

**Ordinance 1: Fellowship Ordinance**

- (a) This Ordinance and the following Ordinances shall be known as “the Fellowship Ordinances”: The Fellowship Ordinances are made for the implementation of the Fellowship Statute (Statute XXXVII) and shall be construed in accordance with it and the guiding principles set out in Statute XXXVI.
- Ordinance 2 - Committees constituted under the Fellowship Statute
  - Ordinance 3(a) - Disciplinary procedure
  - Ordinance 3(b) - Grievance Procedure
  - Ordinance 4 - Procedure for assessing incapacity on health grounds
  - Ordinance 5 - Redundancy procedure
  - Ordinance 6 - Procedure for removal from a post not constituting employment
  - Ordinance 7 - Procedure for the renewal of Fellowships for those not employed by the College or employed on fixed term contracts
  - Ordinance 8 Procedure for the removal of the President from office
  - Ordinance 9 Retirement Policy and Procedure
- (b) The following terms are defined below:
- (i) “Fellow concerned” means: the member of the Governing Body under consideration by a Committee under these Ordinances;
  - (ii) “member of the Fellowship” means: a Fellow member of the Governing Body, the President, to the extent and manner set out in Ordinance 8.
  - (iii) “position in the College”, refers to the office of President or of a Fellow or any office held by that member, and also to any contract of employment between that member and the College.

The application of the Fellowship Ordinances in relation to a position held by a member of the Governing Body shall conform to the terms and conditions applying to that position, as determined by or under the Statutes of the College as amended from time to time, by contract, or in any other way.

In any case where any person is designated to perform any duties or exercise any powers under the Fellowship Ordinances, and that person is involved in the matter in question, or is otherwise unable to act, the Council may appoint an alternate to act in their place. When it is the President who is unable to act for any reason, the Vice-President will act in their place unless the Vice-President is also unable to act, in which case the Council may appoint an alternate to act in place of the President and the Vice-President.

The Fellowship Ordinances do not apply to Honorary Fellows and Fellows Emeritae in respect of whom provisions are made in Statute XIX regarding the deprivation of Fellowship. An Honorary Fellow or a Fellow Emerita deprived of their Fellowship under Statute XIX shall have a right of appeal to the Visitor who, after enquiry, shall have the right to confirm, vary or reverse the decision of the Council.

The Fellowship Ordinances set out procedures and principles for dismissal and removal from office on specified grounds. For the avoidance of doubt, Fellows may be dismissed and removed from office on any ground permitted by section 98 Employment Rights Act 1996 (as amended or replaced from time to time). If a relevant procedure is not specified in the

Fellowship Ordinances, the Council shall prescribe a fair and reasonable procedure taking all due account of Statute XXXVI and Statute XXXVII.

## **Ordinance 2: Committees constituted under the Fellowship Statute XXXVII**

### *Constitution of Committees*

- (a) The Governing Body shall appoint triennially a standing Committee of ten persons. The members of the Committee shall be Fellows. Other persons may be appointed in accordance with c) below, being members of other Colleges of the University or other independent persons with appropriate professional experience as needed. Such Fellows or other persons shall be offered suitable training to fulfil their role on a Committee, if required. The Council shall appoint a substitute for a member of the standing Committee who is on leave of absence for the period of that leave where the leave of absence exceeds six months.
- (b) Committees constituted under the Fellowship Ordinances shall be constituted according to the following rules:
  - (i) no member of a Committee shall also be a member of an Appeal Committee in the same matter;
  - (ii) a Committee or Appeal Committee to consider the removal of a President shall be constituted in accordance with the Procedure for the removal of the President from office.
- (c) Where it is not possible to select a Committee in conformity with the above rules because there are insufficient persons remaining on the standing Committee after the exclusion of those persons who are disqualified from acting in accordance with the provisions of this Ordinance, then to that extent selections of other persons may be made by the Council (or by the President acting on their behalf), after considering the views of the Fellow(s) concerned.
- (d) A meeting of a Committee, whether for a hearing or for any other purpose, shall be valid and effective provided that the Committee Chair is present.

### *Disqualification of Committee members*

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

reduction in membership. Alternatively the Committee Chair may select a replacement member in accordance with the rules for selection, and may adjourn proceedings pending that appointment. Where the Chair of a Committee is disqualified, a new Chair shall be selected in accordance with the rules for selection.

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

*Role and powers of the Committee Chair*

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

*Conduct of hearings*

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

**Ordinance 3a: Discipline (including Capability) Procedures**

*Principles*

- (a) References to the President in this Ordinance shall refer to the Vice-President (or the next most senior Fellow if the Vice-President is unable to act for any reason) where the matter relates to the President.
- (b) This procedure shall apply where a disciplinary matter arises that is not resolved informally and is reported to the President or otherwise becomes known to the President. It also applies to capability unless it is a matter of assessing capacity on health grounds in which case the matter shall be considered under Ordinance 4.
- (c) Where a reporting person submits a concern about the conduct, capability or qualifications of a Fellow or a concern becomes known to the President, the President shall establish the relevant facts which may involve an investigation depending upon the circumstances.<sup>1</sup>
- (d) If the President decides an investigation is required, an Investigation Committee of two Fellows drawn from the Standing Committee constituted under Ordinance 2, or a suitably qualified external investigator appointed for the purpose, shall investigate the matter.
- (e) The members of the Investigation Committee or the external investigator shall be selected by the President. The Investigation Committee shall additionally include the Senior Tutor if the matter relates to an academic concern.
- (f) The Investigation Committee, or the external investigator, shall report to the President in writing setting out their findings and recommendations.
- (g) Having established the relevant facts and, if there has been an investigation, considered the report of the Investigation Committee or external investigator, the President will decide whether to dismiss the matter, to arrange informal coaching or counselling, or to arrange for the matter to be dealt with under this disciplinary procedure either as a less serious matter which may lead to

a warning or as a more serious matter which may lead to dismissal/removal.

- (h) The President may suspend the Fellow concerned from the performance of their duties without loss of emolument when necessary and appropriate during an investigation or at any other stage of this procedure. Examples of circumstances in which it may be necessary or appropriate to suspend a Fellow are when it is necessary to enable an investigation to proceed or to protect other members. Any such suspension shall be reviewed by the President at regular intervals and should not continue for longer than is necessary.

*Less serious matters - written warnings*

- (i) For less serious matters in respect of which a warning may be appropriate, the President shall meet with the Fellow and give them the opportunity to make representations before making a decision. The Fellow will have the right to be accompanied at that meeting in accordance with Ordinance 2 paragraph (w)
- (j) If, after giving the Fellow an opportunity to make representations in accordance with paragraph (h) above, the President decides a warning shall be issued, a written warning shall be issued by the President. A written warning shall be disregarded after six months.

There shall be a right of appeal against a written warning to an Appeal Committee constituted of three Fellows under Ordinance 2.

*More serious matters - dismissal/removal*

- (k) If the President decides, after considering the findings and recommendations of the Investigation Committee or the external investigator, that a hearing is required at which dismissal/removal should be considered, then a Disciplinary/Capability Committee shall be drawn from the Standing Committee by the President, but exclude members of the Investigation Committee.
- (l) The Disciplinary/Capability Committee shall be three members of the Standing Committee including or additionally a qualified legal/medical representative (such representative need not be a Fellow of the College) if required.
- (m) The Committee shall consider the case, hear from the respondent(s) and any witnesses, and decide whether to dismiss the case, issue a warning or dismiss/remove the Fellow. The Committee shall notify the Fellow of its decision in writing as soon as reasonably practicable and inform the Fellow of their right of appeal.

*Appeals*

- (n) If the Fellow is not satisfied with outcome, they may appeal within 7 days of notice of the outcome being sent to the Fellow. Any appeal must be sent to the President in writing and set out the grounds of appeal.

Appeals against warnings

- (o) An appeal against a warning shall be heard by an Appeals Committee of 6three members drawn by the President from the Standing Committee. The Appeals Committee shall hear the appeal including representations from the Fellow who has the right to be accompanied at an appeal hearing in accordance with Ordinance 2 paragraph (w). Members of the Appeals Committee shall not have been involved in the matter previously.
- (p) The Appeals Committee shall notify the Fellow of its decision in writing as soon as reasonably practicable. There is no further right of appeal.

Appeals against removal / dismissal

- (q) An appeal against removal / dismissal shall be heard and determined by a person appointed by the Governing Body who holds, or has held, judicial office or who is a barrister or solicitor of at

least ten years' standing. 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 (one being a member of the Regent House not being a Fellow and one other member).

- (r) The person appointed or the Appeal tribunal (as the case may be) shall notify the Fellow of their or its decision in writing as soon as reasonably practicable. There is no further right of appeal.

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

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

### **Ordinance 3b: Grievances**

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

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

#### **Ordinance 4: Assessing Incapacity on Health Grounds**

##### *Principles*

- (a) If the President, or an Investigation Committee considering a matter under Ordinance 3, consider that the matter involves incapacity on health grounds, the President shall appoint a Committee of two Fellows and a medically qualified person (the Incapacity Committee) from the Standing Committee in accordance with Ordinance 2.
- (b) Any person having authority in law to act on behalf of the Fellow concerned shall have power so to act in respect of all proceedings before an Incapacity Committee or an Incapacity Appeal Committee.
- (c) Any requirement in relation to the Fellow concerned shall be satisfied if it is satisfied in relation to a person having authority to act on behalf of the Fellow concerned or a representative appointed by the Fellow concerned, whether or not it is also fulfilled in relation to the Fellow concerned them self.

##### *Procedure*

- (d) The President, through the HR Manager/College administrator shall send to the Fellow concerned and to the Incapacity Committee Chair notice of the reason why it is thought that the removal of the Fellow concerned by reason of incapacity on health grounds should be considered together with a copy of the statutes and ordinances
- (e) The case shall be heard and determined as expeditiously as is reasonably practicable.
- (f) The Committee Chair, after consultation with the Fellow concerned, shall determine the date
- (g) and time of a meeting of the Incapacity Committee for the purpose of a hearing of the case, and shall send notice of the date, time and place of the meeting to the Fellow concerned and to the members of the Incapacity Committee.
- (h) Not later than seven days before the date set for the hearing, notice shall be sent by the HR Manager/College administrator to the Fellow concerned and to the members of the Incapacity Committee a copy of the communication referred to in paragraph d) above, together with any documents therein specified; a list of all witnesses to be called, with statements containing the evidence they are expected to give; and a copy of any other documents which may be put in evidence.
- (i) The Chair of the Incapacity Committee may seek from the Fellow concerned such medical evidence as they consider necessary for the purpose of considering the matter by the Incapacity Committee. Such evidence may include the opinion of a medically qualified person appointed by the College, at College expense, to advise on the health of the Fellow concerned. The Fellow concerned may appeal against a direction to provide medical evidence to an Incapacity Appeal Committee appointed in accordance with Ordinance 2.
- (j) If, after a direction to produce medical evidence, the Fellow concerned declines to provide any or all of the evidence directed, the Incapacity Committee and an Incapacity Appeal Committee may

draw such inferences as to the health of the Fellow concerned as they shall see fit from all the circumstances of the case.

- (k) Where, after a hearing, the Incapacity Committee find that the Fellow concerned is incapable of performing satisfactorily the duties of their position, the Committee may take action including any of the following:
  - (i) suspension on grounds of ill health pending receipt of evidence to the satisfaction of the medically qualified member or members of the Committee of fitness to resume work;
  - (ii) suspension on grounds of ill health pending further review by the Incapacity Committee at a specified date; or
  - (iii) dismissal with or without notice on grounds of ill health.
- (l) During any period of suspension on grounds of ill health the Fellow concerned shall be paid in accordance with the terms of their office or employment. If the Committee decide to dismiss without notice on grounds of ill health, the College shall pay the Fellow concerned in lieu of what would have been paid to the Fellow if they had worked during the notice period.

#### *Appeals*

- (m) The Fellow concerned may, within fourteen days from the decision of the Incapacity Committee, give to the President written notice of appeal. The notice of appeal shall state the grounds of appeal and whether it is an appeal against the findings of the Incapacity Committee (stating which findings are appealed against), or the action taken by them, or both.
- (n) An appeal shall be heard and determined by a person appointed by the Governing Body who holds, or has held, judicial office or who is a barrister or solicitor of at least ten years' standing. The person appointed shall sit alone unless they consider that justice and fairness will best be served by sitting as an Incapacity Appeal Committee with two other persons (one being a member of the Regent House not being a Fellow and one other member including a suitably medically qualified person as necessary).
- (o) The person appointed or the Incapacity Appeal Committee (as the case may be) shall notify the Fellow of their or its decision in writing as soon as reasonably practicable. There is no further right of appeal.
- (p) The appeal shall be heard and determined as expeditiously as is reasonably practicable by the person appointed or an Incapacity Appeal Committee, who may substitute for the decision of the Incapacity Committee any decision that the Incapacity Committee might have made. The decision of the person appointed or the Incapacity Appeal Committee in the matter shall be final.

#### **Ordinance 5: Redundancy Procedure for Fellows**

- (a) This procedure shall apply where the Council has decided that it may be appropriate to effect a reduction in the Fellowship of the College as a whole, or of any area of work carried out by a Fellow within the College, by way of redundancy.
- (b) In the event of the Council deciding it may be appropriate to effect a reduction in workforce, the Council shall inform the Governing Body of its rationale and intention to consult on the matter.
- (c) The Council shall appoint, as a Consultation Panel, two members of the Standing Committee, with advice provided as necessary, to consult those holding employment/offices/roles in the area or areas as it considers likely to be affected by a reduction of the sort contemplated. Time limits for response to any consultation may be specified.
- (d) Any further consultations required at this stage by employment law shall be conducted.
- (e) Following receipt of a report from the Consultation Panel, the Council may resolve to a) take no further action b) continue or vary terms/process of consultation c) reduce workforce, giving any direction regarding the extent of the reduction if it wishes.
- (f) If a reduction is proposed, a Redundancy Committee shall be appointed by Council from the Standing Committee consisting of i) a Chair and ii) two Fellows from an academic area where

reduction is not proposed.

- (g) The Redundancy Committee shall develop the criteria for selection, refer them to Council for approval and notify those likely to be affected under the selection criteria.
- (h) Those so notified shall have opportunity to make oral or written representations on their own behalf to the Redundancy Committee.
- (i) If, following the oral or written representations or otherwise, the selection criteria are changed, anyone materially affected shall be given a further opportunity to make representations.
- (j) The Redundancy Committee shall then objectively apply the selection criteria and give notice of dismissal to each member selected for dismissal, shall inform them of the selection criteria finally adopted, of the reasons for dismissal, and of the right of appeal under this Ordinance.

#### *Appeals*

- (k) An appeal may be made in writing to the President within 14 days from the date of redundancy notice.
- (l) The appeal may not be made against the decision of Council to reduce the workforce.
- (m) An appeal against dismissal due to redundancy shall be heard and determined by a person appointed by the Governing Body who holds, or has held, judicial office or who is a barrister or solicitor of at least ten years' standing. The person appointed shall sit alone unless they consider that justice and fairness will best be served by sitting as a Redundancy Appeal Committee with two other persons (one being a member of the Regent House not being a Fellow and one other member).
- (n) The person appointed or the Redundancy Appeal Committee (as the case may be) shall notify the Fellow of their or its decision in writing as soon as reasonably practicable. There is no further right of appeal.
- (o) The lodging of an appeal shall not affect the operation of the notice of dismissal, although the period of notice may be extended by the person appointed or the Chair of the Appeal Committee (as the case may be).
- (p) The person appointed or the Redundancy Appeal Committee (as the case may be) may give directions as it sees fit (including deciding to confirm, suspend, extend or cancel notice of dismissal) but not give notice of dismissal to a member not already under notice of dismissal.
- (q) A fresh right of appeal is allowed to any member from notice of dismissal given or confirmed as a result of any further consideration.
- (r) The decision of the person appointed or the Redundancy Appeal Committee (as the case may be) shall be final.

### **Ordinance 6: Procedure for Removal from a Position not Constituting Employment**

#### *Principles*

- (a) This Ordinance applies where the President is of the opinion that a member should be removed from a position which does not constitute employment before its prescribed or normal termination date, except in the case of the Vice-Presidency.
- (b) The President shall discuss the reasons for that opinion with the Fellow concerned. If, after that discussion, the President remains of the same opinion, then they shall ask the Council to constitute a Committee of three Fellows appointed in accordance with Ordinance 2 to consider the matter and to report to the Council.
- (c) Before reporting, the Committee shall give the Fellow concerned a fair opportunity to show why they should not be removed from the position before its prescribed or normal termination date.
- (d) The Committee's review of the President's decision shall constitute an appeal.
- (e) In the case of the Vice-Presidency, a motion of no confidence in the Vice-President will need to be carried at a meeting of the Governing Body before the procedure of a Committee of three Fellows in paragraph b) above is followed.

- (f) The Committee shall give the Vice-President a fair opportunity to show why they should not be removed from the position before its prescribed or normal termination date and its review of the motion of no confidence shall constitute an Appeal.

**Ordinance 7: Re-Election - Procedure for Fellows not Employed by the College or Employed on a Fixed Term Contract**

*Principles*

- (a) During Lent Term, the Senior Tutor shall be provided with a list of Fellows who are employed by the College on a fixed-term contract or are not employees of the College and whose Fellowships are due to expire on 30 September following.
- (b) The Senior Tutor shall, in holding discussions with those Fellows whose Fellowships are due to expire, review the College's needs and any other pertinent matters with a view to making recommendations to a Review Group on whether such Fellows should be re-elected.
- (c) The Review Group (consisting of the President, two members of Fellowship Review Group and the Senior Tutor) shall consider the Senior Tutor's recommendations at the beginning of Easter Term and decide upon its resulting recommendations
- (d) One month before the Review Group's recommendations are put before Council the Review Group's recommendation concerning a Fellow shall be shared with the Fellow(s) concerned.<sup>1</sup>
- (e) If the Fellow is not satisfied with the Review Group's recommendation the Fellow may appeal against the recommendation. The Appeal must be lodged with Council via the Vice-President within two weeks of notice of the Review Group's recommendation.
- (f) The Council shall consider recommendations and any appeals at a June meeting.
- (g) The Council's decision shall be final, and shall be communicated to a Fellow concerned by the College Administrator.

**Ordinance 8: Procedure for the Removal of the President from Office**

- (a) This Ordinance shall apply in place of Ordinances 3 to 7 in the case of the President.
- (b) Any three members of the Governing Body may make a complaint to the Vice-President seeking the removal of the President from office. The Vice-President shall refer such a complaint to the Governing Body, exclusive of the President and the members making the complaint. If it appears to the Governing Body that the complaint does not raise a *prima facie* case, or that it is trivial or unjustified, it may determine that no further action shall be taken upon it.
- (c) If it appears to the Governing Body, on material presented, that the complaint raises a *prima facie* case which could, if proved, justify the dismissal or removal of the President from office, it shall appoint a Tribunal to hear and determine the matter. A Tribunal appointed by the Governing Body shall consist of three persons who may or may not be Fellows of the College, as follows:
  - (i) one person of appropriate experience and standing, who shall be the Chair; and
  - (ii) two other persons.
- (d) A complaint referred to the Tribunal shall be dealt with in accordance with the procedure in Ordinance 3a provided that the Vice-President shall perform any duty and exercise any power there assigned to the President, and that for the purposes of this Ordinance references in those sections to a Disciplinary Committee shall be construed as referring to the Tribunal.
- (e) The Tribunal shall send its decision on the complaint, together with its findings of fact and the reasons for its decision, to the President and the Vice-President.
- (f) If the Tribunal finds that the complaint justifies dismissal, the Vice-President, after consulting the Governing Body, may dismiss the President.
- (g) If the Tribunal finds that the complaint is well founded but does not justify dismissal, it may give words of advice to the President.

### *Appeals*

- (h) The President may institute an appeal against dismissal by serving on the Vice-President a written notice setting out the grounds of the appeal. A notice of appeal shall be served within twenty-eight days of the date on which the notice of dismissal was sent to the President, provided that the person appointed to hear an appeal shall have power to hear an appeal commenced after that date if he or they considers that justice and fairness so require in the circumstances of the case.
- (i) An appeal commenced under paragraph (h) above shall be heard in accordance with the provisions of Ordinance 3 provided that the next most senior Fellow after the Vice-President shall perform any duty and exercise any power there assigned to the President.
- (j) For the purpose of the removal of the President for incapacity on medical grounds, the
- (k) provisions of Ordinance 4 shall have effect provided that the Vice-President or the next most senior Fellow shall perform any duty or exercise any power there assigned to the President as in paragraph (h) above.
- (l) For the purposes of this Ordinance, references to the Vice-President shall, if the Vice-President is not in residence, or is incapacitated by illness or otherwise, be construed as referring to the next senior Fellow in residence.
- (m) If the Tribunal is of the view that the conduct of the President constitutes gross misconduct such as to justify dismissal without notice, they shall so state. If the penalty of dismissal without notice is imposed in the absence of such a statement (or, in the event of an appeal, such a statement by the Disciplinary Appeal Committee), then the College shall pay compensation to the President.
- (n) If the Tribunal is of the view that reason for dismissal of the President does not justify dismissal without notice, the President will be given six months' notice or net salary in lieu of notice (i.e. after appropriate PAYE and other lawful deductions).
- (o) If the President wishes to resign from office at any time they may do so by submitting their resignation in writing, giving six months' notice to the Council.

## **Ordinance 9: Retirement Policy and Procedure**

### *Introduction*

- (a) This Ordinance sets out the retirement age and retirement policy for Fellows. It does not relate to the election or tenure of Honorary Fellows and Fellows Emeritae as there is no retirement age for those classes of Fellowship.
- (b) Not all Fellows are employees of the College but, for ease, the word "employment" is sometimes used in this Ordinance to refer to their relationship with the College. This must not be taken to imply an employment relationship in every case.
- (c) The operation of this policy, and the maintenance of the retirement age for College Officers, will be kept under review.

### *Retirement age*

- (d) The retirement age for the President is the thirtieth day of September following the date on which the President attains the age of seventy years.
- (e) Subject to (f) below, the retirement age for Fellows (other than Honorary Fellows and Fellows Emeritae) is the thirtieth day of September following the date on which the Fellow attains the age of sixty-seven years.
- (f) Official Fellows (Class B) and Professorial Fellows (Class C) hold their Fellowships by virtue of holding offices in the University of Cambridge in accordance with Statutes XVI and XVII respectively. They cease to hold their Fellowship when they cease to hold the relevant University office whether by reason of retirement from that office in the University or some other reason.

*Aims of the retirement age*

- (g) The retirement age and the associated procedures set out in this Ordinance are considered to provide a proportionate means of:
- (i) ensuring inter-generational fairness and career progression;
  - (ii) enabling effective succession planning;
  - (iii) promoting equality and diversity;
  - (iv) minimising the impact on morale by using a predictable retirement date to manage the need to make efficiencies;
  - (v) ensuring the equal treatment of academic and professional College Officers
  - (vi) avoiding invidious performance management and redundancy procedures (which are particularly problematic in the distinctive College context) at the end of a long career where the performance of the individual and / or the academic needs of the College have changed;
  - (vii) linking the tenure of Fellows with the tenure of qualifying offices in the University;
  - (viii) promoting innovation in research and knowledge creation;
  - (ix) preserving academic autonomy and freedom.

*Procedure when a Fellow is approaching the retirement age*

- (h) The President will meet with a Fellow in advance of their retirement date. This will usually be between six and 12 months beforehand. The purpose of the meeting is to discuss any relevant issues such as whether a handover period is necessary. The Fellow may also wish to discuss whether they would like to work beyond their retirement date or in a different capacity.
- (i) Fellows should feel free to initiate a discussion with the President about their future plans with regard to retirement. A Fellow might, for instance, want to retire earlier than the retirement age or work flexibly or in an alternative role in the period leading up to retirement. If so, it would be helpful for the College to know what the Fellow's plans are so that they can be discussed.

*Requests to work beyond the retirement age*

- (j) In exceptional circumstances, it may be possible for a Fellow to delay their retirement for a limited period of time.
- (k) A Fellow who wishes to continue their employment beyond the retirement age should discuss their intentions with the President at the earliest opportunity.
- (l) If the Fellow wishes to proceed with their request, they should set out their request, and the rationale for it, in writing. The request will then be considered by a Retirements Committee. A Retirements Committee shall be comprised of three Fellows of the College, appointed by the Council, drawn from the Standing Committee as per Ordinance 2.
- (m) The Retirements Committee shall, when considering the request, consider the matters set out in sub-paragraphs (i) - (ix) below. The relevance of each matter listed below will depend on the circumstances in each case. Applications will only be approved where any detriment to the aims of the retirement age is offset by the advantages to the College arising from the continuation of the employment of the Fellow.
- (i) Is the individual, if extended in employment, expected to make a significant contribution to the College, for example through distinguished scholarship, and would the loss of this contribution be unacceptable to the College [and University]?
  - (ii) Would the employee's contribution be very difficult to replace given their particular skills set and / or the employment market? For example, does the College need, for a defined period, to retain expertise in Ordinance to complete a specific project, or to retain skills that are currently in short supply or to fulfil particular teaching requirements?
  - (iii) 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)?
  - (iv) 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 or to meet research aims?
- (v) 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?
  - (vi) 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?
  - (vii) What is the likely impact on the promotion of equality and diversity?
  - (viii) Is the duration of the proposed extension of employment appropriate in terms of the benefits expected to the College?
  - (ix) Does the Fellow hold a University Office or employment? What is the duration of such University Office or employment? Is the University Office or employment relevant to the Fellow's position in the College e.g. is it an office upon which the Fellowship depends (Statutes XVI and XVII)?
  - (x) Are there relevant circumstances that would properly justify exceptional treatment?
- (n) The Fellow should be given the opportunity to make oral representations to the Retirements Committee.
- (o) If the Retirements Committee considers that a Fellow should be permitted to continue in the College's employment, the Committee shall also consider whether they should be put forward for election to a Fellowship and in which Class.
- (p) The Fellow will be advised of the outcome of their request in writing which will include the reasons for the Committee's decision.
- (q) Where the employment of a Fellow is extended beyond the retirement age, it will be on a fixed-term basis and a new letter of appointment or contact of employment (as appropriate in each case) will be issued reflecting the terms applying during the fixed-term.
- (r) The College may invite a Fellow to continue for a fixed-term beyond the retirement age if the continuation is justified taking account of one or more of the considerations set out in (m)(i) - (ix) above, subject to confirmation by a Retirements Committee.
- (s) A decision to allow a Fellow to continue beyond retirement age does not mean that other Fellows will necessarily be permitted to do the same. However, the College aims to treat Fellows consistently where possible, subject to the needs of the College.

#### *Appeal procedure*

- (t) Where a Fellow is dissatisfied with the outcome of a request to continue their employment beyond the retirement age, they may submit an appeal in writing to the President within 14 days of the outcome of the request being communicated to them and should set out the grounds of appeal.
- (u) Appeals will be heard by a Retirements Appeal Committee (appointed by Council from the Standing Committee as per Ordinance 2) consisting of three Fellows of the College. The Retirements Appeal Committee will endeavour to meet within 28 days of its establishment to hear the appeal or as soon as is reasonably practicable. The appeal will be determined following an oral hearing attended by the appellant.
- (v) Following the hearing of the appeal, the Retirements Appeal Committee will consider the facts of the case and may allow or dismiss an appeal in whole or in part. The decision of the Appeal Committee will be notified to the appellant in writing usually within seven days of the appeal hearing.
- (w) The Retirements Appeal Committee may decide to vary the above procedure as it deems fit. The decision of the Committee will be final.