

ORDINANCES RELATING TO STATUTE H

ACADEMIC STAFF

Stat. H APPLICATION OF THE STATUTE

1. The following College Office is hereby designated as an office to which the Statute applies by virtue of Statute H, I, 3, (a), (i) and the holder of such office is accordingly a person to whom Statute H applies.

College Lecturer

2. Persons holding the following offices and appointments are hereby excluded, under Statute H, I, 3, (a), (ii) of the Statutes, from the category of persons employed by the College to carry out teaching or research on the ground that any such duties in that regard are only of a limited nature, and accordingly such a person is not, by virtue of that office or appointment, a person to whom Statute H applies:

Approved Supervisor	Director of the Wolfson Programme
Bursar	Junior Dean
Computer Officer	Librarian
Senior Tutor	Members' Steward
Director of the Press	Praelector
Fellowship Programme	Speelman Fellow
Assistant Director of the Press	Steward
Fellowship Programme	Tutor
Director of Studies	Vice-President

3. A Research Fellow is not a person employed by the College to carry out teaching or research within the meaning of Statute H, I, 3, (a), (ii) and, accordingly, is not by virtue of holding a Research Fellowship a member of the academic staff to whom Statute H applies.

4. Where it is proposed that a College Officer who is not a member of the academic staff within the meaning of the Statute should be dismissed for good cause, or for medical incapacity, the determination of such good cause or medical incapacity shall be regulated by the provisions specified in Chapters III and IV of Statute H and in these Ordinances in respect of members of the academic staff, and (without prejudice to any other right of appeal they may enjoy) such College Officers shall have the same rights of appeal under Chapter V of Statute H as members of the academic staff, save that the provisions of this Ordinance shall not confer any rights in respect of the termination of an appointment by expiry of tenure.

5. Any Ordinance entitling the President, the Vice-President or any other College Officer to attend meetings of Committees appointed by the Council, or to receive the papers thereof, shall not apply in the case of Committees appointed pursuant to Statute H, except insofar as the President shall be sent copies of the decisions of the Committee in accordance with Statute H, III, 9 or H, V, 10, or in accordance with an Ordinance made pursuant to Statute H.

Stat. H

NOTICES

1. Any notice given under the provisions of Statute H or of Ordinances made pursuant to it shall be in writing; and any documents and notices required to be sent to a person shall be sent by post, or delivered to that person at their last known place of residence, irrespective of the address registered with the Bursar in accordance with Statute D, VIII in the case of Fellows of the College, or to their authorised representative. Where a document or notice is sent by post, it shall be sent by the recorded delivery service, or any successor thereof, and proof of delivery by such recorded delivery service shall be sufficient proof of delivery.

2. A party may at any time by notice to the secretary of the Disciplinary Committee, or Medical Board or Tribunal (or, in the case of an appeal, to the person appointed to hear the appeal) and to other parties change their address for service under Ordinances pursuant to Statute H.

Stat. H, I

APPOINTMENT OF AN ALTERNATE UNDER STATUTE H, I

1. The Council shall appoint an alternate to act in place of any person who is designated to perform any duties, or exercise any powers under Statute H or under Ordinances made pursuant to it, if such person is themselves involved in the matter in question.
2. In any case in which Statute H or Ordinances made pursuant to it specify particular qualifications that must be satisfied by a person designated to perform any duties or exercise any powers, a person shall not be appointed as an alternate unless they satisfy those qualifications so far as reasonably possible.

Stat. H, III

HEARINGS BY A DISCIPLINARY COMMITTEE
UNDER STATUTE H, III

1. If the President has determined that a charge, or charges, against a member of the academic staff should be considered by a Disciplinary Committee, they shall summon a special meeting of the Council forthwith to appoint under Statute H, III, 4 such a Committee, in this Chapter hereinafter termed "the Disciplinary Committee" and distinct from the Disciplinary Committee appointed under Statute E, II, 2 and Ordinances in that behalf.
2. The Council shall appoint three persons selected from the panel constituted under Statute H, III, 5, and shall appoint one of the persons so selected to be Chairman. A person to be charged before the Disciplinary Committee shall be entitled to object for good cause to any member appointed to serve thereon. The Council shall rule on any such objection, and its decision shall be final.
3. If any person selected is unable or unwilling to serve on the Committee, they shall immediately inform the President, and the Council shall thereupon appoint another member of the panel to serve in their place: or the Governing Body shall appoint another person to act in their place; but no replacement shall be made after a person has agreed to serve.
4. The Council shall appoint:
 - (a) a Fellow of the College to act as secretary or clerk of the Committee.
 - (b) a Fellow of the College to formulate a charge or charges in writing and to present, or arrange for the presentation of, the charges before the Committee.
5. If, after the Disciplinary Committee has been appointed, a member of the Committee becomes unable, or unwilling, to act, the remaining members shall continue to act, so long as there remain two members willing or able to act, but not otherwise. If more than one member becomes unable or unwilling to act the Council shall appoint a new Committee to act *de novo* in the matter.
6. A decision of the Disciplinary Committee may be taken by a majority thereof: the Chairman is not entitled to a casting vote.
7. The parties to a hearing by the Disciplinary Committee shall be:
 - (a) the person charged;
 - (b) the person presenting the charges;
 - (c) any person who shall be added as a party by the Committee on application or on its own motion.
8. Any party to a hearing by the Disciplinary Committee shall be entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by the Committee.
9. The person presenting the charges shall send written notice to the secretary of the Committee of the charge or charges to be brought before the Committee and the particulars thereof, and shall send with the notice a copy of any documents which it is proposed to produce and a list of all the witnesses whom it is proposed to call, together with statements of the evidence that they are expected to give.

10. The Chairman of the Disciplinary Committee shall fix the date, time and place of the hearing, and they shall have power, if the circumstances require it, to cancel a hearing so arranged at any time before the commencement of the hearing and to appoint a different date, time or place.

11. The secretary of the Committee shall not less than 14 days (or such shorter period as may be agreed by them with the parties) before the date so fixed send to each party

- (a) a notice of the hearing, which shall contain information and guidance as to attendance at the hearing, the calling of witnesses and the bringing of documents, representation by another person and written submissions; and
- (b) a copy of the charge, or charges, together with the other information specified in Ordinance 9 (Stat. H,III).

12. The person charged and any other person who has been added shall not less than two days before the date appointed for the hearing forward to the secretary of the Committee a note of any documents they wish to present and a list of all witnesses they propose to call, with statements of the evidence they are expected to give.

13. It shall be the duty of the person formulating the charges to make any necessary arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case before the Disciplinary Committee.

14. No new witness or documentary evidence may be introduced by the person presenting the charges, beyond those of which notice has been given under Ordinance 12 (Stat. H,III), without the consent of the Disciplinary Committee, and that consent shall not be given, save for good reason. If such late introduction is permitted, the person charged shall be allowed an adjournment sufficient to allow them to consider and respond to the new evidence and to introduce further evidence in rebuttal.

15. The fact that any person has been, or is liable to be, prosecuted in a court of law in respect of an act or conduct which is the subject of the proceedings before the Disciplinary Committee shall not affect the jurisdiction and powers of the Committee under the Statute; but the Committee shall consider the advisability of referring the matter to the police and if it so refers the matter, it shall adjourn its proceedings for such time as is reasonable in the circumstances to enable a prosecution to be undertaken.

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

17. A charge shall not be determined without an oral hearing at which the person charged and any other parties to the hearing are entitled to be present together with their representatives, if any.

18. The Committee shall have the power, if it thinks appropriate in the circumstances, to hear charges against two or more persons at the same hearing.

19. Subject to the provisions of Ordinance 18 (Stat.H,III), any hearing of or in connection with

any charges before the Disciplinary Committee shall take place in camera.

20. Each party to a hearing before the Disciplinary Committee, or their representative, shall be entitled to make opening statements, to give evidence, to call witnesses, to question any witness concerning any relevant evidence, and to address the Disciplinary Committee after the evidence has been heard.

21. Subject to the provisions of Statute H and these Ordinances made pursuant to it, the Disciplinary Committee shall regulate its own procedure. The Chairman may set time-limits for each stage of the proceedings, and any meeting may be postponed or adjourned at the discretion of the Chairman. It shall be the duty of the Committee and of the Chairman to ensure that a charge is heard and determined as expeditiously as is reasonably practicable.

22. The Disciplinary Committee shall have power to dismiss a charge for want of prosecution.

23. The Disciplinary Committee shall not find a charge proved unless it is satisfied that the charge has been proved beyond reasonable doubt.

24. The secretary shall be entitled to be present throughout the hearing and at any meeting of the Committee, and they shall keep a sufficient record of the proceedings of the Disciplinary Committee; and the decision of the Committee shall be recorded in a document signed by the Chairman which shall contain:

- (a) its findings of fact;
- (b) the reasons for its decision; and
- (c) its recommendations.

25. The Chairman shall have power by certificate under their hand to correct in documents recording the decisions of the Disciplinary Committee any clerical mistakes or errors arising therein from any accidental slip or omission.

26. The secretary of the Committee shall send a copy of the decision of the Committee, together with its findings of fact and its recommendations, to the President, the person charged and to any person who shall have been added as a party.

Stat. H, IV

HEARINGS BY A MEDICAL BOARD
UNDER CHAPTER IV OF THE STATUTE

1. Where it appears to the President, or to an officer acting as their delegate, that the removal of a member of the academic staff on medical grounds should be considered, they shall, in accordance with the requirements of Statute H, IV, 5, inform the member accordingly and seek the member's consent in writing to the making of an application to the member's doctor for a medical report.
2. If the member does not so consent, the President, or their delegate, shall refer the case in confidence, with any supporting medical and other evidence, and any such evidence submitted by the member, to a Medical Board comprising one person nominated by the Council, one person nominated by the member concerned (or, in default of the latter nomination, by the President) and a medically qualified Chairman jointly agreed by the Council and the member (or, in default of agreement, to be nominated by the President of the Royal College of Physicians of London).
3. The Council shall appoint a Fellow of the College secretary to the Medical Board upon the nomination of the Chairman.
4. If, after a Medical Board has been appointed, a member of the board becomes unable or unwilling to act, the President shall discharge the Board and a new Board shall be appointed in accordance with the provisions of Ordinance 2 (Stat. H,IV).
5. A decision of a Medical Board may be taken by a majority thereof.
6. The parties to a hearing by a Medical Board shall be:
 - (a) the member of the academic staff whose possible retirement on medical grounds is under consideration by the Board, hereinafter referred to as the member concerned; and
 - (b) a person appointed by the Council to present the case to the Board.
7. The member concerned shall be entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by the Board.
8. The person presenting the case on behalf of the College shall send to the secretary of the Medical Board a written statement of the case and any relevant medical evidence, and shall send with the statement a copy of any documents which it is proposed to produce and a list of all witnesses it is proposed to call and question, together with statements containing the evidence they are expected to give.
9. The Chairman of a Medical Board shall appoint a date, time and place of the hearing, and they shall have power, if the circumstances require it, to cancel a hearing so appointed at any time before the commencement of the hearing and to appoint a different date, time or place.
10. When such a hearing has been arranged, the secretary of the Board shall not less than 14 days (or such shorter period as may be agreed by them with the parties) before the date appointed for the hearing send to each party and to any representative appointed under Ordinance 7 (Stat. H,IV) a notice of the hearing. Such notice shall include:
 - (a) information and guidance as to attendance at the hearing, the calling of witnesses and the bringing of documents, representation by another person and written submissions; and

- (b) a statement of the case, together with the other information specified in Ordinance 8 (Stat. H,IV).

11. The member concerned, or their representative, shall not less than two days before the date appointed for the hearing send to the secretary of the Board a note of any documents they wish to present and a list of all witnesses they propose to call, with statements of the evidence that these are expected to give.

12. It shall be the duty of the person presenting the case to make any necessary arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case to the Board.

13. No new witness or documentary evidence may be introduced without the consent of the Board, and that consent shall not be given, save for good reason. If such late introduction is permitted, the member concerned shall be allowed an adjournment sufficient to allow them to consider and respond to the new evidence and to introduce further evidence as appropriate.

14. A case shall not be determined without an oral hearing at which the member concerned shall be entitled to be represented.

15. Any hearing of or in connection with any case before a Medical Board shall take place in camera.

16. A Medical Board shall have power to proceed with a hearing in the absence of the member concerned or of their representative and, notwithstanding the provisions of Ordinance 45, the Chairman shall have power to exclude any person from a hearing if, in their opinion, such exclusion is necessary for the maintenance of order.

17. Subject to the provisions of Statute H and of these Ordinances made pursuant to it, a Medical Board shall regulate its own procedure and any meeting may be postponed or adjourned at the discretion of the Chairman. It shall be the duty of the Board and of the Chairman to ensure that the case is heard and determined as expeditiously as is reasonably practicable.

18. A Medical Board may require the member concerned to undergo medical examination at the College's expense.

19. A Medical Board shall not determine that any person's removal from office would be justified by reason of incapacity on medical grounds unless it is satisfied that the incapacity has been proved beyond reasonable doubt.

20. The secretary shall be entitled to be present throughout the hearing and at any meeting of the Board, and they shall keep a sufficient record of the proceedings of the Board.

21. The determination of the Board shall be recorded in a document signed by the Chairman which shall contain:

- (a) its medical findings
- (b) its other findings of fact; and
- (c) its determination and the reasons therefor.

22. The Chairman shall have power by certificate under their hand to correct in documents

recording the determination of the Medical Board any clerical mistakes or errors arising therein from any accidental slip or omission.

23. The secretary of the Medical Board shall send a copy of the document specified in Ordinance 21 (Stat. H,IV) to the President, the person responsible for presenting the case to the Board and to the member concerned.

24. The Medical Board shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Statute H, V (Appeals) accompanies each copy of its determination sent to the parties to the proceedings.

Stat. H, V

APPEALS UNDER STATUTE H, V

1. When an appeal is commenced under Statute H, V the appeal shall be heard and determined by the person who is the Visitor, or, if they are unable or unwilling to act, by a person to be jointly agreed by the Council and the appellant or, in default of agreement, to be nominated by the Governing Body. The person so agreed, or nominated, shall be appointed by the Council.
2. A person appointed under Ordinance 1 (Stat. H,V) shall be a person who holds, or has held, judicial office, or who is a barrister or solicitor of at least ten years' standing.
3. The person appointed shall sit alone unless they consider that justice and fairness will best be served by sitting as an Appeal Tribunal with two other persons appointed by the Council on their nomination. In the latter event references in other Ordinances to the person hearing the appeal shall be construed as references to the persons hearing the appeal.
4. The other persons who may sit with the person appointed shall be:
 - (a) one member of the Regent House of the University, not being a Fellow of the College, and
 - (b) one other member.
5. In accordance with Statute H, V, 5 the parties to an appeal shall be:
 - (a) the appellant
 - (b) the Vice-President
 - (c) any other person added as a party by the direction of the person hearing the appeal.
6. Any party to an appeal shall be entitled to be represented by another person, whether such person is legally qualified or not, in connection with, or at, the appeal.
7. In accordance with Statute H, V, 3 no appeal shall lie against
 - (a) a decision of the Council under Statute H, II, 5;
 - (b) any findings of fact of the Disciplinary Committee under Statute H, III, or of a Tribunal under Statute H, VII, save where, with the consent of the person hearing the appeal, fresh evidence is called on behalf of the appellant at the hearing; or
 - (c) any medical finding by a Board under Statute H, IV, 5, save where, with the consent of the person hearing the appeal, fresh evidence is called on behalf of the appellant at the hearing.
8. An appeal shall not be determined without an oral hearing at which the appellant and his representative, if any, are entitled to be present.
9. The person hearing the appeal shall have power, if they think it appropriate in the circumstances, to hear appeals by two or more parties at the same hearing.
10. Subject to the provisions of Ordinance 8 (Stat. H,V), any hearing of, or in connection with, an appeal shall take place in camera.

11. The person hearing the appeal shall have power to proceed with a hearing in the absence of any of the persons entitled to be present and, notwithstanding the provisions of Ordinance 63, they shall have power to exclude any person from a hearing, if in their opinion, such exclusion is necessary for the maintenance of order.

12. Persons appearing at the hearing of an Appeal shall be entitled to make opening statements and to address the person hearing the appeal; but witnesses may not be called except with the consent of the person hearing the appeal.

13. Subject to the provisions of Statute H and of these Ordinances made pursuant to it, the person hearing the appeal shall regulate their own procedure. They may set time limits for each stage of the proceedings (including the hearing itself), may postpone or adjourn any meeting at their discretion, and may dismiss the appeal for want of prosecution. It shall be the duty of the person hearing the appeal to ensure that the appeal is heard and determined as expeditiously as is reasonably practicable.

14. Nothing contained in the modifications of the Statutes of the College by the University Commissioners under the Education Reform Act 1988 shall be taken as authorising the person hearing an appeal by a member of the academic staff against dismissal to allow such an appeal on any ground not recognised by law at the time of the making of the said Act as a ground for annulling or setting aside a dismissal of a member of the academic staff.

15. The person hearing an appeal by a member of the academic staff against dismissal shall not have the power to make any order which would require any expenditure of money not allocated at or before the time of the decision to appoint the member of staff concerned to the office or post from which they have been dismissed.

16. The person hearing the appeal shall send their reasoned decision on the appeal, together with any findings of fact different from those come to by the bodies mentioned in Statute H, V, 10, to the President and to the parties to the appeal, and they shall have power by certificate under their hand to correct in documents recording their decisions any clerical errors arising therein from accidental mistakes or omissions.

Stat. H, VI

GRIEVANCE PROCEDURES UNDER STATUTE H, VI

1. Where a grievance has been referred to a Grievance Committee under Statute H, VI, 3, the Committee shall comprise three Fellows of the College appointed annually by the Council.
2. The grievance shall not be disposed of without an oral hearing at which the aggrieved person and any person against whom the grievance lies shall have the right to be heard and to be accompanied by a friend or representative.
3. The Grievance Committee shall inform the Council whether the grievance is, or is not, well-founded and, if it is well-founded, the Committee shall make such proposals for the redress of the grievance as it thinks fit.

Stat. H, VII

HEARINGS BY A TRIBUNAL UNDER STATUTE H, VII

1. Ordinances 1 to 25 (Stat. H,III) relating to hearings by the Disciplinary Committee shall apply to hearings by a Tribunal under Statute H, VII, provided that the references in those Ordinances to the Disciplinary Committee and to a person charged shall be construed as referring to the Tribunal and to the President respectively.

[END OF ORDINANCES]