senior Dean)	

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## BY-LAW XVI - CHAPEL & PATRONAGE COMMITTEE

(Stat.XII.1)

There shall be a Chapel & Patronage Committee whose members shall usually include the President, the Chaplain (who shall be secretary of the Committee) and three other members. It shall be responsible to the Governing Body for all matters with regard to the use and day-to-day maintenance of the College Chapel and the exercise of the patronage of the College.

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## BY-LAW XVII - EDUCATIONAL POLICY COMMITTEE

1. There shall be an Educational Policy Committee whose members shall usually include the President, the Vice-President, the Bursar, the Senior Tutor (who shall be secretary of the Committee), and five Fellows who are Tutors. One Junior Research Fellow shall also be a member of the Committee and the Agenda shall be divided into 'A' and 'B' and the representatives of the M.C.R. and J.C.R. shall be present for those items of Agenda 'A'.
2. It shall be the business of this Committee to
  - (a) Keep under review the academic policy of the College and advise the President and Governing Body on the academic implications of matters referred to it.

- (b) Consider and advise on academic policy, general teaching needs, admissions policy, and elections to academic posts.
  - (c) Monitor academic standards in College, to include the academic performance of students and the consideration of student feedback.
  - (d) Make recommendations to the Governing Body on all matters affecting Scholarships, Special Grants and the Academic Grant, on the tenure and renewal of Scholarships and the making of Special and Academic Grants, and on the maintenance and administration of Trust Funds, other than the Rustat and James Funds, established for the benefit of junior members of the College.
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### **BY-LAW XVIII - ESTATES COMMITTEE**

(Stat.XIX.4)

1. The Estates Committee members shall usually include the President, the Bursar, the Estates Bursar (who shall be secretary of the Committee), the Finance Bursar, the Establishment Bursar, the Keeper of the Groves, the Keeper of Bagley Wood and five other Fellows of the College.
  2. The Estates Committee shall supervise the management of the College estates and gardens, and shall report on all proposals for capital and other expenditure on College property before these are considered by the Governing Body. The Estates Committee shall have power to authorise expenditure on any item of repair or improvement not exceeding £60,000; such expenditure shall be reported to the Governing Body.
  3. It shall also be the business of the Estates Committee to make recommendations to the Governing Body on matters affecting the structure and external repair of college buildings.
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### **BY-LAW XIX - REMUNERATION COMMITTEE**

(Stat.IV.4)

1. There shall be a Remuneration Committee the members of which shall consist of five persons external to the College (not being the President, members of Governing Body in any category or other employees of the College). The President, the Principal Bursar (who shall be secretary of the committee) and the Finance Bursar shall be entitled to attend all meetings and address the committee but not to vote. One of the members of the Committee shall be appointed to act as Chair for the Committee. Members of the Committee shall be appointed for a maximum period of five years. Anyone who has completed such a period may not be reappointed until after a further period of three years.

2. It shall be the business of this Committee to determine, subject to the provisions of the statutes, the stipends and allowances of the President, College Officers, Fellows and Lecturers. In receiving the recommendations of this Committee, the Governing Body may choose to accept recommendations without modification or, subject to information about the financial circumstances of the College or other good cause, to determine levels of stipends and allowances lower than those recommended by the Committee.

#### **BY-LAW XX - FINANCE COMMITTEE**

There shall be a Finance Committee whose members shall usually include the President, the Bursar (who shall be secretary of the committee), the Estates Bursar, the Finance Bursar, the Investment Officer, a Fellow (normally an Honorary Fellow) external to the Governing Body of the College, and five other Fellows. It shall keep the financial position of the College under review, manage the activities of the Finance Bursar and the Finance Office, and report to the Governing Body in the fifth week of each term or at the next available Stated General Meeting of the Governing Body.

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#### **BY-LAW XXI - DOMESTIC COMMITTEE**

1. There shall be a Domestic Committee whose members shall usually include the President, the Bursar, the Domestic Bursar (who shall be secretary of the committee), the Establishment Bursar, the Senior Dean, and four other Fellows including at least two Fellows who are not members of the Governing Body. A representative of each of the M.C.R. and J.C.R. shall also be members of the committee and the Agenda shall be divided into 'A' and 'B' and representatives of the M.C.R. and J.C.R. shall be present for those items on Agenda 'A' only.

2. The Committee shall consider all questions relating to the internal economy of the College as a community; consider issues affecting the conditions of service of the domestic staff; make recommendations to the Governing Body on the internal repair, and use of the College buildings, and oversee the security of the College and its members.

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#### **BY-LAW XXII – ACADEMIC SERVICES COMMITTEE**

1. There shall be an Academic Services Committee whose members shall usually include the President, the Bursar, the Senior Tutor, the Fellow Librarian, the Keeper of the Archives, and the IT Fellow. Representatives of each of the M.C.R. and J.C.R. shall also be members of the committee and the Agenda shall be divided into 'A' and 'B' and representatives of the M.C.R. and J.C.R. shall be present for those items on Agenda 'A' only.
2. The Committee shall consider matters relating to the provision and co-ordination of all academic services in the College, including the Library, Archives, IT facilities and the Web; and shall provide advice and guidance to the President and the Governing Body on matters relating to the provision of academic services in the College.

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### **BY-LAW XXIII - DECANAL POLICY COMMITTEE**

There shall be a Decanal Policy Committee, which normally meets once a term to consider questions of policy in the areas of activity with which the Deans of Arts of the College are concerned.

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### **BY-LAW XXIV – RESEARCH COMMITTEE**

There shall be a Research Committee which shall provide advice on, and periodically review, the College's research strategy and priorities; recommend for approval small research grants; recommend external reviewers for larger research grants, and taking account of the reviews, make recommendations for their funding; consider applications for the support of research activities including seminars, workshops, public lectures and where appropriate, research infrastructure; administer, monitor and keep under review the College's Research and Visiting Associates schemes; and monitor the outputs detailed in end of grant reports.

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### **BY-LAW XXV - HEALTH AND SAFETY COMMITTEE**

There shall be a Health and Safety Committee whose members shall usually include the President, the Bursar, the Establishment Bursar, the Domestic Bursar and the Safety Officer. The Committee will be responsible for keeping health and safety matters under review.

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### **BY-LAW XXVI – LEAVE FROM DUTIES OF OFFICIAL FELLOWS**

#### **Sabbatical leave**

1. So far as the educational requirements of the College shall permit, the Governing Body shall grant to every Official Fellow who shall have applied for it one term of sabbatical

leave from the duties of the associated office for every six terms of completed service. A Fellow may not accumulate qualification for sabbatical leave of more than three terms' leave and periods of service occurring after qualification for three terms leave has been accumulated and before any leave is taken are to be disregarded for the purpose of any subsequent calculation of qualification for leave.

In counting terms of completed service, any terms of sabbatical leave shall be excluded.

2. All applications for sabbatical leave shall state the purpose of the leave and be made in writing to the President not later than one week before the second meeting of the Educational Policy Committee two terms preceding the term for which leave is required. The Fellow concerned will be responsible, after consultation with his or her colleagues, for providing the Senior Tutor with details of proposed alternative teaching arrangements for submission to the Educational Policy Committee. Where a Fellow is the only Tutor in the subject he or she should also inform the Senior Tutor which Fellow in the College will be responsible for looking after his or her students during the leave period. The Committee shall consider the applications and make recommendations to the Governing Body accordingly.

3. During his or her sabbatical leave each Fellow shall be entitled to receive his or her full stipend and allowances as a Fellow.

### **Special Leave or Reduced Teaching**

4. The Governing Body may grant to an Official Fellow a period of full or partial leave from duties when such leave or reduction in teaching shall be deemed necessary to his or her work.

5. So far as the educational requirements of the College shall permit, the Governing Body shall grant to every Official Fellow who shall have applied for it a period of reduced teaching normally only after the completion of ten years' service. A Fellow shall be entitled to only one period of reduced teaching under this provision during the course of his or her Fellowship.

Any term of reduced teaching under this provision shall be counted as a half term of completed service for the purposes of By-Law XXV1.1.

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## **BY-LAW XXVII - ROOMS OF FELLOWS**

(Stat.XVIII.1)

1. The College shall provide a furnished room for every Official Fellow, and may provide such a room for any other Fellow. All rooms in College provided for Fellows shall be provided without charge, and shall be supplied with heating and lighting free of charge.

2. During a Fellow's absence from Oxford his or her room may in accordance with By-law XX.5 (ii) be allocated to other College purposes.

**BY-LAW XXVIII - NOTIFICATION OF CHARGES TO PARENTS AND  
GUARDIANS**

(Stat.XIX.1)

The Bursar shall cause to be prepared a leaflet setting out the College's authorized charges and copies shall be sent to all junior members upon their admission to the College<sup>29</sup> and, on application, to their parents or guardians.

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**BY LAW XXIX - CONSIDERATION OF ACCOUNTS**

(Stat.XVI.5)

The College accounts for the year ending on the preceding thirty-first day of July shall be considered at the Stated General Meeting held on or about the Wednesday of the fifth week of Michaelmas Full Term or at any adjournment of that meeting.

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**BY LAW XXX - ADMISSION OF FELLOWS AND SCHOLARS**

(Stat.IV.1)

1. As soon as may be convenient, at a Meeting of the Governing Body, the President shall address a newly elected Fellow or a person who becomes a Fellow in virtue of Stat.IV(2) (ii) in the following words:

Tu, A.B., in verum socium collegii Sancti Johannis Baptistae in Oxonia jam electus dabis fidem quod omnia statuta et ordinationes hujus Collegii quatenus personam tuam concernunt inviolabiliter observabis et quantum in te fuerit facies ab aliis observari.

Resp. Do fidem.

The Fellow shall thereupon write his or her name in the Fellows' Admission Book and the President shall hand to him or her a copy of the College Statutes.

2. Scholars of the College shall in the Hilary Term at or following their election sign the Scholars Register and be presented with a copy of the Founder's Letter.

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**BY-LAW XXXI - VISITING SCHOLARS**

Deleted

**BY-LAW XXXII - NON-OFFICIAL FELLOWSHIPS AND COLLEGE FIXED-TERM TEACHING POSTS**

1. The Governing Body at its meeting on 7 March 1984 agreed that if any non-official Fellow's teaching, including any formal joint arrangement with not more than two other colleges, reaches levels normally expected of an Official Fellow in such a subject, provided that the teaching of St. John's pupils is at least half the normal stint of an Official Fellow, his or her case should be considered by the Educational Policy Committee for recommendation to the Governing Body that he or she be elected to an Official Fellowship.

2. The Governing Body at its meeting on 9 November 1988 agreed that:
  - (i) a holder of a College fixed-term teaching post which it is not intended to renew shall be regarded as eligible for election to a Supernumerary Fellowship only if the post is of at least five years' duration;
  - (ii) a holder of a College fixed-term teaching post which it is not intended to renew shall not be regarded as eligible for membership of Governing Body.

**BY-LAW XXXIII – CLASSES OF FELLOWS (Stat.IV)**

1. The class of Supernumerary Fellows, specified in Statute IV.1(vii), shall include the following categories:
  - a. Supernumerary Fellows,
  - b. Supernumerary Teaching Fellows,
  - c. Career Development Fellows.
2. The class of Emeritus Fellows, specified in Statute IV.11, shall include the following categories:
  - a. Emeritus Fellows,
  - b. Emeritus Research Fellows.

**BY-LAW XXXIV - HONORARY FELLOWS**

The Governing Body declares and resolves that it may, when making any election to an Honorary Fellowship of the College, either assign to that election any such stated period as it shall judge to be appropriate to the election in question, or refrain from assigning any stated period, in which case election shall be deemed to be for the life of the person so elected.

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**BY-LAW XXXV - REDUNDANCY PROCEDURE FOR ACADEMIC STAFF****Stage 1 - Governing Body Meeting (Clause 10(b))**

1.1 In the event that a reduction in academic staff or activity is contemplated for any reason whatsoever, the President shall call a special meeting of the Governing Body to consider and determine upon the matters set out in Clause 10(b) of the Statute.

1.2 If any member is unavoidably unable to attend and reasonably considers that he or she may be personally affected by a decision under Clause 10(b), for example because the Governing Body may be considering deleting a subject altogether, he or she shall be entitled to seek a postponement of the meeting by written notice to the President to be delivered to him or her at least three days prior to the date set for the meeting.

1.3 Prior to the special meeting, the President shall cause a detailed memorandum of information to be prepared on a confidential basis for the Governing Body. The memorandum shall contain all relevant available information including financial and academic matters, setting out in detail the position of the College and the matters to be considered both in favour of and against making any reductions in general terms and in so far as possible without reference at this stage to the position of any individual members of academic staff who may be affected.

1.4 The memorandum shall put all considerations forward fairly and in an even-handed manner and shall not make recommendations for any specific course of action. The memorandum shall evaluate as far as possible the impact of any reduction on the principles established by Clause 1 of the Statute.

1.5 To provide members with an opportunity to consider, and respond to, the memorandum of information, it shall be circulated at least seven days before the relevant meeting of the Governing Body and representations shall be invited. Any representations which are received in the College Office by 12pm on the third day before the day of the meeting shall be circulated to all members of the Governing Body.

1.6 Prior to making any decision under Clause 10(b) the Governing Body shall consider the impact of such a decision on relevant Faculty and subject boards and shall consult with the relevant University bodies. Such consultation may be commenced at any stage by the President (or his or her delegate).

**Stage 2 - Redundancy Procedure - Initial Stage**

2.1 Once a decision has been reached in principle under Clause 10(b) of the Statute, the Governing Body shall appoint a Redundancy Committee ("the Committee") unless it determines that it will carry out the task of handling any redundancies itself.

2.2 Members of the Committee shall be selected in accordance with the provisions of Clause 11 of the Statute. However no members who appear to be personally affected or likely to be so affected shall be chosen. No-one on a fixed-term appointment shall be eligible for selection and no-one to whom the Statute applies shall be eligible for selection unless he or she has been employed by the College for at least two years. The Chair of the Committee shall be expressly so appointed by the Governing Body.

2.3 In the case of potential collective redundancies the Governing Body shall, and in all other cases may, consider and establish appropriate procedures for consultation with representatives of the members of staff potentially affected. Such consultation shall generally be carried out by the Redundancy Committee or, if none is appointed, the Governing Body itself. Such consultation shall be either with a recognised trade union or specially elected "workplace" representatives as defined by any relevant legislation currently in force, and shall commence in good time with a view to reaching agreement in relation to the matters set out in any legislation in force for the time being.

2.4 The Redundancy Committee (or if none is appointed, the Governing Body) shall meet as soon as is reasonably practicable to establish a time-table for consideration of the issues. The Committee shall consider the identification of those who are potentially at risk of redundancy and shall seek to identify any alternatives to redundancy to avoid redundancy and/or to mitigate the effects. It shall also consider, where applicable, selection criteria for the determination of who is to be chosen from among those who are potentially redundant.

2.5 No decision shall be taken upon any of the relevant matters without the Committee's ensuring that there has been full and proper consultation with the affected persons and their representatives. For this purpose, and prior to any decision being made, the Committee shall ensure that each person is afforded an opportunity to meet with members of the Committee (accompanied by a representative if they wish), to be provided with relevant information and to make representations on any aspect of the case.

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

**Stage 3 - Decision to Dismiss**

3.1 Upon receipt of the report and recommendations of the Redundancy Committee a special meeting of the Governing Body shall be convened to consider the matter further.

3.2 Any member whose dismissal on grounds of redundancy is recommended by the Redundancy Committee, shall be permitted at least two weeks between the date of the Committee's report and the special meeting of the Governing Body to prepare and submit any representations he or she considers appropriate to the Governing Body. Any representations which are received in the College Office by 12pm on the third day before the day of the meeting shall be circulated to all members of the Governing Body.

3.3 In addition to submission of written representations, the person concerned shall have the opportunity to make oral representations to the Governing Body at the special meeting prior to any decision being made and shall be entitled to be accompanied and/or represented by a person (who may be a professional and/or trade union representative) of his or her choice.

3.4 The Governing Body may request a member of the Redundancy Committee (where appointed), being the Chair or his or her delegate, to attend the Governing Body formally in that capacity to present the Committee's recommendations and to answer questions from the Governing Body and/or the person or persons concerned. If the Governing Body so determines, the Redundancy Committee may be asked to carry out further consultation with affected members or any other appropriate person.

3.5 No meeting of the Governing Body at which a decision to dismiss under Part II is taken shall be quorate unless at least 50% of those members of the College entitled to attend are present and no vote shall be effective unless at least 50% of those attending vote in favour. Members of the Governing Body who are affected by the Redundancy Committee's decision or who are members of the Committee shall be entitled to Vote.

3.6 Prior to making any decision to dismiss in accordance with recommendations of the Redundancy Committee, the Governing Body shall specifically canvass any alternative employment opportunities or any other means of avoiding a dismissal for redundancy. In addition the Governing Body shall ensure that it has been fully appraised of any USS options which the person affected may be able to exercise in the event of redundancy.

3.7 In the event that the Governing Body accepts the recommendations of the Redundancy Committee and votes to dismiss any member on grounds of redundancy, a written note of the decision of the Governing Body together with a copy of the procedures establishing a right of appeal shall be provided to the person affected and his or her representative. No decision shall be implemented until after any appeal has been determined under Part V.

3.8 If the Governing Body decides upon the dismissal of any member on grounds of redundancy, it shall ensure that provision is made to assist the person concerned with financial and career planning, with reasonable expenses to be met by the College.

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## **BY-LAW XXXVI - DISCIPLINARY PROCEDURE FOR ACADEMIC STAFF**

### **Pre-Dismissal Procedure**

## 1. Informal Stage

1.1 Where it appears to the President 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 other-wise in difficulties], the President 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 or her conduct or performance. The President 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 President or alone. The informal discussion shall not be viewed as a disciplinary act but as an opportunity to explore together any problems that appear to have arisen and consider solutions that may be available. A record of this initial meeting may be kept, provided the member of staff agrees and a copy of any note is made available to him. If the person concerned prefers, the discussion may be kept confidential at this stage.

## 2. Disciplinary Warnings

2.1 In any case where it seems to the President that the performance and/or conduct of a member of academic staff appears not to meet acceptable standards but where the circumstances do not appear to raise *prima facie* grounds for dismissal (for example, after investigation of a complaint submitted to the President under Clause 14(a) which is not to be referred to an Academic Disciplinary Committee), the President 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 or her and an opportunity to respond and until the matter has been properly investigated by or at the behest of the President.

2.2 Prior to the disciplinary meeting, the person concerned shall be provided with written notification of the date and nature of the meeting and the matters to be considered, together with copies of any relevant statements. He or she shall have the opportunity to be accompanied or represented by a colleague or representative from any professional body or trade union of which he or she is a member such as the AUT. The individual shall not normally be permitted legal representation at this stage.

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

### 2.3 (a) Oral Warning

The oral warning is the first stage of the disciplinary procedure. It [shall normally be issued in front of a witness and] shall state clearly that it comprises the first stage of the disciplinary process. The reasons for the warning shall be specified, together with any agreed plan of action for improvement, where applicable. The oral warning shall be recorded in a dated written note, a copy of which shall be provided to the individual. The note shall be kept in the President's office and shall be destroyed after one year.

### 2.3 (b) Written Warning

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

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

## Dismissal Procedure

### 3 Dismissal

In any case before the President, whether on a complaint under Clause 14(a) or otherwise, he or she shall consider all the circumstances of the case including the outcome of any enquiries instituted under Clause 14(b) and any comments from the person concerned invited under Clause 14(c). If, after such consideration, it appears to the President that there are *prima facie* grounds for dismissal for good cause as defined in Clause 5 of the Statute, the President 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 President may suspend the person concerned at this stage in accordance with Clause 14(c).

3.1 Upon receipt of a request under Clause 15 of the Statute from the President, 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 three 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 Committee shall elect one of the three members to act as Chair.

3.2 Subject to the provisions of the Statute and any provision to the contrary in this Bylaw, 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 Chair are present, and in the event of any vote of the Committee which is tied, the Chair 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.

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

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

3.5 The Committee Chair may make any interlocutory directions he or she considers necessary for the fair conduct of the hearing, including but not limited to any directions as to the hearing date(s), whether at the request of either party or otherwise of his or her own motion. The Chair may also remit any matters to the President for further consideration and has power to join further parties to the case if he or she considers it appropriate to do so upon notice to the parties of such joinder. The Chair of the Committee shall set the date, time and place for the hearing and may also set appropriate time limits for each stage (including the hearing), to the intent that any matters be heard and determined expeditiously. If the Chair considers it appropriate in all the circumstances of the case he or she may request the President to consider the suspension of the person charged under Clause 14(c).

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

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

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

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

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

response, provided that the Committee consents, such consent not to be unreasonably withheld.

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

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

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

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

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

3.15 It is for the prosecutor to prove the charge or charges. In 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.

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

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

3.18 Where any charge has been upheld and the Committee has recommended dismissal, the President or his or her delegate shall inform and consult the Governing Body prior to making any decision as to penalty. He or she shall arrange for a special meeting of the Governing Body for this purpose and shall keep the person charged informed as to the process. The person charged shall not have the right to make further representations to the President at this stage.

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

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

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## **BY LAW XXXVII - PROCEDURE FOR REMOVAL OF ACADEMIC STAFF ON MEDICAL GROUNDS**

### **1. Preliminary Stage**

1.1 Where from the conduct or performance of a member of academic staff it appears to the President that there may be cause for concern about that person on medical grounds, and in any case where the member of staff has been absent on medical grounds for an aggregate period of six months in any twelve month period, the President shall meet with the individual concerned and consider the circumstances of the case. The consultation shall be on a confidential basis if the member of staff so wishes, but the President may appoint an informal panel of two or three individuals, including one who is medically qualified, to advise and assist him.

1.2 At this stage the purpose of the meeting and any subsequent investigations is to elucidate the nature of the problem and to consider ways of assisting the member of staff to resume his or her full contractual duties. If the President considers it advisable, he or she shall seek the member of staff's consent to disclosure of the latter's medical record in accordance with the Access to Medical Reports Act 1988. The President may also, with the consent of the member of staff, arrange for him or her to be examined by an occupational health physician or other medical practitioner to assess inter alia the prognosis for a return to work and any available treatment. Any fees payable in relation to such examination shall be borne by the College.

1.3 The President shall consider with the member of staff, and other concerned people as required, ways of ensuring that students and others for whom the individual has contractual responsibilities have their teaching, pastoral and other needs, as may be, met by a rearrangement of resources or other arrangements. In all cases, and especially where third parties are consulted, the President shall do all that is reasonably practicable to respect the confidentiality of the member of staff if he or she so wishes. The President shall also consider

whether counselling or other assistance shall be offered to the member of staff at the expense of the College.

## **2. Medical Incapacity**

2.1 If it appears to the President that the situation is unlikely substantially to improve within a reasonable period of time, or in any case where the condition of the member of staff or any mental or physical quality affecting the member of staff is such as substantially to interfere with the performance of his or her duties, the President shall consider the removal of the member of staff in accordance with the provisions of Clauses 23 and 24 of the Statute. Prior to taking any action under this section, the President shall consult with the individual and/or any representative(s) nominated by him or her as to the steps to be taken and their likely outcome. The consultation shall specifically include consideration of the person's condition and likely future state of mental or physical capacity, and whether the person wishes to seek early retirement or a reduction of duties and hours (with a commensurate reduction in stipend). The wishes and needs of the person concerned shall be balanced against the tutorial or other relevant requirements of the College. If the President suspends the member of staff under the provisions of Clause 23(a)(ii) he or she shall ensure that the member of staff has adequate access to materials and/or colleagues to enable him or her to participate effectively in the consultation process.

2.2 The consultation process shall also include consideration of any adjustments which could reasonably be made to the duties of the employment and/or the physical features of the premises and/or any arrangements made by or on behalf of the College so as to facilitate the continued employment of the person concerned. The President shall not consider the removal of the person concerned from his or her office or employment without first availing himself of advice and assistance as to any facilities that may be available to assist the person. In general the President shall have regard to the provisions of the Disability Discrimination Act 1995 and associated Codes of Practice, as appropriate.

2.3 The President shall seek to obtain a medical report concerning the member of staff from the medical practitioner who has had clinical care of him or her and shall notify the person concerned to that effect in writing, seeking the member's consent in writing in accordance with the provisions of the Access to Medical Reports Act 1988.

2.4 At all stages the person concerned shall be able to nominate a friend, professional colleague or other representative to assist and advise him. Provided that clew notification is given to the President, such a representative may be given authority to act instead of the person concerned if the latter so wishes and may give such consents, agreements etc as the person concerned would be able to give. Such authority shall include, but not be limited to, a power of attorney, including an enduring power which has been duly registered with the Court of Protection.

2.5 In the event that the member of staff does not apply for medical retirement, or does and is rejected, the President shall consider all the circumstances of the case, including any available medical information, and shall determine in particular whether the case should be forwarded to a Medical Board or an Academic Disciplinary Committee.

2.6 Any powers of the President may be exercised instead by a duly appointed alternate or other appropriate officer and references to the President shall, throughout this By-law be construed as including references to the alternate.

### **3. Procedure for a Medical Board**

#### 3. Medical Board

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

3.2 At the same time as notifying the individual, the President 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/two] medically qualified people to the person concerned to act as Chair of the Board. For this purpose the Governing Body may seek the advice of the College doctor or any other suitable person on a confidential basis. In the event that agreement cannot be reached between the Governing Body and the person concerned as to the appropriate person to chair the Board, the Governing Body shall request the President for the time being of the Royal College of Physicians to nominate a Chair. The Governing Body shall nominate an appropriate person [from among the Fellowship] who is unconnected with the case to act as secretary to the Board.

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

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

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

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

4.4 The person concerned shall be entitled to an oral hearing before the matter is determined by the Board. The parties to the hearing shall be the person concerned (Including any person appointed to act for or instead of him), 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 or her representative and the person presenting the case shall be entitled to remain throughout the hearing; otherwise it shall be for the Board to determine who may be present at any time.

4.5 The person concerned shall be entitled to present whatever evidence he or she considers relevant, subject to the overall right of the Board to regulate its own conduct of the hearing. At least 7 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 or she wishes to rely. The secretary to the Board shall be responsible for ensuring that copies are made available to Board members and other parties as soon as possible. The person concerned and the person presenting the case for removal may each call two expert witnesses whose statement shall first be presented in writing, to the other parties.

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

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

4.8 The Board may proceed with the hearing in the absence of any party but shall not do so in the case of the person concerned and/or his or her 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 Chair remains on the Board throughout, no proceedings of the Board shall be invalid because a member has been unable to continue.

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

4.10 At any stage before making its decision the Board may call for additional information including requiring the person concerned to undergo medical examination by a medical practitioner chosen or agreed by the Board, at the College's expense. In the event that the

person concerned fails to undergo any medical examination required by the Board, or if the medical evidence is inconclusive, the Board shall exercise its judgement on the basis of the evidence available to it.

4.11 The Board's decision shall be recorded in writing, and shall contain its findings on the main facts and on the medical evidence available to it, as well as its conclusion as to whether the person concerned should be required to resign on medical grounds. The Board shall specifically record the matters it has taken into consideration in determine, 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 or she is suffering from permanent ill-health or infirmity.

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

4.13 Upon receipt of the Board's decision, the President 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 or she shall arrange for a special meeting of the Governing Body for this purpose and shall keep the person concerned and/or his or her representative informed as to the process. Provided he or she acts within 14 days of receiving the decision document, the person concerned shall have the right to make further representations to the President 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 President may afford him or her an opportunity to retire on such grounds in accordance with the rules of the USS where applicable.

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

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

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

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**BY-LAW XXXVIII - APPEALS PROCEDURE FOR ACADEMIC STAFF**

1. A Notice of Appeal against any decision under Parts 11, 111 or IV of Statute XV must be served on the President within 28 days of the decision. The President shall bring the fact that an appeal has been made to the attention of the Governing Body and inform the appellant that he or she has done so. If in all the circumstances of the case the President in his or her discretion considers it appropriate he or she shall call a special meeting of the Governing Body for the purpose of bringing the appeal to the attention of the Governing Body and in any event will ensure that the appeal is brought to the attention of the Governing Body within 28 days. The President shall consider any appropriate action, including suspension, that may be required in relation to the appellant and/or his or her position in the College pending the outcome of the appeal.
2. The Governing Body shall appoint a person to hear the appeal in accordance with Clause 29 of the Statute who shall be called the Chair, and the two further persons in accordance with Clause 29(d) of Statute XV who shall sit with the Chair if the Chair so decides under Clause 4 of this By-law.
3. In the event that the notice of appeal is not served in time in accordance with Clause 28 of Statute XV, the Chair shall consider the circumstances of the case including the length and the reason for the delay and the grounds of appeal and shall determine whether justice and fairness require that the appeal shall be permitted to proceed.
4. The Chair shall consider whether to sit alone or with two other persons. In the event that he or she decides to sit with two other persons, they shall be the persons appointed by the Governing Body in accordance with Clause 2 above and the body so constituted shall be referred to as the Appeal Body, which term shall also refer to the Chair in the event that the Chair sits alone.
5. The Chair 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 or her appropriate including the joinder of other parties, and any directions that may be required to clarify the grounds of appeal. The Appeal Body shall have power to adjourn the hearing from time to time as it sees fit.
6. Notice of the date, time and place and any directions made by the Chair 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 or her right at his or her own expense to be represented by another person who may, but need not, be legally qualified. The appellant and any other party shall also be notified of their right to call witnesses with the consent of the Appeal Body.
7. Any committee, board or other body shall, if joined as a party to the appeal by the Chair, appoint one or more persons either from among their number or otherwise, who may, but need not, be legally qualified, to prepare and present the response to the appeal, such response to be served on the Appeal Body, the appellant and any other parties at least seven days before the day appointed for the hearing of the appeal.

8. Any hearing of the appeal may be adjourned or postponed at the discretion of the Chair. 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.
9. Except as provided in Clause 8 of this By-law no appeal may be determined without an oral hearing, due notice of which has been served on the appellant and any persons appointed by him or her to represent him.
10. Each party to the hearing shall be entitled to make a statement and to address the Appeal Body. Witnesses may be called with the consent of the Appeal Body. Leave to adduce fresh evidence and/or the calling of witnesses examined at first instance shall only be given if the Appeal Body is satisfied that it is necessary or expedient in the interests of justice.
11. Subject to the provisions of Statute XV and of this By-law, the Appeal Body shall determine its own procedure. The Chair may at his or her discretion set time limits at each stage of the proceedings to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable having regard to the principles of justice and equity.
12. In accordance with the provisions of Clause 30(3) of Statute XV the Appeal Body may allow or dismiss an appeal in whole or in part or remit the appeal in such manner and for such purpose as it sees fit within the provisions of Clause 30(3) of Statute XV. In the event that the Appeal Body remits the appeal in accordance with Clause 30(3)(a)-(d) the Chair may set such time limits for further consideration as he or she considers appropriate.
13. The reasoned decision of the Appeal Body, including any decision under Clause 30(3)(a)-(e), shall be recorded in writing and shall be sent to the President and to the parties to the appeal within 28 days of the conclusion of the appeal or as soon as practicable thereafter.
14. The Chair 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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### **BY-LAW XXXIX - GRIEVANCE PROCEDURES FOR ACADEMIC STAFF**

1. Bringing a Complaint
  - 1.1 A member of academic staff to whom this Statute applies may bring a complaint under Clause 34(a) of the Statute about the matters specified in Clause 33 provided that he or she has exhausted any other relevant avenues of complaint.
  - 1.2 Any complaint should be addressed in the first instance to the President and should be made in writing. (Any complaints against disciplinary warnings under Clause 13.1 should be in writing and should specify with sufficient detail the grounds of complaint and any

supporting information.) The complainant should specify whether he or she wishes any aspect of the matter to be kept confidential at this stage.

## 2. Investigating a Complaint

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

2.2 The President shall consider in the first instance whether other remedies available to the complainant have been exhausted and may, if in all the circumstances of the case it seems right, refer [the complainant] [the complaint] to the appropriate channels for resolution of his or her complaint prior to taking any further action.

2.3 If in any other case other than an appeal against a disciplinary warning the President forms the *prima facie* view that the complaint should be dismissed or that no further action should be taken for the reasons set out in Clause 34(b) of the Statute, he or she shall so inform the complainant and invite his or her views before taking further action. Upon receipt of the complainant's response, or in the event that no response is received within 28 days, the President shall consider the matter further and shall take such action as seems to him or her right including dismissing the complaint. The President shall notify the complainant [and the Governing Body] of his or her decision at the earliest opportunity.

2.4 Provided that he or she acts within 10 days of receiving the decision of the President under clause 2.3 above, the complainant may refer the matter to the Governing Body. If a majority of the Governing Body so determines, it may appoint a Grievance Committee to hear the complaint notwithstanding it has been dismissed by the President.

2.5 In any case where, upon due consideration, the President 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 or she shall so inform the complainant and defer any further action on it until such time as the complaint, determination or appeal has been heard or the time for instituting has passed.

2.6 In any case where upon investigation the President is satisfied that the complaint concerns an act or omission which may amount to a criminal offence, he or she shall so notify the complainant and, subject to any representations the complainant may make, shall consider whether, and if so what, further action may be taken in relation to the complaint within the College's grievance procedure.

## 3. Informal Resolution

3.1 In any case where the President does not dispose of the appeal or defer it under Clause 34(c) of the Statute or under the provisions of this procedure, he or she shall consider whether it may be capable of informal resolution. The President shall take into consideration the nature and ambit of the complaint and the wishes of the complainant and have particular regard to the interests of justice and fairness. Before attempting informal resolution the President shall consider whether the complainant or any other person may benefit from the assistance of a third party in connection with the complaint [and shall consider in particular whether professional advice should be sought].

3.2 If the complainant objects to informal resolution the President shall consider whether to refer the matter to a Grievance Committee or take any other action as he or she sees fit.

3.3 In any attempt at informal resolution the President shall have regard to confidentiality as far as possible and shall ensure that the interests of the parties to the matter are considered at all stages.

### **Grievance Committee Procedure**

#### **4. Grievance Committee**

4.1 In any case where the complaint has not been disposed of by the President, or where an appeal is made under Clause 13(c) of the Statute, the President shall refer the matter to a Grievance Committee ("the Committee") established in accordance with the provisions of Clause 36 of the Statute. The Committee shall appoint one of its members to act as Chair. The President 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 or she considers will assist in the fair disposal of the matter. Any appeal under Clause 13(c) of the Statute shall be in writing and shall specify with sufficient detail the grounds of appeal and any supporting information.

4.2 The President 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 or she has provided to the Committee.

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

4.4 The matter shall not be disposed of without an oral hearing at which the individual concerned, and any person against whom the grievance or appeal lies, shall be entitled to be

heard and to be accompanied by a friend or representative other than a lawyer. Save that the hearing may proceed in the absence of the individual concerned or any other party who fails to attend without reasonable cause.

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

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

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

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#### **BY-LAW XL - PROCESS OF REVIEW OF THE PRESIDENCY**

1. The process of review of the Presidency to which Statute III Clause 5 (2) of the College Statutes refers shall be as specified in this Bylaw.

2. At any time during the Michaelmas Term of the fourth year of the tenure of office of the President, any ten members of the Governing Body may make a request to the Vice-President seeking a Review of the Presidency which may lead to the giving of notice to terminate the appointment under the provision of Statute III Clause 5 (2) of the College Statutes.

3. The Vice-President shall upon receipt of such a request refer it to the Governing Body, exclusive of the President, and the Governing Body shall, no later than the end of the second week of Hilary Term of that year, decide by a simple majority whether to institute a Review of the Presidency.

4. If the Governing Body resolves to institute such a Review it shall appoint a Review Panel to conduct the Review, which shall comprise:

- (a) The Vice-President and Principal Bursar, and
- (b) Four other members of the Governing Body (not including any of those who have requested the Review) who shall be selected by the Governing Body upon the basis of a recommendation made by the Vice-President for that purpose.

5. As soon as reasonably practicable, the President shall be informed by written notice that the Review Panel has been appointed. The written notice shall include the names of the members of the Review Panel and shall enclose a copy of this By-law. At the same time, the Governing

Body shall appoint one of the members of the Panel as its Chair and shall appoint a solicitor to conduct or arrange for the conduct of a hearing before the Review Panel.

6. The Review Panel shall have power to regulate its own proceedings, subject to the following provisions of this Bylaw. The Review Panel shall be quorate at any time provided at least two members including the Chair are present and in the event of any vote of the Review Panel which is tied, the Chair shall have a casting vote. The Review Panel 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.

7. The Chair of the Review Panel shall notify the President of the date and time set for the hearing.

The President shall notify the Chair of the Review Panel of any representative he or she has appointed to act for him/her. Any fees or expenses payable to the representative (other than reasonable travel costs and out of pocket disbursements) shall be at the charge of the President.

8. The Review Panel Chair may make any interlocutory directions he or she considers necessary for the fair conduct of the hearing, including any directions as to the hearing date. The Review Panel may proceed with the hearing in the absence of the President if it is satisfied that it is reasonable to do so in all the circumstances of the case. The President will have the right to make an opening statement, to call witness and to question any witnesses. The Review Panel will then retire to consider its decision. The decision shall be recorded in a Report in which the Review Panel's findings of fact and its reasons for the decision are contained. The Report shall be signed by the Chair of the Review Panel and at least one other member, and shall be sent to the Governing Body, to the President and to his/her representative.

9. The Governing Body shall as soon as is practicable consider the Report of the Review Panel, and decide whether or not to give the President notice of no less than twelve months to terminate the appointment of the President, provided that a decision so to terminate shall require a majority of all the members of the Governing Body to vote for that decision.

10. The President may appeal from such a decision of the Governing Body under the appeal procedure which is provided by Statute XV Part V of the College Statutes. The appeal is to be determined prior to the expiry of the notice given by the Governing Body. If the President's appeal is successful, the notice will be rescinded.

11. Nothing in these Bylaws shall be deemed to exclude the removal of the President for good cause pursuant to Statute XV Part VII of the College Statutes.

## **BY-LAW XLI - EMPLOYER-JUSTIFIED RETIREMENT AGE (EJRA)**

### **Part One — Background, rationale and scope of the Employer-Justified Retirement Age (EJRA)**

#### **1. Introduction**

1.1 St John's College has agreed to maintain an EJRA of the 30<sup>th</sup> September preceding the 69<sup>th</sup> birthday for Official Fellows and those Supernumerary Fellows who are employed by the College to

carry out teaching and research whose appointment does not have a fixed term. The aims of the EJRA are set out in section 2 below. The EJRA will support the college's mission to sustain excellence in teaching and research and to maintain and develop its historical position as part of a world-class university while having due regard for its charitable objectives. In applying its EJRA procedures the College is committed to providing a fair, transparent and respectful process which maintains individual dignity and respects all areas of academic scholarship. The procedures seek to balance the wishes of the individual with the needs of the college by

- (a) facilitating the timely discussion of options with a view to identifying possible future arrangements which are acceptable to all parties and
- (b) providing a clear decision-making and appeal process which allows account to be taken of all relevant considerations.

1.2 The EJRA was introduced for an initial period of 10 years from 1 October 2011. The EJRA and associated procedures were reviewed in 2016/17, and this By-Law has been amended accordingly. The application and outcomes of these arrangements will be reported annually to the Governing Body and there will be a further review in 2021/22.

1.3 At its meeting on 11 October 2017, the Governing Body agreed transitional procedures for those Fellows whose EJRA under this By-Law would now be the 30th September 2019.

## 2. Aims and justification of the EJRA

The aims of the EJRA are to

- (a) safeguard the high standards of the college in teaching and research;
- (b) promote inter-generational fairness and maintain opportunities for career progression for those at particular stages of a career, given the importance of having available opportunities for progression across the generations;
- (c) refresh the academic and research workforce within the college and enable them to maintain the collegiate university's position on the international stage;
- (d) facilitate succession planning by maintaining predictable retirement dates, especially in relation to the collegiate University's joint appointment system;
- (e) promote equality and diversity, noting that recent recruits are more diverse than the composition of the existing workforce, especially amongst the older age groups of the existing workforce; and
- (f) minimise the impact on staff morale by using a predictable retirement date to manage the need to make efficiencies by retiring staff at the EJRA.

2.2 An EJRA of the 30<sup>th</sup> September preceding an individual's 69<sup>th</sup> birthday is considered to be justified as a proportionate means of achieving the aims set out above, taking into account the aims themselves, the need to refresh the academic workforce within the college and the collegiate University's joint appointment system.

## 3. Scope

3.1 The EJRA applies to the following classes of Fellows:

- (a) Official Fellows, and

- (b) Supernumerary Fellows who are employed by the College to carry out teaching or research and whose appointment does not have a fixed term.
- (Separate provision is made for the tenure of the Presidency of the College.)
- 3.2 In all but very rare cases where an extension of employment is granted
- (a) the extension will be for a fixed term, and
- (b) an Official Fellow will retire from that post and will be elected to a different class of Fellowship.
- 3.3 Unless the terms of any prior agreement to work beyond the EJRA preclude any further extension of employment, a Fellow whose retirement has been set later than the EJRA may apply for a further extension under the procedures set out in Part Two.
- 3.4 No provision associated with the EJRA shall affect the right of any employee of the college to retire at a date earlier than that specified under the EJRA, or the benefits to which they are entitled under the relevant pension scheme.
- 3.5 The procedure set out in Part Two is intended for the consideration of all requests to continue working beyond the EJRA, including those that entail a modification of duties or working pattern after that date.
4. Consideration of requests to work beyond the ERJA
- 4.1 All requests to continue working beyond the EJRA will be considered in the context of the aims of the college in maintaining the EJRA as set out in section 2 above. Applications will be approved only where, having taken account of the considerations set out below, the Governing Body, having received advice from a college panel, concludes that it is reasonably necessary to extend the applicant's employment and that any detriment to the furtherance of aims of the EJRA is offset by a balance of advantage arising from an extension of employment.
- 4.2 The college panel and subsequently the Governing Body as decision-maker will assess the advantages of continued employment in accordance with factors which may include all or any of the following. The relevance of each consideration will depend on the post in question.
- Is it demonstrable that the individual, if extended in employment for a defined period, would make a significant contribution to the College, for example by completion of a specific project (or other duties) of particular strategic importance to the College; could they be completed by way of an employment contract with fewer working hours or of shorter duration (in the case of grant-funded research projects are they such that they could not be completed on a non-employed basis); and would the loss of this contribution be unacceptable to the College and collegiate University?
  - Would the employee's contribution be very hard to replace given his or her particular skills set and/or the employment market? For example, does the college need, for a defined period, to retain expertise in order to complete a specific project, or to retain skills that are currently in short supply?
  - Are there opportunities arising from creating a vacancy or part-vacancy, including the intention of recruiting someone else, using the vacancy for a different purpose, or leaving the post vacant for a period (whichever may apply)?
  - How would continued employment, compared with the opportunity arising from a vacancy, fit with the future academic needs of the college over the proposed period (for example, where there is a desire to develop a new field of research or a new course )?

- What is the likely impact of continued employment compared with the opportunity arising from a vacancy on the quality of work of the college, for example on its ability to respond to student needs, to meet research aims?
- How would any financial commitments or benefits which would accrue from a continued employment over the period proposed compare with those which might accrue from the opportunity arising from a vacancy? (This factor should not be considered in isolation but only in combination with other factors, where relevant.)
- What is the likely impact of continued employment compared with the opportunity arising from a vacancy on opportunities for career development and succession planning, bearing in mind recent and expected turnover?
- Is the duration of the proposed extension of employment appropriate in terms of the benefits expected to the college?
- In the case of a joint appointment, what are the implications for the joint appointment of offering a new fixed-term post after the EJRA? (In considering this factor, account should be taken that both the University and the College will normally release the joint post to be refilled, and will consider under their exceptions procedure only the potential to offer a new fixed-term post.)
- Are there special personal circumstances that would properly justify exceptional treatment?

## **Part Two – The Process**

### 5. Notification and Discussions

5.1 The college has adopted the following procedure for considering requests from Fellows who are due to retire on or after reaching the EJRA but who wish to extend their employment and are not precluded from so doing under the terms of any individual agreement. In the case of joint appointments with the University or other employers, the college will consult with other employers at all stages, as appropriate.

#### Step One: Notification

5.2 The President will remind Fellows in writing of their normal retirement date and of the process for requesting continuation in employment beyond that date no later than two years and six months before their retirement date under the EJRA. In the case of joint appointments, this notification will be copied to the relevant head of division and the head of division will also send a letter to the member of staff with reference to their university employment. Where it judges it necessary, the college may decide to give earlier notification.

#### Step Two: Discussions

5.3 Any Fellow who wishes to continue in employment beyond the EJRA should first discuss his or her situation informally and in good time with the Vice-President. Fellows may also take advice from the Principal Bursar or Finance Bursar about pensions or housing benefits. Holders of joint appointments should also consult their head of department and/or division. Similarly, where a contract of any type is held with another body such as an NHS trust or another college, that other body should also be consulted.

5.4 Early exploration of all options is encouraged. In the case of joint appointments, it is possible that the Fellow may wish to continue working in only one part of the joint appointment, or one employer might wish to agree continued employment while the other does not. These informal discussions, which may take place at any time, will not result in a definitive decision by the college

but may lead to the Fellow deciding not to continue in an employment in a role within the scope of the EJRA, or they may help inform any formal request which might subsequently be made by the Fellow. Such discussions are intended to provide opportunity for the formulation of a request with which all parties will be content. Flexibility should be encouraged, subject to the aims of the EJRA.

5.5 If the Fellow decides not to apply for an extension of employment beyond the EJRA, the Vice-President will notify the Fellow in writing of the right to discuss with relevant college officers any opportunities for continued employment outside the scope of the EJRA.

## 6. Submission and consideration of the request to continue

### Step Three: Request to Continue

6.1 If the Fellow wishes to continue in employment beyond the EJRA, he or she should submit a case in writing to the Vice-President two years before the EJRA setting out the proposed working arrangements and the length of extension requested. Later requests may be considered in exceptional circumstances but only with the agreement of the relevant employers (e.g. division, department, NHS Trust). The Fellow should be invited to append any supporting material he or she may consider appropriate.

6.2 The request to continue working in a college appointment, or in the college part of a joint university and college appointment, beyond the EJRA should be transmitted formally in writing by the Vice-President to the President, as part of a submission. Any request relating to the university part of a joint appointment should be made to the Director of Human Resources, in accordance with the university's procedures. The submission should consist of, and set out clearly:

- a) the request as made by the Fellow, including the proposed working arrangements and the length of extension requested;
- b) an account, agreed where possible, of how the request relates to the considerations for extensions set out in the college's policy;
- c) the views of the Vice-President setting out matters relevant to the request from the perspective of the college including, as appropriate, academic matters or other relevant circumstances;
- d) in the case of joint appointments, the views of the division and any other associated employers (e.g. the NHS or another college), including, in particular, comment on any special arrangement which would result in the parts of the joint appointment being treated differently. If, in the case of a joint appointment, a decision has already been made with regard to the university employment, the outcome of this should be included.

### Step Four: Consideration of request

7. The college will aim to complete the following steps as soon as possible, with the aim of ensuring that a final decision is made by the end of Trinity Term, a full year before the EJRA retirement date.

7.1 All requests to continue in employment by the college beyond the EJRA, will be considered by a panel consisting of three or five members of Governing Body appointed by the President (not including the President or the Vice-President). The decision as to whether the panel consists of three or five members will be in the sole discretion of the President.

In the case of the consideration of joint appointments, the chair of the panel will liaise with the chair of the equivalent university panel over matters of process, including the relative timings of the work of the two panels and the communication between the panels of their decisions, as may best suit the

individual case and allow for issues relating to the joint nature of the post to be addressed.

7.2 The panel will assess each request on its own merits in the context of the aims of the EJRA as set out in section 2, and in the light of the considerations set out in section 4.2, of the policy in Part I above and any other relevant considerations, taking due account of the views of the individual staff member, the college, and any others with an interest, which may include the division, department, another college or an NHS Trust, as appropriate. The panel will seek any clarification it deems necessary.

7.3 If the college panel and, in the case of a joint appointment, all parties representing the employers support the request to continue beyond the EJRA, a recommendation will be made to extend employment on the basis of a fixed-term contract. In all but very rare cases the recommendation will specify a class of Fellowship other than Official Fellow.

7.4 If the college panel is minded not to support the request for an extension, or the request is for the continuation of an Official Fellowship, or, in the case of a joint appointment, if there is a difference of views between the employers, the panel will invite the Fellow to a meeting to make the request for an extension in person, if he or she so chooses. The Fellow will have the right to be accompanied by a trade union representative or by a colleague who is employed by the college or the university. The panel may also invite the Vice-President or other relevant College Officers to meet them, and may also call upon the university division, department and any other parties to provide written evidence as appropriate. The panel will provide any relevant documentation to anyone who is invited to attend a meeting or to provide written evidence.

It should be recognised that each part of a joint appointment is a separate contract, and any extension granted by the college would be a fixed-term contract.

Step Five: The panel makes a recommendation

7.5 The panel will make a recommendation to the Governing Body. If extension of employment is recommended, it will be for a fixed-term contract for a specified term with continuity of service which should include the term of any such extension. Reasons will be given for the recommendation and for the length of time proposed for any extension.

Step Six : Communication

7.6 The panel will inform the individual and, as relevant, the division, the department, and any other employer of its recommendation in writing. The letter will give brief reasons for the recommendation and the length of any extension proposed.

Step Seven: College makes decision

7.7 The Governing Body will then decide whether to accept the panel's recommendation and will notify the individual, division and department, as relevant, of its decision.

Where the request to continue working beyond the EJRA is rejected, the individual will be notified in writing of

- (a) the right of appeal under the college's statutes and procedures as set out in section 8 below, and
- (b) the right to discuss with relevant college officers any opportunities for continued employment outside the scope of the EJRA.

Where a decision is taken to extend employment under these procedures beyond the EJRA, the employee will be issued with a fixed-term contract, to terminate at the date set by the Governing Body in agreeing to the extension, but with continuity of service. This contract will state the details

of the specific hours, duties, salary and other terms and conditions for the extension.

Step Eight: Appeal (Statute XV, By-Law XXXVIII)

8. The college shall make the following arrangements to hear any appeal against a decision made under section 7.7 above. For the avoidance of doubt, the appeal will relate solely to whether the policy has been properly applied by the college.

8.1 Any appeal should be made in writing and sent to the President within 28 days of notification to the Fellow of the decision made in step 7.

8.2 The President shall bring any notice of appeal received (and the date when it was served) to the attention of the Governing Body and shall inform the appellant that he or she has done so.

8.3 Where an appeal is made the Governing Body shall appoint a person to hear the appeal who shall be called the Chair. The Chair shall be either

- (a) the Visitor; or
- (b) a person not employed by the College holding, or having held, judicial office or being a barrister or solicitor with appropriate expertise.

8.4 The Chair shall sit alone unless he or she considers that justice and fairness will best be served by sitting with two other persons. The body so constituted shall be referred to as the Appeal Body, which term shall also refer to the Chair in the event that the Chair sits alone.

8.5 The other persons who may sit with the Chair shall be

- (a) one Fellow of the College; and
- (b) one other person judged by the Chair to be a suitable person.

8.6 The procedure for the appeal shall be as set out in By-Law XXXVIII, Clauses 3, 5, 6 and 8-14 as amended from time to time, and thus based on the principles set out in Part V of Statute XV.

Grievance (Statute XV, Part VI)

8.7 If the appellant notifies the President of a grievance and the President is satisfied that the subject matter could be properly be considered with an appeal under the process above, or an ongoing appeal to an external party, the President shall defer action on the grievance until the relevant appeal has been heard or the time for instituting it has passed and shall notify the applicant accordingly.

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