

Proposed amendments of Ordinances

Regulation for Appeals to the Council (*Statutes and Ordinances*, p. 113)

Subject to the provisions of *Statute D, IA*, the Council shall hear appeals from any person who comes within the jurisdiction of the University Tribunal under Statute B, VI, 3 and upon whom a University authority has, under Statute A, II, 6 and in accordance with an Ordinance or with a rule made under Ordinance, imposed a sentence, provided that such a person has delivered to the Registry, within twenty-eight days after notice of the sentence imposed by the University authority concerned, written notice of his or her appeal to the Council. The Council shall have power to quash the finding or to vary the sentence within the limits of the power of that authority, and the decision of the Council shall be final.

Regulations for the initiation of proceedings before the University Tribunal, the Court of Discipline, or the Summary Court (*Statutes and Ordinances*, p. 200)

1. Proceedings before the University Tribunal may be conducted under either Statute B, VI or Statute D, IA. Proceedings before the Court of Discipline or the Summary Court shall be conducted under Statute B, VI.

2. (a) If a disciplinary matter under Statute D, IA concerning a University officer is to be determined by the University Tribunal, the case shall be presented either by the responsible person or by another person authorized for the purpose by the responsible person.

(b) If in response to a complaint made under Statute B, VI, 40, or on the direction of the Vice-Chancellor under Statute B, VI, 5, the University Advocate determines that proceedings shall be brought against a member of the University before the University Tribunal or the Court of Discipline or the Summary Court, the case shall be presented either by the Advocate or by the complainant, as may be decided by the Advocate; provided that, if a charge arises from a complaint made by the Proctors, the Advocate shall be responsible for presenting the case on behalf of the University.

3. The Advocate shall give written notice to the Registry and to the complainant of the decisions taken in accordance with ***Statute B, VI, 40*** and Regulation 2(b) above; if the Advocate decides that a person is to be charged, written notice shall be given to the Clerk of the appropriate court.

Regulations for the appointment of members of the University Tribunal (*Statutes and Ordinances*, p. 201)

1. The Council shall maintain a panel, hereinafter referred to as panel (a), of persons who are eligible under ***Statute B, IV, 2*** to serve as Chairman of the University Tribunal and who are willing to do so, and shall appoint in the Michaelmas Term each year such number of persons as the Council may think fit, to serve as members of the panel for one year from 1 January following their appointment. No member of the Council or of the Septemviri shall be a member of panel (a).

2. The Council shall maintain a panel, hereinafter referred to as panel (b), of members of the Regent House who are willing to serve as members of the University Tribunal, and shall appoint ten persons to the panel in the Michaelmas Term each year, to serve for one year from 1 January following their appointment. No member of the Council or of the Septemviri shall be a member of panel (b).

3. Not later than 31 December in each year the Vice-Chancellor shall appoint a member of panel (a) to serve as Chairman of the University Tribunal for one year from 1 January next following; in making the appointment the Vice-Chancellor shall, if possible, select a person who is not a member of the Regent House. If the person appointed is unable or unwilling to act as Chairman for a particular case, the Vice-Chancellor shall appoint another member of panel (a) to act as Chairman for that case.

4. When a *case is to be determined by* ~~member of the University is to be charged before~~ the University Tribunal, the Chairman of the Tribunal shall appoint a date, time, and place for a hearing. The Chairman 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, and place.

5. When a hearing has been arranged, the Clerk of the Tribunal shall forthwith send written notice to all members of panel (b), informing them of the date, time, and place appointed, and requiring them to indicate, not later than 5 p.m. on the fourth day after the day on which the notice is despatched, whether they are able and willing to serve. The Chairman shall then appoint the other members of the Tribunal by causing lots to be drawn from among those members of panel (b) who have informed the Clerk of the Tribunal that they are able and willing to serve; and the Clerk shall thereupon inform the persons appointed of the charge or charges to be heard and the name of the person charged. The Chairman shall in like manner appoint three reserve members of the Tribunal from panel (b) who shall be required to attend the Tribunal at the commencement of the proceedings so that lots may be drawn from among them if it becomes necessary to replace any member or members of the Tribunal who have failed to attend or who have otherwise become unable or unwilling to serve or against whose membership the Chairman has under Regulation 6 allowed an objection. No member of the Tribunal shall be replaced after the commencement of the hearing.

6. A person charged before the Tribunal shall be entitled to object for good cause to any member appointed to serve on the Tribunal for those proceedings. The Chairman alone shall rule on any such objection and his or her decision shall be final.

7. If at the commencement of the proceedings the Chairman is unable, using the procedure prescribed in Regulation 5, to appoint the appropriate number of members of the Tribunal from panel (b), he or she shall appoint such number of members from the panel as may be needed to fill the vacant place or places.

8. If on any occasion there are insufficient members of panel (b) who are able and willing to serve as members of the Tribunal, the Vice-Chancellor shall appoint the appropriate number of members of the Regent House to fill the vacant places.

9. If after the commencement of proceedings the Chairman becomes unable or unwilling to act, the Vice-Chancellor shall discharge the Tribunal and a new Tribunal shall be appointed in accordance with the provisions of Regulations 3–8. If after the commencement of proceedings any other member of the Tribunal becomes unable or unwilling to act, the remaining members shall continue to act, so long as there remain two members in addition to the Chairman who are able and willing to act, but not otherwise. If more than two members become unable or unwilling to act, the Vice-Chancellor shall discharge the Tribunal and a new Tribunal shall be appointed in accordance with the provisions of Regulations 3–8.

Rules of Procedure of the University Tribunal (Statutes and Ordinances, p. 202)

1. *When a disciplinary matter under Statute D, IA concerning a University officer is to be determined by the University Tribunal or a member of the University is to be charged under Statute B, VI before the University Tribunal, the person responsible for presenting the case shall send written notice to the Clerk of the Tribunal of the disciplinary matter for determination by, or of the charge or charges to be brought before, the Tribunal, as the case may be, and the particulars thereof, and shall send with the notice any documents which it is proposed to produce and a list of all witnesses whom it is proposed to call, together with statements of the evidence that they are expected to give.*

2. The parties to a hearing by the Tribunal shall be:

(a) *the University officer concerned or the person charged, as the case may be;*

(b) *the person responsible for presenting the case;*

(c) any person who may be added as a party by the Tribunal, either on application or of their own motion.

3. *The University officer concerned or the person charged, as the case may be,* and any person added as a party by the Tribunal shall be entitled to be represented by another person, whether such person is legally qualified or not, in connection with or at any hearing by the Tribunal.

4. The Clerk of the Tribunal shall not less than fourteen days (or such shorter period as may be agreed by the Clerk with the parties) before the date appointed for the hearing send to each party (a) a notice of the hearing, which shall contain information and guidance concerning 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 Regulation 1.

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

6. No additional witness or documentary evidence may be introduced by the person presenting the case, beyond those of which notice has been given under Regulation 1, without the consent of the Tribunal, and such 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 enable him or her to consider the additional evidence and respond to it, and to introduce further evidence as appropriate.

7. *A disciplinary matter under Statute D, IA concerning a University officer or a charge under Statute B, VI* 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.

8. The Tribunal may sit either in public or in camera at the discretion of the Chairman, provided that if the person charged so requests they shall normally sit in camera. The Tribunal shall have power, if they think it appropriate in the circumstances, to hear charges against two or more persons at the same hearing.

9. The Tribunal 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 Regulation 7, the Chairman shall have power to exclude any person from a hearing if in the opinion of the Chairman such exclusion is necessary for the maintenance of order.

10. (a) 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 proceedings before the University Tribunal shall not affect the jurisdiction or the powers of the Tribunal ~~under Statute U, III~~; but the Tribunal shall consider the advisability of referring the matter to the police and, if they so refer the matter, shall adjourn their proceedings for such time as is reasonable in the circumstances to enable a prosecution to be undertaken.

(b) Evidence that a person has been convicted of an offence by or before any court of law, or that any court of law has found proved an offence with which a person was charged, shall, for the purpose of proving that the person committed the offence or was guilty of any act or conduct in respect of which he or she was so charged or convicted, be admissible in any proceedings before the University Tribunal.

11. Each party to a hearing before the Tribunal, or his or her representative, shall be entitled to make an opening statement, to give evidence, to call witnesses, to question any witness concerning any relevant evidence, and to address the Tribunal after the evidence has been heard.

12. Subject to the provisions of *Statute B, VI* and of these Ordinances, the Tribunal shall have power to regulate their own procedure. The Chairman may set time-limits for each stage of the proceedings, and any meeting of the Tribunal may be postponed or adjourned at the discretion of the Chairman. It shall be the duty of the Tribunal and of the Chairman to ensure that a charge is heard and determined as expeditiously as is reasonably practicable.

13. *The Tribunal shall have power to dismiss a charge under Statute B, VI for want of prosecution.*

14. *The Tribunal shall not find a charge under Statute B, VI proved unless they are satisfied that it has been proved beyond reasonable doubt.*

15. *If the Tribunal find a charge under Statute B, VI proved, they shall, after giving the parties an opportunity to address them concerning the penalty to be imposed, determine the appropriate penalty (if any) in accordance with the provisions of Statute B, VI, 10; and the Tribunal shall have power to impose such penalty.*

16. *After consideration of a disciplinary matter under Statute D, IA concerning a University officer, the Tribunal may remove the officer from his or her office or may direct the responsible person to impose any other lawful disciplinary sanction on the officer.*

17. The Clerk of the Tribunal shall be entitled to be present throughout the hearing and at any meeting of the Tribunal, and shall keep a sufficient record of the proceedings of the Tribunal.

18. The Tribunal's decision shall be recorded in a document signed by the Chairman which shall contain:

- (a) *the Tribunal's findings of fact;*
- (b) *the reasons for the Tribunal's decision;*
- (c) *a statement of the decision of the Tribunal.*

19. The Clerk of the Tribunal shall send a copy of the document specified in Regulation 18 to the Vice-Chancellor and to the other parties to the hearing, and shall also send to the University officer concerned or the person charged, as the case may be, information of any right of appeal.

20. The Chairman shall have power by certificate under his or her hand to correct in documents recording the decisions of the Tribunal any clerical errors arising therein from accidental mistakes or omissions.

Regulations for Medical Boards (Statutes and Ordinances, p. 207)

Rescind the Regulations.

Regulations for the Septemviri (Statutes and Ordinances, p. 208)

1. Except as provided by Statute ~~U, V, 3~~, Members of the Court of the Septemviri shall be appointed as follows:

- (a) the Chairman shall be appointed in the Michaelmas Term to serve for four years from 1 January following his or her appointment;
- (b) in each year three Septemviri shall be appointed in the Michaelmas Term to serve for two years from 1 January following their appointment.

2. The Registrary, or a deputy appointed by the Registrary, shall act as Clerk of the Septemviri.

3. Any person who wishes to institute an appeal to the Septemviri under the provisions of Statute B, VI or **Statute D, IA** shall send to the Clerk of the Septemviri a notice in writing setting out the grounds of appeal and stating whether the appeal is in respect of the whole or in respect of any specified part of any finding of fact, decision, or sentence. In the proceedings of an appeal the appellant shall not be entitled, except with the leave of the Septemviri, to rely on any grounds of appeal not specified in the notice of appeal.

4. When an appeal to the Septemviri is instituted, the Chairman of the Septemviri shall appoint a date, time, and place for the hearing of the appeal. The Chairman 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, and place.

5. The parties to an appeal shall be:

- (a) *the appellant;*
- (b)
 - (i) *in the case of an appeal against a decision of the University Tribunal under Statute D, IA, the responsible person;*
 - (ii) *in the case of an appeal against a decision of the University Tribunal under Statute B, VI or any other University court, or an appeal arising from proceedings before such a body, the University Advocate or other person who was responsible for presenting the case to the Tribunal or other body;*
 - (iii) *in the case of an appeal against a disciplinary decision of any other University authority, the authority concerned;*

(c) *any other person added as a party by the Septemviri or by the Chairman of the Septemviri, either on application or otherwise.*

6. When a hearing has been arranged, the Clerk shall send to each party

- (a) a notice of the hearing which shall contain information and guidance concerning attendance at the hearing, the bringing of documents, representation by another person, and the calling of fresh evidence;
- (b) a copy of the notice provided by the appellant under Regulation 3.

7. 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 and at the hearing of the appeal.

8. An appeal shall not be determined without an oral hearing at which the appellant and his or her representative, if any, are entitled to be present.

9. The Septemviri may sit either in public or in camera at the discretion of the Chairman, provided that if the appellant so requests they shall normally sit in camera. The Septemviri shall have power, if they think it appropriate in the circumstances, to hear appeals by two or more parties at the same hearing.

10. The Septemviri 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 Regulation 8, the Chairman shall have power to exclude any person from a hearing if in the opinion of the Chairman such exclusion is necessary for the maintenance of order.

11. Each party to a hearing before the Septemviri shall be entitled to make a statement and to address the Septemviri; but witnesses may not be called save with the consent of the Septemviri. Leave to adduce fresh evidence, or to recall witnesses examined at first instance, shall be given only if the Septemviri are satisfied that it is necessary or expedient in the interests of justice.

12. Subject to the provisions of Statute B, VI ~~and Statute U, V~~, and of these Ordinances, the Septemviri shall have power to regulate their own procedure. The Chairman may set time-limits for each stage of the proceedings, and any meeting of the Septemviri may be postponed or adjourned at the discretion of the Chairman. It shall be the duty of the Septemviri and of the Chairman to ensure that any appeal is heard and determined as expeditiously as is reasonably practicable.

13. The Chairman of the Septemviri shall not impose under Statute B, VI, 20 any fine exceeding £175.

14. The Septemviri shall have power to allow or dismiss an appeal, or to dismiss an appeal for want of prosecution, ~~or to remit an appeal for further consideration in accordance with the provisions of Statute U, V, 8.~~

15. The Clerk of the Septemviri shall be entitled to be present throughout the hearing and at any meeting of the Septemviri, and shall keep a sufficient record of the proceedings.

16. The decision of the Septemviri shall be recorded in a document signed by the Chairman which shall contain:

- (a) any findings of fact which differ from those reached by any other University authority which has previously considered the case;
- (b) the reasons for the decision of the Septemviri;
- (c) any penalty determined by them.

17. The Clerk of the Septemviri shall send a copy of the document specified in Regulation 16 to the Vice-Chancellor, the appellant, and the other parties to the appeal.

18. The Chairman shall have power by certificate under his or her hand to correct in documents recording the decisions of the Septemviri any clerical errors arising therein from accidental mistakes or omissions.

Regulations for Grievance Committees (Statutes and Ordinances, p. 209)

Rescind the regulations.

Regulation 2 for Director of Medical Education (*Statutes and Ordinances, p. 597*)

2. Appointment shall be for an initial period of five years. On reappointment, the Director shall hold office, subject to the provisions of *Statute D, IA*, until the retiring age, so long as he or she satisfactorily performs the duties of the office.

General Regulation 1 for University officers (*Statutes and Ordinances, p. 662*)

1. Except as may be provided by Statute or by the Ordinances relating to the particular University office or category of office concerned:

(a) A University office shall be established in a Faculty, Department, or other institution by the competent authority concerned.

(b) Save as otherwise provided in Regulation 2 below every appointment or reappointment to a University office shall be made, unless prescribed otherwise, by the Appointments Committee for the Faculty, Department, or other institution concerned, which shall be constituted in accordance with Statute D, XVII, 3 or, if the General Board decide that the duties of a particular University office concern more than one institution and specify the institutions concerned, by a special Appointments Committee constituted in accordance with Statute D, XVII, 4. No person shall be appointed or reappointed a member of such an Appointments Committee, or of any other electing or appointing body whether prescribed by Ordinance or specially constituted by Grace for the purpose of appointment to a particular University office, who at the commencement of his or her period or further period of service, as the case may be, would have attained the age of seventy years.

(c) Save as otherwise provided in Regulation 2 below every appointment or reappointment to a University office shall be made with the concurrence of the votes (which shall be given in person at a meeting) of at least

- either* (i) five members or two-thirds of the number of members present, whichever is the greater number, in the case of an Appointments Committee for a Faculty, Department, or other institution, constituted as in section (b) above (or of such an Appointments Committee together with an additional member or members as prescribed by Ordinance),
- or* (ii) five members or a majority of the members present, whichever is the greater number, in the case of any other electing or appointing body than an Appointments Committee as prescribed in subsection (i) of this section.

(d) Appointments to a University office shall be to the retiring age, subject to the satisfactory completion of a probationary period.

(e) The competent authority may waive the probationary period in a particular case.

(f) The competent authority may authorize the establishment of an office for a fixed term provided that there is objective justification for such authorization and shall decide what constitutes objective justification. Notwithstanding Regulation 1(d), the Appointments Committee may make an appointment for a term commensurate with the period for which the office has been established, subject to the satisfactory completion of a probationary period.

(g) The period of probation for a University office shall be determined by the competent authority.

~~(h) The responsible person, as defined by Statute U, III, 1, shall decide whether or not the holder of a University office not included in Schedule J has successfully completed the probationary period. If confirmation is not straightforward, the responsible person shall refer the matter to the relevant Appointments Committee, who will decide whether the officer's probationary period shall be extended or the appointment terminated.~~

~~(i) An officer whose appointment has been terminated under section (h) above may appeal under the provisions of Statute U, V.~~

(h) A University officer shall not undertake for remuneration during Full Term without the consent of the competent authority any teaching other than on behalf of the University or a College or Colleges or the delivery of occasional lectures.

(i) (i) If the duties of a University officer consist mainly of teaching and research, the amount of teaching which the officer shall be permitted to give on behalf of a College or Colleges shall not, except with the consent of the competent authority, exceed twelve hours a week or, if the officer is also a Tutor or Bursar or (unless in a particular case the competent authority shall decide otherwise) an Assistant Tutor or Assistant Bursar or Steward, eight hours a week, provided that the competent authority may on account of the nature of the subject or the circumstances of a particular case extend these amounts of teaching to fifteen and ten hours a week, respectively.

- (ii) If the duties of a University officer consist mainly of work other than teaching and research,
- (1) the officer shall be precluded from being a Tutor, Assistant Tutor, Bursar, Assistant Bursar, or Steward of a College, except with the consent of the competent authority, and
 - (2) the amount of teaching which the officer shall be permitted to give on behalf of a College or Colleges shall not, except with the consent of the competent authority, exceed six hours a week.

(j) The Board, Syndicate, or other body which is chiefly concerned with the duties of a particular officer, other than an officer specified in Schedule J, may direct the officer not to undertake work of any kind which lies outside the scope of his or her office, other than work on behalf of a College or Colleges as provided in section (i) above, or may limit the amount of such work; provided that an officer may appeal to the competent authority against such a decision of the Board, Syndicate, or other body, and that the decision of the competent authority shall be final.

(k) Unless the tenure of a University office is to the retiring age or is for a period prescribed by Ordinance or at the time of appointment, the employment of the person who holds it may be terminated at three months' notice (or such other period of notice as may in a particular case be provided by Ordinance or at the time of appointment).

Regulation 4 for University Advocate and Deputy University Advocates (*Statutes and Ordinances*, p. 678)

4. The University Advocate and any Deputy University Advocate shall have power to seek legal advice from sources outside the University at the expense of the University, up to a limit approved from time to time by the Council; ~~subject to the provisions of Statute U,~~ they may be represented in any proceedings by a barrister or solicitor or other suitably qualified person.

Regulations for Clinical Lecturers (*Statutes and Ordinances*, p. 728)

Remove from section 'Officers other than those specified in Schedule J' and insert after University Senior Lecturers in the section entitled 'Officers specified in Schedule J'.

Regulation 38 for Intellectual Property Rights (*Statutes and Ordinances*, p. 984)

38. The Chairman of the Panel of Referees and the Chairman of the Tribunal may from time to time make procedural rules about the respective procedures, either of general application, or in respect of a particular case. A decision of the Tribunal in a particular case shall bind the parties, subject to any rights which a *University officer has under Statute D, IA*, to any disciplinary proceedings brought by the University under *Statutes B, VI and D, IA*, to any review proceedings before the Commissary under Statute D, V, to any legal proceedings, and in respect of students, to any relevant student complaints or adjudication procedures.

Regulations for removal from office, discipline, and grievances

Introduce new regulations in Chapter XI of the Ordinances (The University Officers) as follows:

REMOVAL FROM OFFICE, DISCIPLINE, AND GRIEVANCES

GENERAL

1. The responsible person, in relation to any particular officer, shall be either (i) the Head of the appropriate Department or other institution, or the Chairman of the Board, Syndicate, or other body which is chiefly concerned with the officer's duties; or (ii) such other University officer as the secretary of the competent authority may determine. If any doubt arises as to the identity of the responsible person, it shall be resolved by the decision of the secretary of the competent authority.

2. Unless otherwise specified, the responsible person may delegate any duty under these regulations, or under any rule, code of practice, guidance, or other provision made under these regulations, to any other person, and references to the responsible person shall include references to such other person as appropriate.

3. The following shall apply to any proceedings under these regulations:

(a) the manner of their conduct shall be determined by the person conducting them;

(b) they may be discontinued where the person conducting them so decides; and discontinued proceedings may be recommenced afresh; and a new person shall be substituted for the person conducting the proceedings before discontinuance where such substitution is desirable in the interests of fair procedure;

(c) they shall be conducted in private; but if the person conducting them considers it proper and expedient to do so, he or she may permit the attendance of any person (whether as a companion, or representative, or in a secretarial capacity, or for any other purpose) and such permission may be made subject to conditions;

(d) the person conducting them shall maintain a sufficient record of the proceedings.

References in this regulation to the person conducting proceedings shall be taken to refer also to the persons conducting proceedings, and those persons may act through one of their number for the purpose of this regulation.

4. The Council shall maintain panels, known as Panel A, Panel B, and Panel C, of persons willing to serve as chairman or as a member of committees constituted in accordance with codes of practice made under Statute D, IA, 7. Appointments to those panels shall be made by the Council in the Michaelmas Term each year of such number of persons as the Council may think fit, to serve as members of the panel for one year from 1 January following their appointment. Appointments may be subject to such limitations as the Council may see fit regarding the committees on which the appointee may serve and the role in which the appointee may serve. Panel A shall comprise members of the Regent House; Panel B shall comprise persons independent of the University; and Panel C shall comprise medically qualified persons. For the purpose of this regulation, a person is independent of the University if he or she does not hold any office or employment in the University or in any College, and does not hold a Fellowship of any College.

5. The University shall approve, and may amend, by Grace a code of practice for academic freedom. In pursuance of Statute D, IA, 1, regard shall be had to that code in the conduct of all matters under these regulations.

PROBATIONARY PERIODS

6. *The University shall approve, and may amend, by Grace a code or codes of practice for probationary periods.*

7. *The code or codes of practice shall set out the procedures to be followed in relation to the confirmation or termination of office at the end of a probationary period and shall provide for appeal by an officer whose appointment is not confirmed.*

REASONS FOR DISCIPLINE AND REMOVAL FROM OFFICE

8. *No person shall be removed from a University office unless the reason for removal may in the circumstances (including the size and the administrative resources of the University) reasonably be treated as a sufficient reason for removal of the officer concerned.*

9. *A University officer may be subject to disciplinary action (which may include removal from her or his office) in the event of her or his*

- (a) *conviction for an offence such as to render the person convicted unfit for the performance of the duties of her or his office or for employment by the University; or*
- (b) *gross misconduct; or*
- (c) *conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of her or his office; or*
- (d) *physical or mental incapacity such as to render the officer unfit for the performance of the duties of her or his office or for employment by the University.*

The Council shall issue, and may from time to time revise, guidance on what constitutes gross misconduct.

10. *Action taken in respect of a University officer (which may include removal from her or his office) in the event of physical or mental incapacity such as to render the officer unfit for the performance of the duties of her or his office or for employment by the University shall be dealt with in accordance with Regulations 17 to 23 below.*

DISCIPLINARY PROCEDURE

11. *If it appears to the responsible person or to the Vice-Chancellor that there are grounds for believing that the conduct or performance of an officer is or has been unsatisfactory, the responsible person shall investigate the matter. The responsible person may also*

- (a) *suspend the officer from the performance of her or his duties without loss of stipend, and*
- (b) *exclude the officer from all University premises or facilities,*

pending a final decision; but shall only do so if he or she considers such action necessary in the interests of the health and safety of any person or for the protection of University property.

12. *The responsible person may decide after investigation either*

- (a) *to take no formal action; or*
- (b) *to take disciplinary action.*

If it is decided to take no formal action against the officer, any suspension or exclusion under Regulation 11 above shall cease.

13. *If it is decided to take disciplinary action, or if action under Statute B, VI is taken by the University Advocate, against the officer, the responsible person may*

- (a) *suspend the officer from the performance of her or his duties without loss of stipend, and*
- (b) *exclude the officer from all University premises or facilities,*

pending a final decision, if he or she considers it expedient to do so, (in the case of action under Statute B, VI) after consultation with the University Advocate.

14. *The responsible person shall review regularly any decision to suspend or exclude an officer under either Regulation 11 or Regulation 13 above. Any such suspension or exclusion shall cease on the completion or discontinuance of the action against the officer.*

15. *The University shall approve, and may amend, by Grace a code of practice for disciplinary action. Such a code of practice shall permit the imposition of initial or final warnings or removal from office and shall provide for appeal by an officer against any disciplinary sanction imposed. **An appeal to the Septemviri shall lie from any decision of the University Tribunal to remove a University officer from her or his office.***

16. *No University officer shall be removed from office as a result of disciplinary action unless*

- (a) *the Vice-Chancellor has authorized the action to proceed on that basis; and*
- (b) *the matter has been heard and determined by ~~a disciplinary committee~~ the University Tribunal.*

REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

17. *In this section of these regulations and in any rules, code of practice, guidance, or other provision hereunder*

- (a) *references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality; and*
- (b) *references to an officer include, in cases where the nature of the incapacity so requires, a responsible relative or friend or other person having authority to act on behalf of that officer in addition to (or instead of) the officer.*

18. *If it appears to the responsible person that the removal from office of a University officer on medical grounds should be considered, he or she shall refer the matter without delay to the secretary of the competent authority. The responsible person may also*

- (a) *suspend the officer from the performance of her or his duties without loss of stipend, and*
- (b) *exclude the officer from all University premises or facilities,*

pending a final decision; but shall only do so if he or she considers such action necessary in the interests of the health and safety of any person or for the protection of University property. Any such suspension or exclusion shall be confirmed or varied by the secretary of the competent authority, after consultation with the responsible person, as soon as reasonably practicable.

19. *If it appears to the competent authority that the removal from office of a University officer on medical grounds should be considered, the secretary of the competent authority*

- (a) *shall inform the officer accordingly, giving notice of the reasons;*
- (b) *shall notify the officer in writing that it is proposed to make an application at University expense to the officer's medical practitioner for a medical report and shall seek the officer's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988;*
- (c) *may, at that time or at a later stage, require the officer to undergo medical examination at University expense by a qualified medical practitioner nominated by the competent authority; and*
- (d) *may, after consultation with the responsible person,*
 - (i) *suspend the officer from the performance of her or his duties without loss of stipend, and*
 - (ii) *exclude the officer from all University premises or facilities,**pending a final decision, if he or she considers it expedient to do so.*

20. *The secretary of the competent authority, in consultation with the responsible person, shall review regularly any decision to suspend or exclude an officer under either Regulation 18 or Regulation 19 above. Any suspension or exclusion shall cease on the completion or discontinuance of proceedings under this section of these regulations.*

21. *If in the light of any medical report obtained under Regulation 19 above the competent authority is satisfied that a University officer should be required to leave her or his office on medical grounds, and if the officer accepts the opinion of the competent authority, the office shall terminate on those grounds.*

22. *If the officer does not agree that her or his removal from office on medical grounds should be considered, or if after a medical report has been obtained the officer declines to leave her or his office on medical grounds, the competent authority may direct that removal should be considered in accordance with the code of practice referred to in Regulation 23 below.*

23. *The University shall approve, and may amend, by Grace a code of practice for removal on medical grounds. Such a code of practice shall provide for removal from office on those grounds and shall provide for appeal by an officer against any such removal.*

REDUNDANCY

24. *Where the competent authority decides*

- (a) *to propose that redundancies should be made affecting an institution under their supervision, and*
- (b) *the proposal, if implemented, would result in the removal of a University officer from office by reason of redundancy*

it shall engage in such consultation as it considers desirable, having regard to the legal obligations of the University, before deciding whether to confirm or modify its proposal.

25. *Where a selection for redundancy needs to be made, the competent authority shall identify criteria for selection and shall engage in such consultation as they consider desirable, having regard to the legal obligations of the University, before deciding on such criteria.*

26. *The competent authority shall then apply those criteria as confirmed or modified to select University officers for removal from office by reason of redundancy. No person shall be removed from office by reason of redundancy without first being offered a meeting to discuss the matter.*

27. Each person selected to be removed from office by reason of redundancy (whether following selection or otherwise) shall be advised in writing of

- (a) the action taken by the competent authority under the provisions of this section of these regulations;
- (b) the selection criteria used (if any);
- (c) her or his right of appeal and the time within which any appeal must be instituted; and
- (d) the date on which the removal from office is to take effect.

28. The removal from office shall take effect from the specified date unless, before that date, the competent authority has withdrawn in writing the notice under Regulation 27 above. Such withdrawal shall not prevent removal from office following a fresh notice.

29. The competent authority shall consult on any modified proposal or any modified criteria if it considers it desirable to do so, having regard to the legal obligations of the University.

30. The competent authority shall report to the University if the authority of the University is required under Statute C, II, 1 or Statute C, III, 2 or Statute C, V, 1 or Statute D, IA, 2, and in such a case no removal from office shall take effect before the necessary authority for a redundancy situation has been granted by the University.

31. The University shall approve, and may amend, by Grace a code of practice for appeal by any person selected for removal against any such removal.

RETIREMENT

32. The University shall approve, and may amend, by Grace a code of practice for the retirement of University officers and for the continuation of employment beyond the normal retirement age specified in Statute D, I, 11.

GRIEVANCES AND MEDIATION

33. The University shall approve, and may amend, by Grace a code of practice for the redress of grievance by members of the University staff. The Council shall issue, and may from time to time revise, guidance on mediation.

34. The code of practice for grievances shall require that grievances are addressed informally in the first instance, so far as is appropriate in the circumstances of the case; shall provide for the possibility of mediation; and shall provide for formal review. The code may provide for certain specified cases in which a grievance shall proceed immediately to the formal review stage.

35. Where the formal review of a grievance results in recommendations to the competent authority, it shall respond to those recommendations. Where it results in recommendations to some other University body or to a University officer, the competent authority may require a response to those recommendations from that body or officer as the case may be.

36. In the absence of provision to the contrary, no grievance shall be entertained in relation to any action taken or any decision made under any disciplinary procedure within the University that includes provision for appeal (including any action taken or decision made in any appeal under the procedure) otherwise than in accordance with the provision for appeal.

37. Where the person conducting any process under a disciplinary procedure within the University considers that the subject matter of a grievance of a defendant in that process relates to or overlaps with the subject matter of the disciplinary process, he or she may direct that the grievance be considered by her or him within the disciplinary process and not otherwise.