BY-LAWS

I. Constitution and Governance

1. These By-laws are made under the provisions of Statute IX. They repeal and replace all previous By-laws. Motions for making or repealing a By-law or By-laws or for the suspension of a By-law or By-laws are subject to simple majority voting, unless the Statutes require, or Governing Body shall bind itself to require, a majority greater than a simple majority in some particular case. Governing Body may suspend a By-law at an Ordinary College Meeting, and such acts shall be reported to and confirmed at the Stated General Meeting next following. Governing Body may only make, repeal, or permanently alter a By-law or By-laws at a Stated General Meeting. Amendments to By-laws may be moved at Stated General Meetings with not less than seven working days' notice; amendments to Statutes must be proposed with not less than fourteen working days' notice. The procedures for passing amendments to Statutes and securing the assent of the University and thereafter of the Privy Council are set out in the Statutes of the University.

2. Governing Body is charged with the superintendence of all aspects of the College's life. A properly taken decision of a Stated General Meeting is, under the Statutes, final. Any matter may be referred to a Stated General Meeting for final determination, either directly or via an Ordinary College Meeting. Decisions of Governing Body are recorded as Orders of the College in the Minutes of Stated General and Ordinary College Meetings.

3. A Stated General Meeting is quorate if half the members of Governing Body plus one are present, including the Officers listed in By-law IX.2. A Stated General Meeting that is quorate at its opening is deemed to be quorate throughout, unless any Fellow present shall require a roll-call; if the meeting is then found to be inquorate, business will be suspended and the meeting adjourned to a date certain. Ordinary College Meetings are quorate if a majority of the following officers are present: the Warden, Sub-Warden, Bursar, Senior Tutor, Dean, and Home Bursar together with twelve Fellows not being such Officers. The times and conduct of meetings of Governing Body, and the procedures for voting at such meetings are described below in By-law IX.

4. Governing Body consists of the Warden and Official Fellows. Official Fellows are defined in the Statutes. Any reference to 'the Warden and Fellows' in these By-laws shall be understood as being made to the Warden and Official Fellows. Reference to 'the College' shall be understood as being made to New College in Oxford; the corporate title of the College is 'The College of St Mary of Winchester in Oxford, commonly known as New College, Oxford'. Minor aspects of College governance not listed in the Statutes and By-laws are noted as conventions in Appendix A.

5. Meetings of Committees are quorate if a majority of Members are present, together with the Chair and Secretary.

6. Governing Body is assisted in its work by the committees listed in Appendix B, and by such other committees and sub-committees as Governing Body or the committees of Governing Body shall from time to time create.

7. The terms of reference, composition, and current membership of the committees of Governing Body are determined by Governing Body, and are set out in the Orders of Governing Body. The composition and terms of reference of the committees and sub-committees established at present are contained in subsequent By-laws or in Appendix B of these By-laws.

II. The Warden

A. Retirement, Resignation, and Election

1. The Warden shall give not less than the six months' notice provided for by the Statutes (II.11) of an intention to resign.

2. Upon the occurrence of a vacancy by death, deprivation, or resignation with immediate effect, or in the event of notice of resignation being given, or in anticipation of a forthcoming retirement or expiry of a fixed-term of election, the Sub-Warden shall summon a meeting of Governing Body (minus the Warden, and known as The Electors) to determine the manner in which candidates for Election or Pre-Election as Warden shall be sought.

3. Subject to the provisions of the Statutes the Sub-Warden will establish a Search Committee to advise Governing Body about the process, including the appointment of a consultant if Governing Body deems it appropriate, drawing up the further particulars, advertising the post, and producing the interview schedule, and proposing a method of voting. The Search Committee should as far as possible reflect the make-up of Governing Body.

4. Notice of the timetable for the Election shall be given during the Michaelmas Term of the year in which the Election is to be held.

5. The final Election shall take place in the Chapel at which time the provisions of the Statutes and By-laws relating to the Election of a Warden shall be read, and the Electors shall then make the Declaration prescribed for the purpose (Appendix F), with the scrutineers being the most junior and most senior Fellows by date of election. Any Fellow who has given notice to the Sub-Warden that he[1] has a conscientious objection to being present in Chapel may be excused at this point as this part of the Election is purely ceremonial but his vote may, on his request, be recorded as if present.

B. Duties of the Warden

6. The Warden is charged by the Statutes with responsibility for the well-being of the College as a place of education and scholarship, for its discipline, and for the safety and well-being

[1] Any use of a gender-specific pronoun in this document should be read as gender-neutral.

of all its members. The Warden chairs meetings of Governing Body, General Purposes Committee, Endowment Committee, Tuition and Research Committee, Warden and Tutors Committee, Appeal Committees, and all other committees where the chairmanship has not been delegated to an appropriate officer. The Warden may choose to take the chair at the meeting of any committee.

III. The Fellows

A. Election and Selection

1. Official Fellows are elected at the Stated General Meeting next following the receipt and acceptance of a recommendation for their election from a committee appointed to make such a recommendation. In the case of Professorial Fellowships attached by statute to the College, the College treats the electoral board's decision as equivalent to an election to an Official Fellowship.

2. Selection committees are composed as appropriate for the Fellowship (including Junior Research Fellowships) to which election is to be made, and in the case of joint appointments according to the agreements for the time being in force between the Colleges and the University for the making of such appointments.
3. Selection committees shall abide by the criteria for selection agreed by the College or by the Colleges and the University for the making of joint appointments; and the secretary of the committee shall keep an adequate written record of their deliberations in the light of those criteria.

4. The secretary of a selection committee shall write a report for circulation to Governing Body as soon as practicable after the committee reaches a decision; the report will describe the decision-making process in as much detail as is necessary for Governing Body to be assured of its compliance with current requirements of employment law and the agreements in force between the University and Colleges for the making of joint appointments; and the report will make a clear recommendation to Governing Body for the election of one candidate with as many runners-up as seems prudent ranked in order of eligibility, unless no other candidate is deemed appointable, in which case the ranking terminates. If any candidates are deemed unelectable after short-listing and interview, this should be stated.

B. Duties of Fellows:

5. As trustees of a charity, Official Fellows are subject to the law governing the conduct of trustees; in particular, they are required at all times to make decisions that promote the welfare of the College; they are jointly and severally liable for losses of capital, income, or reputation sustained by the College and attributable to malfeasance, gross negligence, or reckless incompetence on their part, and as trustees they are liable to the loss of their position in the event of personal bankruptcy, or upon conviction for crimes involving dishonesty. Governing Body shall take appropriate steps to ensure that academic staff are aware of their obligations as trustees, including those under health and safety law and under equal opportunities law, including anti-discrimination legislation as it applies to admissions,

employment, teaching, and administration.

6. Official Fellows are required to attend such meetings, which shall normally be held on Wednesday afternoons in Full Term, as set out below in By-law IX, to serve on College committees when required, and to serve as College Officers on an equitable basis. The additional obligations of Tutorial Fellows are listed in their terms of employment. The College will not expect Fellows to perform any duties from which they are by agreement between the Colleges collectively or between the Colleges and the University exempted during their first years of employment.

7. Residence: College Officers may be required by the College to reside within, or in close proximity to, the College for the better performance of their duties.

C. Retirement of Fellows

8. (a) Anyone holding an Official Fellowship in respect solely of his holding a University post vacates his Fellowship on vacating that University post by retirement, resignation, or dismissal. Where an individual holds a Tutorial Fellowship in respect of being appointed to a University post linked to a College post, resignation or dismissal from the former will similarly and automatically require the vacating of the Fellowship, but his retirement from the former will not so trigger the vacating of the Fellowship if he is seeking extension of the latter post beyond the age of 67 under the procedure set out in 8(b) and hence his continuation in the College post alone beyond 67 will depend on the decision reached by College through the procedure set out below.

8. (b) (i) There shall be a retirement age of 67 for the Warden, for Tutorial Fellows, and for those other Official Fellows holding such salaried posts as Bursar, Home Bursar, Senior Tutor, Development Director, and Dean of Divinity.

(ii) This age is set so as to assist the College in maintaining a suitable spread of ages amongst the tutorial teaching strength and also to allow it to manage the provision of tutorial teaching in conjunction with the University's retirement age of 67 for its academic posts with which such Tutorial Fellowships are generally linked. This aspect of inter-generational fairness and of offering opportunities for career progression, as well as facilitating succession planning within the joint appointment system, is considered to be a legitimate purpose for having a fixed retirement age and the age of 67 is proportionate. In addition, the College, as in effect a partnership of Official Fellows constituting Governing Body (chaired by the Warden) and functioning in a collegial way, operates as a group of self-governing equals amongst which it would be inappropriate to apply performance management tests at a certain age with a view to dismissal on the grounds of lack of competence, whether of the Warden, Tutorial Fellows, or Fellows performing other duties (it being noted that Statute XVII already allows for dismissal for good cause which includes failure to perform and neglect of duties.)

(iii) The retirement age shall be 30th September of the year in which an individual reaches 67.

(iv) The process set out below is aimed at providing a fair procedure for balancing the wishes of an individual wanting to remain in employment beyond the fixed retirement age and the needs of the College. Any request to remain working beyond the College's Employer Justified Retirement Age (EJRA) of 67 will be considered in the context of the College's legitimate and proportionate reasons for establishing the EJRA as above, and consideration will be given to any proposal from the individual for part-time working. What follows applies to the EJRA process for any individual except the Warden.

a) The Warden shall remind in writing the relevant Fellow of the impending retirement date under the EJRA not later than two years prior to that date, with the University being informed of this where a joint appointment applies.

b) Any Fellows wishing to continue in employment after the date of the EJRA shall raise the matter with the Warden, and there will be discussion with the University where a joint appointment applies.

c) Arising from such discussions a formal written submission for continuation in employment may be made to the Warden by the Fellow not later than 18 months prior to the EJRA date.

d) The Warden shall then convene a Panel to consider the request which will report to the Warden in time for consultation with Governing Body and a decision being made by the end of the Trinity Term ahead of the EJRA date of 30th September in the following academic year.

e) The Panel shall comprise: an Official or Emeritus Fellow as its chair (but not a Tutorial Fellow from the same academic discipline where the request is from another Tutorial Fellow), a Professorial Fellow as its secretary, and an External Advisor from another Oxford or Cambridge college (such an Advisor to be in the relevant academic discipline where the request is from a Tutorial Fellow).

f) The Panel shall consider the submission from the Fellow, its chair liaising as necessary with the University where a similar request is being considered in relation to the University end of a joint appointment. The Panel will also consider the view of the College as represented to it in writing by the Senior Tutor in the case of a request from a Tutorial Fellow and the Sub-Warden in the case of any other Fellow. Where the request is not supported by the College the Panel shall invite the Fellow to present his request in person, and to comment upon the case presented by the College. The Panel shall be able to question the Senior Tutor or Sub-Warden as appropriate on the written submission referred to. The Fellow shall have the right to be accompanied by a trade union representative or a colleague from within College, from another college, or from elsewhere inside the University. All parties shall be provided with all relevant documentation in advance of any such meeting of the Panel.

g) The Panel shall make a reasoned written recommendation to the Warden (copied to the Fellow), who shall then consult Governing Body before making a decision whether to act on the recommendation. Such consultation shall be in accordance with the

format envisaged under Statute XVII on Academic Staff and its corresponding By-law XVI (paras 27 & 44). When Governing Body meets to consider the Warden's request for its view on the recommendation, the Fellow who has made the request will not be present; and neither will any Fellow who has served on the Panel nor the Senior Tutor or Sub-Warden (as applicable) who has presented the College's comments to the Panel on the Fellow's request.

h) The Warden shall inform in writing the individual, the University in the case of a joint appointment, and Governing Body of his decision on the Panel's recommendation. Where the Fellow's request is being rejected, he shall also be informed by the Warden of the right of appeal under the process set out below. Where the decision is to allow extended employment beyond the EJRA, the Warden will issue an appropriate fixed-term contract on expiry of which the Fellow will retire unless he submits a request to continue in employment, any such request being considered in accordance with these procedures.

i) If the Fellow exercises any right of appeal, the appeal process shall follow that set out in Part V on Appeals in Statue XVII on Academic Staff, and as amplified in paras 48 to 61 of By-law XVI on Disciplinary Procedures and Academic Staff. The decision reached under this appeal process shall be final.

(v) Unless the Warden is appointed for a fixed term, the Sub-Warden shall remind him in writing of the impending retirement date under the EJRA and shall do so not later than Noon on the Monday of Week 1 of Trinity Term two full academic years prior to that date. Any request from the Warden to continue in post beyond the EJRA shall be submitted by the Warden to the Sub-Warden in writing within one month and it shall be immediately reported by the Sub-Warden to the Official Fellows that such a request has been received. The Sub-Warden shall by the end of the Trinity Term set up a Panel to consider the request, the Panel to comprise: an independent chair, the Sub-Warden as its secretary, the Senior Fellow, and three Official Fellows or Emeritus Fellows suggested by the Sub-Warden and duly approved by Governing Body. This Panel will consider the Warden's request to remain in post beyond age 67. The Panel shall report to Governing Body by the end of the following Michaelmas Term, the meeting to be chaired by the Sub-Warden (who will have changed for the next academic year from the previous Sub-Warden acting as the Secretary to the Panel) in the absence of the Warden – the members of the Panel who are Official Fellows shall not be present at any such meeting. The Panel's recommendation shall be considered by the Official Fellows and a decision taken by way of a recorded vote as to whether the Warden's period of office shall be extended for a fixed-term beyond the EJRA applicable to the Warden. The Sub-Warden will communicate the decision of College, which shall be final, to the Warden, the Panel, and the Visitor. If the Warden's period of office is so extended and later there needs again to be consideration of a request for a further extension, the above process will be repeated (the Sub-Warden adjusting the timing as appropriate for the fixed-term involved). If the Warden's request to remain in office beyond the EJRA date for his retirement is refused, the Warden may petition the Visitor if he asserts the procedure for reaching a decision has been defective and/or fails to comply with the principles of natural justice and contractual fairness; and the Visitor shall rule on the College's application of its Statutes and By-laws, and he shall resolve as the Bishop sees fit under his exclusive

jurisdiction over the domestic laws of College as an eleemosynary chartered corporation.

D. Emeritus and Honorary Fellows

9. Any Official Fellow who vacates his Fellowship by retirement or after twenty years continuous service may be elected as an Emeritus Fellow by a two-thirds majority of those present and voting on the question. An Emeritus Fellowship is non-stipendiary but carries rights of commons and such other rights as may be agreed from time to time. No Emeritus Fellow may be a Member of Governing Body. An Emeritus Fellow holds his Emeritus Fellowship indefinitely unless deprived for cause.

10. Governing Body may elect suitably qualified persons to an Honorary Fellowship by a two-thirds majority of those present and voting on the matter. Honorary Fellowships are non-stipendiary, and no Honorary Fellow may be a Member of Governing Body. An Honorary Fellow has all other rights and privileges of Official Fellows; Honorary Fellows take precedence among themselves by the date of their election as Honorary Fellows according to the Statutes. They hold their Honorary Fellowships indefinitely unless deprived for cause.

E. Wykeham Fellows

11. A recommendation from the Development Committee for a Wykeham Fellowship will be considered by Governing Body. Such a recommendation shall include scrutiny and acceptance of the source of the donation. Governing Body may elect up to ten Wykeham Fellows to acknowledge outstanding acts of generosity. Wykeham Fellows are not members of the Foundation, but are listed in the University *Calendar*. Their number and privileges (as for Honorary Fellows) are determined from time to time by Governing Body. A Wykeham Fellow holds his Wykeham Fellowship indefinitely unless deprived for cause.

F. Deprivation

12. The procedures for depriving Official Fellows are contained in Statute XVII and By-law XVI; these apply to all Official Fellows, and to anyone performing academic services for the College on a permanent basis. Emeritus and Honorary Fellows are not so employed and may be deprived for cause. If one or more Fellows consider that an Emeritus or Honorary Fellow has engaged in conduct inconsistent with their continued holding of their Emeritus or Honorary Fellowship, they shall inform the Warden, with a statement of the grounds of their complaint. The Warden shall take such advice as is necessary, but if he finds that the complaint is *prima facie* well-founded, a committee shall be formed to consider the matter further and to recommend action to Governing Body.

13. The committee shall be formed in the same manner as a committee formed under Statute XVII, clauses 16 (1) and 16 (2), and shall proceed in the manner required under Statute XVII, clauses 17-19, and By-law XVI, save that the committee shall report directly to Governing Body.

14. Once proceedings have commenced, the committee shall continue in being until it has proposed to Governing Body that deprivation should or should not take place. In the event

that the committee recommends against deprivation, it may recommend no action or some lesser course of action, such as a formal letter of rebuke from Governing Body.

15. Only a Stated General Meeting may confirm the College's intention to deprive an Emeritus or Honorary Fellow; a two-thirds majority of those present and voting is required for deprivation. A lesser penalty may be imposed by a simple majority, but only at a Stated General Meeting.

16. A Wykeham Fellow may be deprived for cause in the manner set out in clauses 12 to 15 immediately above.

IV. Junior Members

Junior Members are required to abide by the College's disciplinary regulations, both academic and general; these regulations shall be published to the Junior Members in a handbook. These regulations and the procedures for their enforcement shall have the force of Orders within the meaning of By-law IX.11. Any Junior Member facing disciplinary procedures that may lead to expulsion will be given a copy of the Orders governing the disciplinary process. They are contained in Appendix E to these By-laws.

V. Scholars, Senior Scholars, and Exhibitioners

1. Scholars and Exhibitioners are elected by a College Meeting on the recommendation of Warden and Tutors Committee. Scholars are ordinarily, but without entitlement, recommended for election after obtaining a First Class in Moderations or a Distinction in a Preliminary Examination, but may be elected at any time for academic performance of equivalent excellence. Exhibitioners are elected for work of a slightly lower standard and may subsequently be elected to scholarships.

2. Scholars and Exhibitioners may be deprived of their Scholarships or Exhibitions for failure to maintain an appropriate standard of work, but not without prior warning that they are in danger of deprivation.

3. Undergraduates of the College who return to College to undertake graduate work may be elected as Senior Scholars if they obtained First Class Honours in a Final Honour School. They are elected on the recommendation of Warden and Tutors Committee at the first College Meeting after obtaining First Class Honours.

4. The emoluments attaching to all Scholarships, Exhibitions and Senior Scholarships are determined from time to time by Governing Body and confirmed at a Trinity Term Stated General Meeting.

VI. The Chapel Service

1. Service according to the Liturgy of the Church of England shall be sung or said in the College Chapel, at such hours as Governing Body shall from time to time approve.

2. There shall be a celebration of the Holy Communion on Thursday evenings during Term-time, and on feast days as Governing Body shall deem appropriate.

3. Unless Governing Body shall otherwise determine, there shall be a choral Evening Service daily in Term-time except on Wednesdays, and at such other times as Governing Body shall deem appropriate.

4. Subject to the approval of the Visitor, Governing Body shall have power to make any change which it may think desirable in the mode of performing the service on the occasions of the celebration of the Holy Communion.

VII. The Choir, the Dean of Divinity, the School

1. There shall be a Dean of Divinity, an Organist, and a Choir consisting of no fewer than six Academical or Lay Clerks, and no fewer than sixteen choristers.

2. The Dean of Divinity shall be appointed and be removable by Governing Body, subject always to the provisions of Statute XVII, and shall receive such remuneration as Governing Body shall from time to time determine. During a vacancy in the office of Dean of Divinity, it shall be the duty of the Precentor, with the consent of an Ordinary College Meeting, to arrange for the discharge of the Dean of Divinity's duties, and to arrange for appropriate compensation: provided that no such arrangement shall be continued beyond the date of the next Stated General Meeting without the approval of that meeting.

3. The Organist shall be appointed and be removable by Governing Body, subject always to the provisions of Statute XVII, and shall receive such remuneration as Governing Body shall from time to time determine.

4. The Academical Clerks shall perform the same duties as the Lay Clerks but shall be members of the College and of the University *in statu pupillari*.

5. The Choristers shall be employees of the College and as such subject to the rules and regulations that relate to employees. They shall be appointed by the Organist by audition and their remuneration shall be such as Governing Body shall from time to time determine.

6. Governing Body may make orders from time to time respecting the duties of all the members of the Choir, and may enforce the same by pecuniary or other penalties.

7. The Chapel Committee consists of the Warden, the Sub-Warden, the Precentor, the Dean of Divinity, the Organist, the Pictures and Chattels Fellow, the Bursar, the Home Bursar, the Head of New College School, the Director of Development, and the Outrider, and such

other Fellows as Governing Body deems appropriate; by convention, the Warden delegates the chair of Chapel Committee to the Sub-Warden. The Committee supervises the conduct of the services in, and the general management of, the College Chapel; it makes recommendations to Governing Body from time to time respecting the conduct of services in the College Chapel in accordance with Statute V; it supervises the work of the Organist and the Choir, and makes recommendations to Governing Body respecting that work.

8. The College maintains New College School to educate the choristers of the Choir in the setting of a preparatory day school. Governing Body is ultimately responsible for the management of the school, but has devolved the detailed superintendence of its affairs to the School Committee. The School Committee supervises the management of New College School, reports to Governing Body on a termly basis, and makes recommendations to Governing Body concerning the work of the School and the appointment and terms of service of the Head. Its membership, the articles of governance of New College School, and the terms of reference of the School Committee are contained in Appendix C and D to these By-Laws.

VIII. The Administrative Officers and their Duties

1. Governing Body appoints or elects such officers as are necessary for the effective administration of the College. The Bursar, Home Bursar, and Director of Development are appointed by Governing Body upon terms agreed when a vacancy arises, and upon the recommendation of a selection committee established on each occasion. Their duties are described below. In addition to the officers described in the Statutes (the Sub-Warden and Bursar) and those appointed as above, there shall be a Senior Tutor, a Tutor for Graduates, a Tutor for Undergraduate Admissions, a Dean (and so many assistant Deans as Governing Body shall from time to time determine), a Dean of Divinity, a Chaplain, the Dean(s) of Arts, a Fellow-Librarian, a Precentor, a Garden Fellow, and a Chattels Fellow. More than one office may be held by the same person. In the event of a prolonged absence on the part of the Warden, the College may elect an Acting-Warden to act in the Warden's stead. The Acting-Warden undertakes the duties and possesses the powers of the Warden for the period of appointment as Acting-Warden.

2. Officers not appointed as in Clause 1 above shall be elected or re-elected at the Stated General Meeting in June, and may be elected for one year or a term of years. Officers whose attendance is required to ensure a quorate Stated General Meeting are listed in By-law IX.2. The stipends of officers are determined from time to time at a Stated General Meeting.

3. *Of the Sub-Warden*: The Sub-Warden is next in place to the Warden, and has precedence in all points amongst the Fellows. The Sub-Warden acts in place of the Warden during brief absences, and during longer absences if no Acting-Warden has been appointed. The Sub-Wardenship rotates annually among the Official Fellows in order of seniority. The Sub-Warden keeps the minutes of all College Meetings, prepares the Agenda papers for all meetings of Governing Body, sends copies of all such notices and documents as are required by any Statute or By-law or Order of the College to be sent, to the Warden, and to each

Fellow resident within the limits of the United Kingdom. The stipend of the Sub-Warden is determined by Governing Body. A Fellow who cannot fulfil the duties of the Sub-Wardenship at a time when he would otherwise become Sub-Warden by seniority may defer office by one or more years.

4. *Of the Bursar*: The Bursar exercises general care and management over the estates and property of the College, and its finances, subject to the provisions of Statute II.5 and to such directions as Governing Body may give from time to time. The Bursar is responsible for securing that all income due to the College is received and paid into such bank or banks as Governing Body may agree. Subject to the provisions of the charity law and of the University Statute concerning the form of accounts of the College and the audit and publication thereof, the Bursar shall keep an account in such form as Governing Body may from time to time direct. The Bursar shall also discharge all other functions which usually belong to the office of Bursar, and for which no other provision is made, or which Governing Body may at any time assign.

5. *Of the Senior Tutor*: The Senior Tutor supervises the teaching of undergraduate members of the College, and ensures that undergraduates receive competent teaching, both within the College and outside it; the Senior Tutor keeps records of student progress, and has oversight of the expenditure on teaching given within the College or given by outside tutors. The Senior Tutor acts as secretary to the Tuition and Research Committee and Warden and Tutors Committee.

6. *Of the Tutor for Graduates*: The Tutor for Graduates supervises the admission of graduate students and the allocation of graduates to College advisers; and has oversight of the academic progress and welfare of graduate students within the College.

7. *Of the Tutor for Undergraduate Admissions*: The Tutor for Undergraduate Admissions supervises the admission of undergraduate students, acts as secretary to the Admissions Committee and the Access Sub-Committee, serves on the Intercollegiate Admissions Committee, and is answerable to Governing Body for the consistency of the admissions process with the intercollegiate Code of Practice and all current legislation on equal opportunities and non-discrimination.

8. *Of the Home Bursar*: The Home Bursar is responsible for the domestic arrangements of the College and for compliance with: health and safety legislation, employment law relating to the non-academic staff, and all legislation relating to the functions of the post. The Home Bursar supervises the domestic and related staff; and oversees the management of the living and teaching accommodation, the non-academic HR function, day to day maintenance, planned maintenance and refurbishment, catering, events and conference marketing and management, portering, tourism and security.

9. *Of the Dean*: The Dean

(a) assists the Warden in the discipline of the College, by carrying out the orders of Governing Body on such matters as are referred to in By-Law IV and are not specially assigned to the management of any other Officer;

(b) takes cognizance of all offences and breaches of discipline on the part of Junior Members, and imposes such penalties as are provided for in the College Handbook; and
(c) brings before the Meeting of the Warden and Tutors any grave offence which may deserve serious punishment.

Nothing in this clause shall be held to interfere with the customary powers and duties of the Warden. When the Dean is ill or temporarily absent, or otherwise unavoidably hindered, the Dean's duties shall be discharged by the Assistant Dean.

10. *Of the Dean of Divinity*: The Dean of Divinity discharges such duties with respect to the Chapel Services as are assigned by a Stated General Meeting, and acts as Secretary of the Benefice Committee.

11. *Of the Chaplain:* The Chaplain is responsible for the conduct of Chapel Services and cooperates with the Chapel Committee and the Organist in managing all matters to do with the Chapel and the Choir.

12. *Of the Dean(s) of Arts*: It shall be the duty of a Dean of Arts to present for Graduation, on any Degree Day, any appropriately qualified member of the College; and to present for Matriculation any person admitted as a member of the College who is required to matriculate to pursue a course of study.

13. *Of the Fellow-Librarian:* It shall be the duty of the Fellow Librarian to supervise the Librarian, the Archivist, and the subordinate Library staff of the College Library, to manage the Library budget, and, subject to the orders of Governing Body, to regulate the use of the books by Members of the College.

14. *Of the Precentor*: The Precentor discharges such duties with respect to the Chapel Services and the Choir as Governing Body assigns at a Stated General Meeting, and exercises such powers as Governing Body may delegate. The Precentor also regulates the admission of strangers to the Chapel.

15. *Of the Garden Fellow:* The Garden Fellow has oversight of the maintenance and management of the College gardens, within the College. The Garden Fellow reports to the Garden Committee which has oversight of the College's gardens and is responsible for the garden budget.

16. *Of the Chattels Fellow:* The Chattels Fellow superintends the acquisition, conservation, restoration and repair of the College's works of art, including paintings, silver, and furniture; the conservation of archives and manuscripts is the responsibility of the Archivist under the direction of the Librarian and Fellow-Librarian.

17. *Of the Director of Development*: The Director of Development is responsible for raising philanthropic support for the College or related charities, through the building of relationships with Old Members of the College and other potential donors, and for securing the approval of Governing Body for the acceptance of Wykeham donations.

IX. Meetings

1. There shall be three Stated General Meetings in every year, for the transaction of the general business of the College, on:
the second Wednesday in Michaelmas Full Term;
the fifth Wednesday in Hilary Full Term;
the eighth Wednesday in Trinity Full Term;
provided that Governing Body at any Stated General Meeting shall have power to alter the date fixed for the next following meeting to a date not more than fifteen days before or after the date so fixed; and provided that any Stated General Meeting may be adjourned to a date certain for the completion of unfinished business.

2. At these Meetings the Warden, Sub-Warden, Bursar, Senior Tutor, Dean, and Home Bursar shall be present, and so many more of the Fellows as shall, with these Officers, constitute at least one-half plus one of the whole body of Fellows.

3. It shall be the duty of the Sub-Warden to secure due attendance at every such Meeting; and for this purpose he shall always summon two, at least, over and above one-half of the whole body of Fellows. The Fellows summoned in addition to the Officers shall be those who are junior in rank.

4. Any Officer or other person, who is summoned under the preceding clause to any Stated General Meeting, and who shall not be present at the commencement of such Meeting, shall be fined £25. Anyone granted leave of absence is automatically excused attendance. These fines shall only be remitted by a vote of a Stated General Meeting: provided that any Fellow not being an Officer, who is summoned to any Meeting, may appear by a substitute; but no such Fellow shall appear by a substitute at more than two Stated General Meetings in any calendar year. The Sub-Warden shall enter in the minutes of each Meeting the name of any such Fellow who shall appear by a substitute with the name of his substitute.

5. (a) All the more important business of the College such as the purchase and sale of property exceeding £100,000 in value, the granting of long leases, the purchase and sale of stock, the appointment of fund managers and the determination of their mandates, and grants of money beyond approved budgets shall be reserved for these meetings.

(b) But any business, other than motions or proposals falling under clause 8 of this By-law, which cannot be deferred without detriment to the interests of the College, may be transacted at an Ordinary College Meeting, provided that notice of the meeting, and of the business to be transacted thereat, shall have been sent to all Fellows no later than five days in advance.

6. An agenda paper shall be sent to the Warden and each of the Fellows not less than five days before each Stated General Meeting. Such agenda paper shall specify the general nature of the business to be transacted at the Meeting, and in particular shall contain all motions to make repeal or amend a Statute or By-law, or motions for the election of a Fellow, or an Honorary Fellow; but this clause shall not preclude the transaction by the

meeting of any business (except the making, repealing or amending of a Statute or By-law or the consideration of a motion or proposal falling under Clause 8 of this By-law) requiring immediate attention of which no notice has been given on the Agenda paper, nor could reasonably have been given before the meeting, provided that at least 25 Fellows are present when the motion that the transaction of such business requires immediate attention is put to the Meeting. Amendments may be moved without notice to any motion of which notice shall have been duly given.

7. The Members of all Standing Committees referred to in these By-laws shall be elected by Governing Body at the Stated General Meeting in Trinity Term, and shall enter upon their duties on the first day of October next following their election.

8. No application or proposal for any grant of money shall be entertained at any Meeting, unless reasonable notice thereof shall have been given to the Warden or Bursar. Requests for charitable donations shall be referred to the Discretionary Emoluments Sub-Committee, which may make *de minimis* grants of up to £250 at its discretion, and for grants larger than £250 shall make recommendations to Governing Body.

9. When any motion for making, repealing or amending a By-law of the College shall have been brought forward and rejected or withdrawn, it shall not in word or in substance be brought forward again until three Stated General Meetings at least shall have elapsed subsequent to the one at which such motion shall have been rejected.

10. The Warden shall have power to summon an Ordinary College Meeting at any time; provided that, except in cases of great emergency, notice shall always be sent to every Fellow at least a day beforehand. No business of which a week's notice has not been given, shall be transacted or significantly varied at any Ordinary College Meeting, unless the meeting is quorate.

11. Ordinary College Meetings shall have power to make and vary Orders on all subjects referred to in Statute IX which are not otherwise provided for by the Statutes and By-laws of the College in force for the time being; and to enforce such Orders by such penalties as they shall think fit. A book shall be kept in which such Orders shall be entered.

12. Three working days' notice shall be given of any college Committee or Sub-Committee meeting: provided that the Warden shall have power to summon such meetings at shorter notice if he is satisfied that all concerned can be present.

13. Of the conduct of meetings.

(a) Decisions of committees and of Governing Body are made by simple majority vote in all cases where a majority greater than a simple majority is not explicitly required by the Statutes or By-laws, or by previous resolution of Governing Body. A simple majority is defined as one plus half the number of those present and voting (where the number of votes is even) or half those present and voting plus one (where the number of votes is odd.) If a vote produces a tie, the Warden or other Fellow presiding has a casting vote; if that casting vote is not exercised, the motion fails. Ordinarily, a casting vote is exercised to maintain the

status quo.
(b) In the discussion of motions on which a vote is to be taken, the discussion of, and voting on, any amendment takes priority over the main motion; and similarly with the discussion of and voting on any amendment to that amendment in turn.
(c) The motion 'that the motion be now put' takes priority over all other business; but where an amendment has already been moved and discussion of it has begun, the motion to be put is the amendment.
(d) If the motion 'that the motion be now put' is carried, a vote follows immediately on the motion or amendment in question.
(e) The motion 'that the motion be not put' may be moved at any time and must be voted on immediately; the motion whose deferral is proposed may itself be an amendment, and in such case, a successful proposal that the amendment be deferred returns discussion to the original motion or amendment.
(f) In the event that the motion 'that the motion be not put' is carried, further discussion may be adjourned to a day certain or a decision be taken not to discuss the matter further, either indefinitely or for a set period of time.
(g) A speaker wishing to raise a point of order has priority over other speakers; the chair rules on points of order.
(h) A speaker making a point of information has priority over all other speakers save those making points of order.
(i) The detailed application of these procedures is governed by *Robert's Rules of Order*.

14. Virtual meetings (as held entirely on-line) or hybrid meetings (a mix of members attending in-person and on-line) of Governing Body (whether a College Meeting or a Stated General Meeting or a Special Meeting) are not permitted in Term - unless there is a Government-recognised health emergency that prevents in-person meetings being held or restricts the number of persons who may gather for such a meeting. Notwithstanding a general preference for in-person meetings, in the vacations, however, a specially convened College Meeting can be hybrid or virtual. The same requirement for in-person meetings during Term-time applies to all other committee meetings except that hybrid meetings are also permitted in Term where the committee includes external non-Oxford based members (for example, the Endowment Committee, the Remuneration Committee, the Gradel Institute of Charity Committee, and the Risk, Audit, and Governance Committee) - and this dispensation applies in addition to any ad hoc working parties, as well as to disciplinary or appeals panels. As with in-person meetings, the Chair shall ensure all members can both hear and also see each other - hence participation by telephone, by email, or only via the 'chat' function within a virtual meetings platform is not permitted. Voting at virtual/hybrid meetings shall be by each member stating whether For, Against, or Abstaining; and such votes shall be recorded against the member's name in the Minutes (hence voting by proxy or post or email is not permitted).

X. Tuition

A. Lecturers and Tutors.

1.
(a) Tutorial Fellows holding teaching posts in the University will be paid according to the

scale agreed from time to time between the University and the Colleges. They may receive such additional emoluments as the College from time to time determines.
(b) Tutorial Fellows not holding teaching posts in the University will be paid according to a College scale related to the scale for joint appointments. They may receive such additional emoluments as the College from time to time determines.
(c) The College may pay allowances for housing, research expenses, books, and the cost of entertainment related to the performance of tutorial duties.
(d) The College may pay College Officers stipends in respect of the duties of their offices; these stipends shall be set by the Trinity Term Stated General Meeting.

2. The teaching obligations of Tutorial Fellows shall be determined by Governing Body on the advice of Tuition and Research Committee and in the light of the intercollegiate and University agreements in force for the time being. The Senior Tutor is responsible for compiling and making available to Governing Body the College's own conventions within the agreed framework as to the understanding of a College stint.

3. A Tutorial Fellow who undertakes College teaching in excess of the maximum required by the terms of his appointment may receive such additional remuneration as Governing Body approves.

4. Tutorial Fellows shall assist in maintaining the discipline of the College and in exercising personal supervision over the pupils in their charge.

5. A non-tutorial Fellow has instructional duties according to the terms of appointment. The duties assigned to a Supernumerary Fellow who is engaged in the teaching of undergraduates are determined on each occasion of election.

6. The Tuition and Research Committee shall from time to time determine the number, duties, duration and emoluments of Lecturers appointed to supplement the undergraduate teaching provided by Fellows.

7. All appointments of Lecturers shall be reported to the next Stated General Meeting after they have been made.

B. Tuition and Research Committee

8. The Tuition and Research Committee consists of all members of Governing Body and others co-opted from time to time.

9. Subject to the provisions of Section A of this By-law, the duties of the Committee shall be to consider: the appointment, re-appointment, or removal of Lecturers; requests for leave of absence by Tutorial Fellows, and applications for grants of money for educational, literary or scientific purposes.

10. Warden and Tutors Committee may act in the place of the Tuition and Research Committee to deal with matters that affect the teaching of undergraduate students, leaves of absence of Tutorial Fellows, action to be taken with regard to bad or failing work, and

instructional matters that do not raise issues of policy.

11. Warden and Tutors Committee is composed of: Warden, Sub-Warden, Senior Tutor, Dean, Dean of Divinity, all Official Fellows engaged in undergraduate instruction, the Salvesen and Cox Fellows, and such additional persons as may be decided from time to time by Governing Body.

C. Leave of Absence.

12. Governing Body may give leave of absence on grounds of health to any Tutorial Fellow of the College. The terms of such leave will not be less generous than those agreed by the University, and in any event not less than six months of fully-paid leave followed by six months of half-pay.

13. So far as may be consistent with the educational work of the College, Governing Body may at any Stated General Meeting, and on the recommendation of the Tuition and Research Committee (or of Warden and Tutors Committee in its stead), give leave of absence to any Tutorial Fellow, for purposes of study or research, or for other sufficient reason, under the following conditions: leave shall be granted in the proportion of no more than one term of absence for every six terms of actual service, which have been completed during the six years preceding the date on which the term of absence sought and which have not already been taken into account in granting a previous leave of absence.

14. The College will not unnecessarily restrict Fellows who wish to apply for leave additional to ordinary sabbatical leave and funded by outside bodies. The College will not ordinarily grant unpaid leave of this kind for longer than two years, or to allow the Fellow to engage in work other than research. Where exceptions are made for work of public importance, or for the holding of prestigious research fellowships, the College will expect to be compensated for the salary and allowances of the Fellow, and if there is a shortage of teaching accommodation may require the Fellow temporarily to vacate his rooms in order that his substitute can be accommodated. Fellows are expected not to request special leaves beyond reason; this is generally understood to mean that in a ten year period, they should not be absent for more than double the period of their ordinary sabbatical leaves, maternity and paternity leaves always excepted.

15. Tutorial Fellows to whom leave of absence is granted under the last clause receive the whole emoluments and allowances of their Fellowships, excluding the entertainment allowance, if any, and retain sole use of their rooms except in the case of Fellows who have a room in their departments.

16. Leave shall be granted only if satisfactory provision can be made for the discharge of the applicant's duties.

17. All applications for leave of absence under By-law X.13 shall be granted, if for Michaelmas Term, not later than the Stated General Meeting in Trinity Term, if for Hilary Term, not later than the Stated General Meeting in Michaelmas Term; if for Trinity Term, not later than the Stated General Meeting in Hilary Term.

18. Leaves of absence other than sabbatical leaves for the purpose of study and research will be given only after consideration of their effect on the educational work of the College, and of their financial consequences for the College, and only for purposes that are consistent with the mission of the College as a place of education and research. There is no automatic entitlement to such leave; and the College will have a view to the equitable distribution of such leaves, as well as to the conditions under which such leaves are granted by faculties, sub-faculties, and departments.

XI. Investments, the Estates, and the College Buildings

1. The Endowment Committee supervises the Land Agent and the investment advisers appointed by the College; the Committee meets as frequently as is necessary for the efficient conduct of its business, but reports to Governing Body not less than once a year on the value and performance of the endowment, and on the work of the Land Agent and the investment advisers. The Endowment Committee may supervise the Land Agent through an Estates sub-committee, and the investment managers through an Investment sub-committee.

2. The Warden or Sub-Warden, and the Fellow next in seniority to the Sub-Warden (the Outrider) shall every year, at some convenient time, make a Progress for the purpose of visiting and inspecting so much of the College property as the Warden shall from year to year determine.

3. The Land Agent reports to the Endowment Committee; and the Committee reports to Governing Body on all matters regarding the financial performance of the College's agricultural and commercial property.

4. The Bursar shall keep under review the state of the fabric of the College, and lay a statement of the same, together with an estimate of the expenses in each particular, before the General Purposes Committee and the Buildings Committee.

5. No repair or alterations to the College buildings costing more than £25,000 shall be undertaken except on a report of the General Purposes Committee and by the order of a Stated General Meeting, unless from their nature they cannot be deferred, when the Bursar may bring them before an ordinary College Meeting summoned with a week's notice.

XII. Risk and Insurance

1. The College shall keep current and up to date its risk assessments and risk assessment procedures, and shall insure itself against those risks that it is legally obliged to insure itself against or which it would insure itself against on the basis of ordinary prudence.

2. These risks include damage to the College buildings as the result of fire and other accident, injury to College employees and to Fellows and other academic staff of the College, and the personal liability of Fellows and other academic staff in respect of their

professional activities performed on behalf of the College, which is to say teaching and activities connected therewith but not research nor private consulting; and the College will meet the reasonable legal expenses of Fellows who face litigation or the threat of litigation in these circumstances, provided always that the Fellow has not been grossly negligent or recklessly incompetent.

3. Governing Body is responsible for approving the College's Health and Safety procedures, its risk assessment documentation, and its insurances, and shall do so at least annually.

XIII. Pensions etc

1. The College shall ensure that its employees, academic and other, are aware of their rights to belong or not to an appropriate pension scheme; and shall ensure that the College's contributions to such a scheme or schemes are promptly made; and shall take such steps as are prudent and practicable with respect to the solvency and reliability of such schemes.

2. The College shall take such steps as are prudent to remain aware of changes in regulations governing employees' rights and employers' duties, and shall be prompt in observing them, and in updating the Staff Handbook and the College's terms and conditions of employment as required.

XIV. The Audit and the Accounts

1. The accounts of the College shall be audited once in every year by a person qualified to practice as a registered auditor and appointed at the Stated General Meeting in Michaelmas Term, under the provisions of Statute XV.2. The Auditors will have access to the Warden at any time, in the event of there being a disagreement between the Auditors and the Bursar, or in the event of the Auditors wishing to bring any grave problem to the College's attention. In such circumstances, the Warden will report the issue raised by the Auditors, and the General Purposes Committee may require the Auditors to attend a meeting at which to investigate further the matters raised by the Auditors.

2. It is the duty of the General Purposes Committee to satisfy itself that the annual accounts give a true and complete account of the financial position of the College, its income and expenditure, its balance sheet, and the allocation of income and expenditure to the several activities of the College.

3. It is the duty of Governing Body as Trustees of a charitable institution incorporated for the purpose of education and research to satisfy itself that the published accounts of the College present an accurate and transparent account of the College's expenditure on these activities.

4. It is the duty of the General Purposes Committee to receive and scrutinise the management accounts of the College, to reassure itself as to the viability of the College's undertakings in

all areas of activity, both academic and other, and to inform Governing Body of all matters that may be a cause for anxiety.

XV. Use of the Hall, Common Rooms, etc

1. All furniture, wine, and other property, in the hands of the Senior, Middle, and Junior Common Rooms, is the property of the College, and no person shall acquire any individual right of ownership in any of it through being a member of a Common Room.

2. The Senior Common Room is regulated by its own rules and conventions, which are approved by meetings of the members of the Senior Common Room, and reported to Governing Body. These are considered as Orders of Governing Body, and in any conflict between these By-laws and the regulations of Senior Common Room, these By-laws shall prevail. In particular, the classes of membership and the rights attached to them are approved by Governing Body from time to time. The classes of membership are:

(a) Ordinary Membership: This is held by all Fellows of the College, except Emeritus, Honorary and Wykeham Fellows. The Ordinary members may use the Senior Common Room at all times, have breakfast and luncheon, and dine at High Table.
(b) Honorary Membership: This is held by the Emeritus, Honorary and Wykeham Fellows, by former Fellows of the College, and by any other persons whom Governing Body may wish to elect in this category.
(c) Extraordinary Membership: Governing Body may elect persons into this category for a term of years or during the terms of some office or employment connected with the College.
(d) Lecturer Membership: Governing Body may appoint to this category of membership lecturers of the College who are not Fellows, and any other person who teaches for the College and for whom Common-Room membership is appropriate.
(e) Dining Membership: Governing Body may appoint anyone to this class of membership for a specific period.

3. The Sub-Warden shall have power to grant temporary membership of Common Room to any person temporarily resident in Oxford until such time as his membership can be considered after due notice at a Stated General Meeting or Ordinary Meeting in Full Term.

4. No election shall be made to the Senior Common Room unless one week's notice and the name of the candidate to be proposed shall have been given.

5. It shall be the duty of the Sub-Warden to write to every person who has been elected to membership of the Senior Common Room, stating the category in which he has been elected and giving the precise terms of her or his membership. The Sub-Warden shall cause a register to be kept in the Bursary of all persons elected to the Senior Common Room in the category and terms of their membership. The expulsion of members of the Senior Common Room is regulated in the same manner as the deprivation of Emeritus and Honorary Fellows, save that decisions on expulsion are taken by a meeting of the Senior Common Room called for that and no other purpose; its action is reported to Governing Body.

6. There shall be, during the course of each academic year, at least one meeting of the members of the Senior Common Room. The Steward shall summon the members of the Senior Common Room and they shall form a committee who shall consider matters concerning the Common Room and report to Governing Body.

7. Right of Commons. The right to have either dinner or luncheon free of charge is not part of membership of the Senior Common Room, but is granted to certain persons by Governing Body of the College. Fellows of the College, including Emeritus and Honorary Fellows, possess 'right of commons'. Governing Body may assign specific right of commons to lecturers, officers and employees of the College. Other members of the Senior Common Room will have the cost of meals and sundries added to their monthly battels.

8. Rights of Graduates. Members of the College who have taken a degree and are of twenty-one or more terms' standing shall be entitled to dine at the High Table on not more than three days in each year: provided that any such graduate, other than a Doctor or Bachelor of Divinity, Law or Medicine, who is qualified to proceed to the degree of M.A. shall not be entitled to the privileges given by this clause before taking that degree. Everyone entitled under this clause to dine at High Table may use the Senior Common Room after dinner but not at other times, and may not bring guests to High Table or to the Senior Common Room.

9. All members of the College of not more than twenty-one Terms' standing shall be entitled to dine at the Junior Members' tables in Hall, and to be members of the Junior or Middle Common Room as appropriate; but they shall not be required to pay any subscription to the Junior Common Room unless they are resident.

10. The Use of Hall and College Buildings: The Hall shall be used when required for the meals of the members of the College, for the Meetings and Examinations mentioned in the Statutes and By-laws, and for any special purpose which Governing Body at any Meeting may approve. When not so required, it shall be available for College Lectures or Examinations. During Full Term, priority in the use of lecture rooms is given to Fellows who require them for the purpose of instruction.

XVI. Disciplinary Procedures and Academic Staff

1. This By-law sets out the procedures to be followed to give effect to Statute XVII. It does not apply to staff to whom Statute XVII does not apply, whether because they were appointed before the passing of the Education Reform Act 1988, or because they perform no academic duties for the College, or because their appointment is not of a permanent nature.

2. If the conduct or performance of members of academic staff is unsatisfactory or members of staff appear to be otherwise in difficulties, the Warden may meet with them on an informal basis to explore the situation and to consider what action can be taken to improve their conduct or performance. The Warden may appoint a colleague (being a Fellow or Emeritus or Honorary Fellow of the College) to conduct the informal discussions either together with

the Warden or alone. The informal discussion is not a disciplinary act but an opportunity to explore problems and consider solutions. A record of this initial meeting may be kept, provided the member of staff agrees and is given a copy of any note; if the person concerned prefers, the discussion may be kept confidential at this stage.

3. In any case where it seems to the Warden that the performance and/or conduct of a member of academic staff appears not to meet acceptable standards but where the circumstances do not appear to raise *prima facie* grounds for dismissal, the Warden may convene a meeting with the person concerned in order to consider the matter and any appropriate sanction. No disciplinary sanction shall be imposed before the person concerned has had reasonable notification of the allegations, and an opportunity to respond and the matter has been properly investigated by or at the behest of the Warden.

4. Prior to the disciplinary meeting, the person concerned shall be provided with written notification of the date and nature of the meeting and the matters to be considered, together with copies of any relevant statements. Anyone subject to disciplinary proceedings shall have the opportunity to be accompanied or represented by a colleague; a member of any professional body or trade union such as the AUT may be represented by an official of that body. The individual shall not normally be permitted legal representation at this stage.

5. If the hearing shows that the individual's conduct and/or performance has fallen below acceptable standards, and depending on the gravity of the situation and all the circumstances of the case, the Warden may issue an oral or written warning.

6. An oral warning is the first stage of the disciplinary procedure. It shall state clearly that it comprises the first stage of the disciplinary process. The reasons for the warning shall be specified, together with any agreed plan of action for improvement, where applicable. The oral warning shall be recorded in a dated written note, a copy of which shall be provided to the individual. The note shall be kept in the individual's file and shall be destroyed after three years.

7. If there is not improvement, or further cause for concern whether of a similar nature or not, within the twelve month period during which the oral warning remains live, and in any case where the seriousness of the matter so merits, the disciplinary action which the Warden may take short of dismissal is a written warning. The written warning shall specify the reason and set out the improvement required and the time for achieving it. It shall be dated and a copy shall be provided to the individual as well as being kept in the individual's file. A written warning remains "live" for a period of two years after which it shall be destroyed.

8. The person concerned shall be notified of the right of appeal provided for in Part V of the Statute.

9. In any case before the Warden, whether on a complaint under Clause 14 (1) of Statute XVII or otherwise, the Warden shall consider all the circumstances of the case including the outcome of any enquiries instituted under Clause 14 (2) and any comments from the person concerned invited under Clause 14 (3). If, after such consideration, it appears to the Warden that there are *prima facie* grounds for dismissal for good cause as defined in Clause

5 of the Statute, the Warden may call on Governing Body to appoint an Academic Disciplinary Committee to consider and report on the case in accordance with Clauses 16-19 of the Statute. The Warden may suspend the person concerned at this stage in accordance with Clause 14 (3).

10. Upon receipt of a request under Clause 15 of the Statute from the Warden, Governing Body shall appoint the Academic Disciplinary Committee (the "Committee") as soon as reasonably practicable and shall inform the person to be charged by written notice that the Committee has been appointed to consider any charge or charges to be brought. The written notice shall include the names of the members of the Committee and shall enclose a copy of this By-law. At the same time Governing Body shall appoint a solicitor or other suitable person to formulate charge(s) and to conduct or arrange for the conduct of the hearing. Governing Body shall appoint one of the members to act as Chairman.

11. Subject to the provisions of the Statute and any provision to the contrary in the By-laws, the Committee shall have power to regulate its own proceedings. The Committee shall be quorate whenever at least two members including the Chairman are present, and in the event of any vote of the Committee which is tied, the Chairman shall have a casting vote. The Committee shall be entitled to appoint a secretary to support it in discharging its function at any time and to take notes of evidence at any hearing.

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

13. The person charged shall notify the prosecutor of any representative appointed to act for him and any further communications shall be addressed to the person charged and to any such representative. Any fees or expenses payable to the representative (other than reasonable travel costs and out of pocket disbursements) shall be at the charge of the person accused.

14. The Committee Chairman may make any interlocutory directions thought necessary for the fair conduct of the hearing, including but not limited to any directions as to the hearing date(s), whether at the request of either party or at the Chairman's own discretion. The Chairman may also remit any matters to the Warden for further consideration and has power to join further parties to the case if it is appropriate to do so and upon notice to the parties of such joinder. The Chairman of the Committee shall set the date, time and place for the hearing and may also set appropriate time limits for each stage (including the hearing), to the intent that any matters be heard and determined expeditiously.

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

(a) the charge or charges;
(b) copies of any documents specified or referred to in the charge or charges;
(c) a list of witnesses to be called by the prosecutor; and

(d) copies of statements containing the witnesses' evidence.

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

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

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

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

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

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

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

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

24. It is for the prosecutor to prove the charge or charges. In determining whether the charges or any of them are proved the Committee shall consider the evidence and decide

whether on balance it considers that good cause for dismissal within the meaning of Clause 5 of the Statute has been proved in respect of each charge before it.

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

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

27. Where any charge has been upheld and the Committee has recommended dismissal, the Warden or the Warden's delegate shall inform and consult Governing Body prior to making any decision as to penalty. A special meeting of Governing Body shall be arranged for this purpose and the person charged shall be informed as to the process. The person charged shall have the right to make further representations to the Warden at this stage.

28. If the Warden decides to dismiss the person charged the Warden may do so forthwith or upon terms. If the Warden decides not to dismiss, the actions permitted to the Warden are those set out in Clause 20 (2) of the Statute. Any warning given under Clause 20 (2) (c) shall be recorded in writing and shall remain live for two years. In all cases the Warden's decision shall be communicated to the person charged in writing as well as to Governing Body.

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

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

31. At the same time as notifying the individual, the Warden shall also convene a special meeting of Governing Body to consider the matter confidentially and shall request Governing Body to nominate a member to sit on the Board. If possible the member nominated by Governing Body shall have some experience of the mental or physical

incapacity apparently affecting the person concerned. Governing Body shall canvass and propose the names of three medically qualified people to the person concerned to act as Chairman of the Board. For this purpose Governing Body may seek the advice of the College doctor or any other suitable person on a confidential basis. In the event that agreement cannot be reached between Governing Body and the person concerned as to the appropriate person to chair the Board, Governing Body shall request the Master for the time being of the Royal College of Physicians to nominate a Chairman. Governing Body shall nominate an appropriate person from among the Fellowship who is unconnected with the case to act as secretary to the Board.

32. Where a Medical Board has been appointed to determine a case referred to it under Clause 23 (3) of the Statute, the Chairman shall appoint the time, date and place for the hearing and the secretary shall notify all parties in writing. The Board shall have power to adjourn the hearing from time to time as it sees fit.

33. At least 21 days before the hearing, the Warden shall refer all relevant evidence in confidence to the Board and shall make the evidence available to the person concerned and/or that person's representative, except for information for which a medical practitioner has claimed exemption from disclosure under the provisions of section 7 of the Access to Medical Reports Act 1988.

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

35. The person concerned shall be entitled to an oral hearing before the matter is determined by the Board. The parties to the hearing shall be the person concerned (including any person appointed to act for or instead of him), anyone appointed to present the case for removal and any other party which the Board may join at its own discretion. The secretary to the Board, the person concerned and/or that person's representative and the person presenting the case shall be entitled to remain throughout the hearing; otherwise it shall be for the Board to determine who may be present at any time.

36. The person concerned shall be entitled to present whatever evidence seems relevant, subject to the overall right of the Board to regulate its own conduct of the hearing. At least 10 days before the hearing, the person concerned shall provide the secretary to the Board with copies of any evidence, including medical evidence, on which he wishes to rely. The secretary to the Board shall be responsible for ensuring that copies are made available to Board members and other parties as soon as possible. The person concerned and the person presenting the case for removal may each call two expert witnesses whose statements shall first be presented in writing to the other parties.

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

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

39. The Board may proceed with the hearing in the absence of any party but shall not do so in the case of the person concerned and/or that person's representative unless it is satisfied that it is reasonable to do so in all the circumstances of the case or the person concerned agrees or so requests. Provided that the Chairman remains on the Board throughout, no proceedings of the Board shall be invalid because one member has been unable to continue throughout.

40. The person presenting the case for removal shall specifically draw the attention of the Board to the provisions of the Disability Discrimination Act 1995 and any other relevant legislation and provide the Board with information as to what adjustments have been considered to avoid the removal of the person concerned from his employment, together with information as to cost and effectiveness of the adjustments.

41. At any stage before making its decision the Board may call for additional information including requiring the person concerned to undergo examination by an Oxford University Occupational Health Service or medical practitioner chosen or agreed by the Board, at the College's expense. In the event that the person concerned fails to undergo any medical examination required by the Board, or if the medical evidence is inconclusive, the Board shall exercise its judgement on the basis of the evidence available to it.

42. The Board's decision shall be recorded in writing and shall contain its findings on the main facts and on the medical evidence available to it, as well as its conclusion as to whether the person concerned should be required to resign on medical grounds. The Board shall specifically record the matters it has taken into consideration in determining whether any reasonable adjustments can be made to enable the person concerned to remain in employment. If the Board concludes that the person concerned should be required to retire on medical grounds it shall clearly so state and, in the case where the person concerned is a member of the USS, confirm that in its opinion he is suffering from permanent ill-health or infirmity.

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

44. Upon receipt of the Board's decision, the Warden shall consult Governing Body prior to making any decision to terminate the employment of the person concerned but in so doing shall, in so far as possible, respect medical confidentiality. The Warden shall arrange for a

special meeting of Governing Body for this purpose and shall keep the person concerned and/or that person's representative informed as to the process. Provided the person concerned acts within 14 days of receiving the decision document, he shall have the right to make further representations to the Warden at this stage. Prior to making any decision to terminate the employment of the person concerned on medical grounds, and depending on the circumstances of the case, including the length of time taken, the Warden may afford the person concerned an opportunity to retire on such grounds in accordance with the rules of the USS where applicable.

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

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

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

48. A Notice of Appeal against any decision under Parts II, III or IV of the Statute must be served on the Warden within 28 days of the decision. The Warden shall bring the fact that an appeal has been made to the attention of Governing Body and shall inform the appellant that that has been done. The Warden shall consider any appropriate action, including suspension, that may be required in relation to the appellant and/or the appellant's position in the College pending the outcome of the appeal.

49. Governing Body shall appoint a person to hear the appeal in accordance with Clause 29 of the Statute who shall be called the Chairman, and the two further persons in accordance with Clause 29 (4) of the Statute who shall sit with the Chairman if the Chairman so decides under By-law XVI (51) below.

50. In the event that the notice of appeal is not served in time in accordance with Clause 28 of the Statute, the Chairman shall consider the circumstances of the case including the length and the reason for the delay and the grounds of appeal, and shall determine whether justice and fairness require that the appeal shall be permitted to proceed.

51. The Chairman shall consider whether to sit alone or with two other persons. In the event that Chairman decides to sit with two other persons, they shall be the persons appointed by Governing Body in accordance with By-law XVI (49) above and the body so constituted shall be referred to as the Appeal Body, which term shall also refer to the Chairman in the event that the Chairman sits alone.

52. The Chairman shall appoint a date, time and place for the hearing and shall make such other directions for the disposal of the case as appear appropriate including the joinder of

other parties, and any directions that may be required to clarify the grounds of appeal. The Appeal Body shall have power to adjourn the hearing from time to time as it sees fit.

53. Notice of the date, time and place and any directions made by the Chairman shall be served on all parties to the appeal at least 14 days before the date appointed; appellants shall be notified of their right at their own expense to be represented by another person who may, but need not, be legally qualified. The appellant and any other party shall also be notified of their right to call witnesses with the consent of the Appeal Body.

54. Any committee, board or other body shall, if joined as a party to the appeal by the Chairman, appoint one or more persons either from among their number or otherwise, who may, but need not, be legally qualified, to prepare and present the response to the appeal, such response to be served on the Appeal Body, the appellant and any other parties at least seven days before the day appointed for the hearing of the appeal.

55. Any hearing of the appeal may be adjourned or postponed at the discretion of the Chairman. The Appeal Body may dismiss the appeal for want of prosecution. However no decision to dismiss in such circumstances shall be made without first having provided the appellant with an opportunity to make representations whether orally or in writing.

56. Except as provided in By-law XVI (55) above no appeal may be determined without an oral hearing, due notice of which has been served on the appellant and any representative of the appellant.

57. Each party to the hearing shall be entitled to make a statement and to address the Appeal Body. Witnesses may be called with the consent of the Appeal Body. Leave to adduce fresh evidence and/or the calling of witnesses examined at first instance shall only be given if the Appeal Body is satisfied that it is necessary or expedient in the interests of justice.

58. Subject to the provisions of the Statute and of these By-laws, the Appeal Body shall determine its own procedure. The Chairman may set time limits at each stage of the proceedings to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable having regard to the principles of justice and equity.

59. In accordance with the provisions of Clause 30 (3) of the Statute the Appeal Body may allow or dismiss an appeal in whole or in part or remit the appeal in such manner and for such purpose as it sees fit within the provisions of Clause 30 (3) of the Statute. In the event that the Appeal Body remits the appeal in accordance with Clause 30 (3) (a)-(d), the Chairman may set appropriate time limits for further consideration.

60. The reasoned decision of the Appeal Body, including any decision under Clause 30 (3) (a)-(d), shall be recorded in writing and shall be sent to the Warden and to the parties to the appeal.

61. The Chairman may, by an appropriate certificate in writing, correct any accidental errors and/or any omissions in documents recording the decisions of the Appeal Body.

62. Any complaint relating to a matter within Clause 33 of the Statute shall be addressed to the Warden in writing. It should specify with sufficient detail the grounds of complaint. The complainant should specify whether he wishes any aspect of the matter to be kept confidential at this stage.

63. If the Warden (in any other case other than an appeal against a disciplinary warning) forms the *prima facie* view that a complaint in relation to a matter specified in Clause 33 of the Statute should be dismissed or that no further action should be taken for the reasons set out in Clause 34 (2) of the Statute, the Warden shall so inform the complainant and invite the complainant's views before taking further action. Upon receipt of the complainant's response, or in the event that no response is received within 21 days, the Warden shall consider the matter further and shall take such action as seems right including dismissing the complaint. The Warden shall notify the complainant of the decision at the earliest opportunity.

64. Provided that the complainant acts within 10 days of receiving the decision of the Warden under the last preceding clause, the complainant may refer the matter to Governing Body. If a majority of Governing Body so determines, it may appoint a Grievance Committee to hear the complaint notwithstanding it has been dismissed by the Warden.

65. In any case where, upon due consideration, the Warden is satisfied that the subject matter of the complaint may properly be considered with, or forms part of, a complaint under Part III, or a determination under Part IV or an appeal under Part V of the Statute, the Warden shall so inform the complainant and defer any further action on it until such time as the complaint, determination or appeal has been heard or the time for instituting has passed.

66. In any case where the complaint has not been disposed of by the Warden, or where an appeal is made under Clause 13 (2) of the Statute, the Warden shall refer the matter to a Grievance Committee ("the Committee") established in accordance with the provisions of Clause 36 of the Statute. Governing Body shall appoint one of its members to act as Chairman. The Warden shall notify the Committee of the nature of the complaint or appeal and shall provide the Committee with copies of any statements or other relevant documents which are judged helpful to the fair disposal of the matter. Any appeal under Clause 13 (2) of the Statute shall be in writing and shall specify with sufficient detail the grounds of appeal and any supporting information.

67. The Warden shall notify the individual concerned that the matter has been referred to the Committee and shall provide the individual concerned with copies of the documents which have been provided to the Committee.

68. The Committee shall meet as soon as is reasonably practical to consider the matter on a preliminary basis. At this stage, the Committee may appoint someone to act as secretary or clerk to assist in all aspects of the grievance hearing or appeal and the preparatory steps. The Committee may call for written statements from the individual concerned or any other person and may cause such investigations to be conducted as appear appropriate, if

necessary by an independent person specifically appointed for the purpose. The Committee shall appoint a time for the matter to be heard and may make such arrangements as it considers fit for the fair and just hearing of the matter. The Committee may appoint its Chairman to act in its stead in all preliminary matters. The Committee shall have power to adjourn the proceedings from time to time as it sees fit.

69. The matter shall not be disposed of without an oral hearing at which the individual concerned, and any person against whom the grievance or appeal lies, shall be entitled to be heard and to be accompanied by a friend or representative save that the hearing may proceed in the absence of the individual concerned or any other party who fails to attend without reasonable cause.

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

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

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

XVII. Presentation to Benefices

1. A Benefice Committee shall be appointed annually, as a sub-committee of the Chapel Committee.

2. The duties of the Committee shall be to report to Governing Body respecting vacant benefices, any special circumstances of the parishes concerned, and the kinds of work required in them; and to recommend Clerks.

3. In the selection of Clerks to be recommended to the College, regard shall be had to the character, attainments and experience of the Clerk, their physical capacity for parish work, and their special fitness for any particular work ascertained by the Committee to be needed in the parish.

4. It shall also be the duty of the Benefice Committee to examine applications involving any exchange of Benefices, and to report to the College on the advisability of sanctioning such exchange.

5. The Warden may delegate to the Dean of Divinity responsibility under this By-law.

XVIII. The Risk, Audit, and Governance Committee

1. It is noted that the effective management of risk, audit and governance is essential to the good functioning of the College and the furtherance of its charitable purposes and delivery of public benefit.

2. It is further noted that while the Trustee Act 1925 does not set any upper limit to the number of trustees for an incorporated charity, the Charity Governance Code referred to in 8) below recommends that the governing bodies of registered charities should comprise between 5 and 12 members (while in the case of College Governing Body is some 60-plus). However, it is the current stance of Governing Body (hereafter GB) that College attaches great importance and value to its historic tradition of being a self-governing academic community in accordance with the Founder's intentions, and that the continuing of these governance arrangements is crucial to providing for the empowerment and engagement of all the Fellows by encouraging their active participation in GB business and hence in the efficient and effective management of the College's educational purposes. The Charity Commission's Governance Code's recommended practices are offered on an 'apply or explain' basis and hence a key role for the Risk, Audit, and Governance Committee established under this By-Law is to ensure that GB is in a continuing sound position to explain and justify its size and its practice in this respect.

3. There will be a Risk, Audit, and Governance Committee (hereafter RAGCO). It shall be a Committee of GB reporting and recommending to the GB via the GPC, and meeting termly so as to cover an annual cycle of business as itemised below.

4. Its remit is to ensure GB is compliant with all aspects of legislation and regulatory requirements impacting on the governance and management of College. For avoidance of doubt, however, it is stressed that this Committee has no policy-making authority delegated from GB and is only advisory to GB. The aim is for College to ensure the delivery of 'attentive trusteeship' in its management of risk, audit and governance. As well as supporting the furtherance of its charitable purposes and delivery of public benefit, RAGCO should ensure that the College is able to explain how it is meeting the requirements of the Charity Commission as its prime regulator and of HMRC which can remove tax exemptions irrespective of charitable status where HMRC requirements for College to be directed by 'fit and proper persons' are not being met. RAGCO shall also monitor the governance of JCR & MCR as 'excepted' (not required to register with the Charity Commission) unincorporated charities where the trustees are the JCR/MCR officers and committee members (and notably in relation to the charity law prohibition on the making of political donations by such student unions). In addition, in fulfilling its remit, RAGCO shall ensure that GB Fellows-qua-trustees appreciate that their decisions and actions in the name of the College must always and

solely be taken in furtherance of the registered purposes of the chartered charitable corporation and for the delivery of public benefit.

5. Its membership shall be: three Fellows from GB elected for a three-year stint by GB (renewable for another three-year period at the discretion of GB), who may or may not also be a member of GPC; and three non-GB members appointed by GB for a period of five-years and drawn from the Honorary Fellows, the Emeritus Fellows, and the Old Members of College (who shall have accountancy/audit expertise, or expertise in charity good practice, or general governance experience; and one of whom shall be the Chair of the RAGCO). Any such non-GB member may serve for an initial period of five-years followed by a further period of up to four-years at the discretion of GB - while GB will seek in appointing such Old Members to achieve a 'staggering' of their membership terms. In addition, and ex officio, meetings will be attended by the Warden, Sub-Warden, Bursar, Home Bursar, and Dean. As with all committees, members will be expected to identify to the Chair any conflict of interest. In addition, the Committee can as necessary engage individuals with specialised skills and expertise to support its endeavours.

6. During an annual cycle of three meetings the RAGCO will review GB compliance with the legislation applying to and the regulatory requirements upon College, a likely termly schedule being:

- Michaelmas Term, Weeks 5/6 for reporting via GPC Week 7 to the Week 8 GB – reviewing the year-end Accounts and all related statements; monitoring the Audit process (meeting with the Audit partner as necessary); considering whether the Audit is due to be tendered; commenting on the draft Annual Report to the Charity Commission (ensuring compliance with the Charities SORP and all relevant CC guidance); and determining whether there are any financial aspects of the management of College in need of specific detailed review.

- Hilary Term, Weeks 5/6 for reporting via GPC Week 7 to the Week 8 GB – reviewing the terms of reference of GB committees (and the remit of the Remuneration Committee); considering whether the Statutes and By-Laws are in need of updating to meet changing regulatory requirements; reviewing College compliance with the Prevent legislation and the Free Speech obligations set by the OfS; monitoring College compliance with GDPR requirements; reviewing College compliance with Health & Safety legislation; ensuring compliance with the Simony Act 1588 (which we achieve by the reading of the Statute of Elizabeth prior to the election of a Fellow); reviewing any delegations of authority made by GB to committees or to officers; reviewing 'business continuity' plans; assessing whether the JCR & MCR are compliant with their obligations to the Charity Commission as excepted charities as well as with the College's Code of Practice re Free Speech (and whether either entity as an unincorporated charitable association is

approaching the £100k turnover threshold set by the Charity Commission as triggering the need for formal registration with the Charity Commission); and ensuring that GB is clear on its reporting obligations to the Charity Commission in relation to Serious Incidents.

- Trinity Term, Weeks 5/6 for reporting via GPC Week 7 to Week 8 GB – monitoring the process for the updating the Risk Register and its annual adoption by GB; reviewing the insurance cover needed by College and the policy & premium terms offered by insurers for provision of such cover; ensuring all Registers are updated and are compliant with good practice set out in Charity Commission guidance (notably recording Conflicts of Interest, Serious Incidents Reports, Attendance of Fellows qua Trustees at SGMs & GBs and at committee meetings; plus a Register of Expenditure on Legal Advice and on Litigation, as well as of all College Policies); verifying with all GB Fellows that there are no personal circumstances that might trigger their disqualification as a charity trustee (including any involvement with another charity where the Charity Commission has identified misconduct or mismanagement, or any conduct on the part of a Fellow that damages or is likely to be damaging to public trust and confidence in charities); reviewing the proposed Budget for the next financial year and its fit with the Five-Year Financial Projections; and reviewing the arrangements for the Induction of new Fellows as charity trustees, as well as reviewing whether there should be independent professional advice and trusteeship training provided to GB members on a periodic basis (including arrangements for external assessment of the effectiveness of GB).

(NB Within a standard annual cycle of termly meetings the RAGCO will normally consider the range of compliance issues set out above, but there is discretion for the Committee to alter the suggested phasing or to review certain areas less than annually.)

7. For avoidance of doubt, the above annual schedule of RAGCO business is not intended to be exhaustive, and hence the RAGCO is able to suggest to GB that it should be permitted to call upon the appropriate College Officers and on the support of any relevant College committees so as to explore an aspect of the College's compliance with existing or impending applicable legislation and with any existing or impending applicable regulatory requirements set by regulators to which College is accountable (it being noted that this might include a need in due course to review College compliance with any enhanced application of the Consumer Rights Act 2015 to its provision of teaching and also with emerging case-law on the possible terms to be implied into the contract between the College and the Junior Members concerning the provision of teaching - as well as potentially expanding duty of care obligations upon College towards its student members).

8. Overall, via this annual schedule of review, the RAGCO should ensure that GB and all its members are familiar with the Charity Governance Code endorsed by the Charity

Commission, and that College management and governance is compliant with the Recommended Practices set out within the Code.

9. All incidents considered under the Serious Incidents Reporting Policy, whether actually reported to the Charity Commission or not, should be notified to RAGCO such that RAGCO can assess the judgements being made as to what is 'serious' for these reporting purposes.

10. It is noted that College has procedures for concerns over any alleged improprieties, misconduct, or wrongdoing in the management and governance of the College to be raised with the Warden or with the Sub-Warden or with the Senior Fellow, as well as grievances to be lodged in accordance with the relevant Statute or with the Staff Handbook. In the event of such concerns being raised and as routinely notified to RAGCO, RAGCO can, if it assesses the concerns being raised as sufficiently serious, urge GB to conduct an independent investigation and, having seen the report arising from any such investigation, if appropriate then make recommendations to GB via the GPC (or if necessary directly to GB) for corrective action. Were such recommendations not to be agreed by GB the Chair shall have direct access to the Visitor should the former think it appropriate to seek a ruling from the latter.

11. It is also noted that the Charity Commission has the power to remove a trustee for misconduct or mismanagement or where they should have known such misconduct or mismanagement might be taking place and failed to take reasonable steps to expose or oppose it: in the event of a GB Fellow becoming aware or suspecting such, they can alert the Chair of RAGCO directly if the procedures in paragraph 9 above are not effective. For the avoidance of doubt, the assumption is that such enforced removal of trusteeship status does not automatically affect the individual's employment contract with the College nor their role as a corporator within the chartered corporation.

12. It is expected that generally any recommendations by RAGCO will be based on a consensus of member opinions rather than a formal vote. In the event that a vote is required, all members should confirm that they have no relevant conflict of interest.

XIX. Declarations

The declarations to be made by persons on election or admission to any place or office, or by the electors to any place or office, shall be those contained in Appendix F to these By-laws. No one who has once made the declaration on admission to a Fellowship shall be required to make it again on any subsequent election, unless he has ceased to be a Fellow for more than six months.

XX. Suspension of By-laws

Governing Body at a Stated General Meeting, provided that at least two-thirds of the whole

body of Fellows are present when the motion is put, may suspend the provisions of any of the preceding By-laws: other than By-law I, II.A, and XVI, save that no By-law may be suspended which is essential to the implementation of one or more of the College Statutes.

XXI. Interpretation

In these By-laws, wherever the words 'the Warden and Tutors' are used, the word 'Tutors' shall be taken to include all Tutorial Fellows; the word 'Fellow' or 'Fellows' shall bear the interpretation required by Statute III and Statute XVII; and the term 'whole body of Fellows' shall mean Official Fellows.

APPENDIX A

Matters Agreed by Convention

Preamble: There are matters of policy and procedure concerning which it is convenient to have a readily available record of the College's view, but which are not conveniently treated in Statutes, By-laws, and Orders. No convention extends or diminishes the rights of Governing Body under Statutes and By-laws.

1. Honorary Fellows: the College's view is that an Honorary Fellow must have a close connection with New College, whether as an undergraduate student, a graduate student, or as a Fellow. The number of Honorary Fellows is limited to forty plus living former Wardens. It has been resolved by the College that no person who is eligible for election as an Emeritus Fellow shall be eligible for election as an Honorary Fellow.

2. Visiting Fellows: the College welcomes Visiting Fellows and is anxious that they should be active members of the Senior Common Room. To this end, no Fellow should propose a Visiting Fellow for any term in which he cannot be here to welcome the Visitor. Priority in the nomination of Visiting Fellows is given to Fellows who have not made previous nominations, and among those who have, priority is given to those who made a nomination least recently.

3. Fellows elected in virtue of holding posts in the University other than academic posts will ordinarily be expected to resign their Fellowships after an absence of longer than one year.

4. Disciplinary committees: the Warden hears appeals against dismissal by students; it is understood that the Warden will be assisted by an appropriately constituted committee. It is understood that notwithstanding anything implied elsewhere in the Statutes, By-laws, Orders, and Regulations of the College, the Warden will not exercise the power to remit, reduce, or vary in other ways penalties imposed upon students other than in cooperation with such a committee. The Warden's authority to make the final decision on such matters is understood to be exercised by the Warden and the appropriate committee, save that the Warden may act alone in emergency.

5. Accommodation: ordinarily, and subject to exception where the needs of the college require it, rooms are allocated to Fellows in order of seniority.

6. The College entrusts oversight of the College's compliance with legislation to individuals who are responsible for securing such compliance and reporting to Governing Body; at present, the Bursar is Data Protection Officer and the Freedom of Information Officer; the Dean is the Prevent Duty Officer; Health and Safety is the province of a consultancy group; and Governing Body has the responsibility of approving the College's codes of practice in all areas. The College is legally obliged to ensure that Senior and Junior Members and all employees working in the College understand fire precautions; the duty to cooperate with the fire risk assessments and risk management plans falls on everyone.

7. There shall be no more than six Professorial Fellows holding non-statutory professorships,

and no more than eight Supernumerary Fellows.

8. In the event of any submission being proposed to the Visitor under Statute XIII/4, before any approach to the Visitor, a process of mediation shall be undertaken with a view to resolving the disagreement.

APPENDIX B

Committees and Sub-Committees

1. Permanent Committees and Sub-Committees

ACADEMIC STRATEGY COMMITTEE The Committee has 14 members, eight (balanced to reflect the arts:science subject mix) elected annually by Governing Body, and six *ex officio* (Warden as Chair, Senior Tutor as Secretary, Sub-Warden, Bursar, Tutor for Undergraduate Admissions, Tutor for Graduates). The Academic Strategy Sub-Committee advises Governing Body on the size, shape and structure of the College, taking into account teaching needs, research activity, financial resources, applications for student places, degree results, vacancies and retirements amongst the Fellowship, matters raised by the University, and any other factors bearing on the management of the College as an economical, efficient and effective place of high quality teaching and research excellence.

ACCESS SUB-COMMITTEE (reporting to Admissions Committee) The Sub-Committee has 12 members, seven elected annually by Governing Body and five *ex officio* (Warden as Chair, Tutor for Undergraduate Admissions as Secretary, Sub-Warden, Outrider, and the JCR Access Officer). The Sub-Committee advises the Admissions Committee on matters of access and outreach for prospective students.

ADMISSIONS COMMITTEE The Admissions Committee consists of all Fellows with tutorial responsibilities, plus, *ex officio*, the Warden (as Chair), Sub-Warden, Bursar, Senior Tutor, Tutor for Undergraduate Admissions (as Secretary), Tutor for Graduates, Access Officer, plus five student representatives (JCR President plus two others approved from time to time by the JCR Committee, MCR President plus one other approved from time to time by the MCR Committee). The Committee supervises the admissions process and advises Governing Body on procedural and other issues arising from it.

BENEFICES SUB-COMMITTEE (reporting to Chapel Committee) The Sub-Committee comprises three members, *ex officio* (Precentor as Chair, Chaplain as Secretary, Warden or Sub-Warden). The Committee advises the Chapel Committee on Benefices, and recommends directly to Governing Body in relation to appointments.

BUILDINGS COMMITTEE The Buildings Committee consists of 12 members, three elected annually by Governing Body and nine *ex officio* (Warden as Chair, Bursar as Secretary, Sub-Warden, Pictures and Chattels Fellow, Fellow Librarian, Home Bursar, Chaplain, Secretary to the Garden Committee, Director of Development). There shall be two representatives from the JCR and one from the MCR. The Clerk of Works attends meetings of the Buildings Committee when necessary, and the College Architect as required by the Committee. The Buildings Committee advises Governing Body on the maintenance of the College buildings, the use and allocation of space within the College buildings, and the development of the College buildings and land ('College' here means that land and those buildings within Oxford used for the teaching needs and student accommodation of the College). The Buildings Committee reports annually to Governing Body on the maintenance plan for the College buildings, and has delegated authority to approve minor works and alterations within the annual budget set by Governing Body.

CHAPEL COMMITTEE The Chapel Committee consists of 10 members, all *ex officio* (Warden as Chair, though by convention this is delegated to the Sub-Warden, Precentor as Secretary, Dean of Divinity, Organist, Pictures and Chattels Fellow, Bursar, Home Bursar, Head of New College School, Director of Development, and Outrider. The Chapel Committee advises Governing Body of all matters to do with the strategic management of the Chapel, and has delegated authority for the routine management of the Chapel, subject to remaining within the budget set by Governing Body. The Benefices Committee is a sub-committee of the Chapel Committee and reports to Governing Body through the Chapel committee.

CHOIR ACTIVITIES SUB-COMMITTEE (reporting to Chapel Committee) The Sub-Committee comprises seven members, all *ex officio* (Sub-Warden as Chair, Precentor as Secretary, Outrider, Bursar, Dean of Divinity, Organist and Head of New College School).

DEVELOPMENT COMMITTEE The Development Committee comprises 12 members, including three who are not currently employed in the College, four Fellows elected annually by Governing Body and five *ex officio* (Warden as Chair, Sub-Warden, Senior Tutor, Fellow Librarian, Bursar). The Committee advises Governing Body on relations with alumni/ae, on fund-raising, and on the priorities for fund-raising. The Committee also prepares recommendations for Wykeham Fellowships. The Development Director and Development Officer attend by invitation as non-voting members.

DISCRETIONARY EMOLUMENTS SUB-COMMITTEE (reporting to General Purposes Committee) The sub-committee consists of six members, one appointed by the General Purposes Committee on an annual basis, and five *ex officio* (Sub-Warden as Chair, Bursar as Secretary, Senior Tutor, Chaplain, Tutor for Graduates). The Discretionary Emoluments Sub-Committee disburses study grants, travel grants, conference grants, Keasbey Bursaries, etc, to students, and small donations to public charities. It reports disbursements to the General Purposes Committee, and is bound by the annual budget set by Governing Body.

DISCRETIONARY FELLOWSHIPS SUB-COMMITTEE (reporting to Tuition and Research Committee) The sub-committee consists of seven members, four *ex officio* (Warden as Chair, Sub-Warden, Outrider and Senior Tutor) and three Fellows elected annually by Governing Body. The sub-committee ensures that the restricted number of discretionary fellowships are deployed as fairly and effectively as possible. The sub-committee also considers applications for Visiting Fellowships and for Non-Stipendiary Junior Research Fellowships.

ENDOWMENT COMMITTEE The Endowment Committee consists of eight members, four elected annually by Governing Body and four *ex officio* (Warden as Chair, Bursar as Secretary, Sub-Warden, and Accountant). The Endowment Committee is assisted by five non-voting alumni/ae co-opted from time to time by the Endowment Committee on the basis of their experience and expertise in investment management. The Land Agent attends meetings of the Endowment Committee as required. The Endowment Committee advises Governing Body on the management of the College's endowment, including all land,

commercial property, residential property (other than that used for the housing of students and Fellows), fixed interest investments, equity investments, and cash. The Endowment Committee reports annually to Governing Body on the preceding year's performance of the endowment under management. The Committee assists General Purposes Committee in drawing up the College's budget in the light of projected income.

EQUALITY & DIVERSITY COMMITTEE The Committee consists of College Officers, and meets as necessary to consider the College's compliance with current legislation, University codes of practice, and non-discrimination issues generally.

GARDEN COMMITTEE The Committee consists of nine members, seven elected annually and two *ex officio* (Warden as Chair, Garden Fellow). The Committee has oversight of the College's gardens, advises Governing Body on planned garden projects and is responsible for the garden budget.

GENERAL PURPOSES COMMITTEE The Committee consists of 6 members elected annually by Governing Body, together with ex-offici members as designated from time to time by Governing Body comprising the Warden and selected College officers. has the following specific role in relation to the decision making which are delegated to it by Governing Body, but subject to Governing Body's explicit approval:

1. Review and approve an annual budget.
2. Review and approve the Annual Audit and Accounts as required by By-Law XIV.
3. Agree any specific requests for financial resource outside of the budget process.
4. Review and make necessary decisions on the management of the Endowment based on reports received from the Endowment Committee.
5. Agree the Risk register annually.
6. Meet at any time required to deal with a serious incident.
7. Receive reports from the REMCO.
8. Approve the register of attendance of Trustees and make any necessary recommendations.
9. Agree and monitor the training and induction programmes for the Trustees.
10. Approve the annual return to the Charity Commission.

It has the general role of dealing with any routine or urgent issue in the College which requires either action or a decision.

HEALTH AND SAFETY LIAISON GROUP (reporting to General Purposes Committee). This sub-committee comprises the heads of departments within the college.

HONORARY AND NON-ACADEMIC FELLOWSHIPS COMMITTEE
The Committee consists of five members, the Warden and Bursar *ex officio* and three further fellows chosen to provide a broad representation of Governing Body opinion. It meets as necessary to considers proposals to elect Honorary Fellows.

IT SUB-COMMITTEE (reporting to General Purposes Committee) This comprises 12 members, eight *ex officio* (Warden as Chair, Bursar as Secretary, Outrider, Home

Bursar, IT Fellow, IT Services Director, IT Officer, College Accountant) and four elected annually. It advises General Purposes Committee on IT expenditure and development projects.

JCR/MCR FINANCES SUB-COMMITTEE (reporting General Purposes Committee) This sub-committee's memberships consists of four Fellows, one of whom shall be appointed annually by the General Purposes Committee, and three of whom shall be *ex officio* (Dean as Chair, Bursar as Secretary, and Chaplain). There will be four student representatives, two from the JCR and two from the MCR (all such representatives to be approved from time to time by the JCR or MCR Committee as appropriate). The Sub-Committee shall advise the General Purposes Committee on all matters to do with the financing of the JCR/MCR, including the Amalgamated Clubs and the running of the Beer Cellar (in term time).

LIBRARY COMMITTEE The Committee consists of eight Fellows, two elected annually by Governing Body, and six *ex officio* (Sub-Warden as Chair, Bursar, Senior Tutor, Tutor for Graduates, Dean, and Fellow Librarian as Secretary). The Librarian and the Archivist normally attend meetings of the Library Committee. Two representatives from the JCR and one from the MCR attend as non-voting observers with speaking rights. The Library Committee advises Governing Body on the running of the Library, and oversees the routine expenditure of the Library budget.

LUDWIG COMMITTEE This Committee consists of three of the Humanities Fellows, who serve in rotation on an annual basis. They scrutinise applications for financial support for humanities projects from the Eugene Ludwig endowment, determining which applications should be successful, and report annually, via General Purposes Committee, to Governing Body.

PAVING SUB-COMMITTEE (reporting to Buildings Committee) The Sub-Committee consists of three Fellows and advises Buildings Committee on paving projects within College grounds.

PORTRAITS AND PICTURES SUB-COMMITTEE (reporting to General Purposes Committee). This comprises two Fellows *ex officio*: the Steward of the SCR (Chair and Secretary) and the Pictures & Chattels Fellow (and Portraits Fellow). It advises General Purposes Committee of expenditure on pictures and portraits.

RISK MANAGEMENT SUB-COMMITTEE (reporting to General Purposes Committee). This comprises the Warden as Chair, the Bursar as Secretary, The Home Bursar, Senior Tutor and Dean. It advises General Purposes Committee on matters of risk management.

SCHOOL COMMITTEE The Committee serves as the governing body of the New College School, subject to the overriding authority of Governing Body. It comprises three members *ex officio* (Warden as Chair, Bursar, and Organist), and two further Fellows together with the Head of the School *ex officio*, and three external members. The Deputy Head of the School is in attendance. The Committee advises Governing Body on all aspects of the

running of the School, including the setting of an annual budget and school fees.

STATUTES AND BY-LAWS COMMITTEE The Statutes and By-Laws Committee comprises nine Fellows, four elected annually by Governing Body and five *ex officio* (Warden as Chair, Bursar as Secretary, Sub-Warden, Senior Tutor, Dean). The Statutes and By-Laws Committee advises Governing Body on the interpretation, implementation, and revision of the College's Statutes and By-Laws.

TUITION AND RESEARCH COMMITTEE The Tuition and Research Committee comprises all Fellows who are members of Governing Body and others co-opted from time to time. The Warden is Chair, and the Senior Tutor is Secretary. The Committee advises Governing Body on all matters to do with the teaching of students and research activity within the College.

WARDEN AND TUTORS COMMITTEE The Committee comprises all Fellows with tutorial responsibilities, plus, as non-voting observers with speaking rights, the Cox and Salvesen Junior Fellows the Stipendiary Lecturers, and any other individual having tutorial responsibility for a student or students of the College, whose presence would be helpful in considering a particular student case. Meetings are chaired by the Warden, and the Senior Tutor is Secretary. Warden and Tutors has responsibility for the academic progress of Junior Members. Governing Body delegates to Warden and Tutors authority to take appropriate action in individual student cases, according to the appropriate disciplinary procedures as decided by Governing Body from time to time.

2. Committees and Sub-Committees Constituted from Time to Time

DISCIPLINARY COMMITTEE AND DISCIPLINARY APPEALS COMMITTEE These committees hear cases of undergraduate academic under-performance and appeals against penalties imposed by the College. Their composition and procedures are governed by the College Regulations.

GRIEVANCE, DISCIPLINARY AND APPEALS COMMITTEES
In the case of academic staff, these Committees will be convened and will function in accordance with Statute XVII and its By-laws governing the conduct of Fellows and academic staff determined by Governing Body to be within the terms of the Statute. In the case of College staff, Grievance Committees, Disciplinary Processes, and the Appeal Committee for staff appeals are regulated according to the procedures set out in the Staff Handbook.

SEARCH COMMITTEE
This Committee, constituted in accordance with the procedure for the election of a Warden, will be constituted and meet whenever an election is pending.

APPENDIX C

Articles of Government of New College School

Introduction

1. New College School ("the School") is owned and administered by the Warden and Fellows of New College, Oxford ("the College").

Interpretation

2. In these articles the following expressions shall, unless the context otherwise requires, have the following meanings:-

a. "the Articles" shall mean the articles herein contained

b. "the Head" shall mean the Head Teacher for the time being of the School appointed by the College in accordance with the Articles

c. "the Officers of the College" shall mean the Warden, Bursar, Accountant, Organist, Chaplain and Precentor of the College and any other person so defined by the College from time to time

d. "the School Committee" shall mean such of the Fellows of the College as shall be appointed to the Governing Body of the School together with such further members all being appointed in accordance with Article 4

e. "the Fellows" shall mean the Warden and the Official Fellows of the College

In any reference in the Articles to any individual as defined above the masculine gender shall include the feminine and the singular shall include the plural and in each case vice versa.

Conduct of the School

3. The School shall be conducted in accordance with the provisions of the Education Act 1944 (as amended by any subsequent legislation) and with any statutory regulations instruments or orders made by the Secretary of State for Education or any other competent minister which relate to Independent Schools and also in accordance with the Articles

Appointment of the School Committee

4.1 The School Committee shall consist of:-

4.1.1 The Warden of the College,

4.1.2 The Bursar of the College,

4.1.3 The Organist of the College,

4.1.4 Two further Fellows of the College nominated by the College Governing Body,

4.1.5 The Head of the School,

4.1.6 Three further members co-opted by the School Committee and ratified by the College.

4.2 The Deputy Head of the School has the right of attendance at the School Committee but is not a voting member.

4.3 **Chairman**

4.3.1 The Warden of the College shall be Chairman of the School Committee, *ex officio*. The School Committee shall appoint one of the Fellow members as Deputy Chairman and another as Secretary, both of whom shall remain in office for three years from the date of election and may offer themselves for re-election provided that the maximum period served shall not exceed 9 years.

4.3.2 The Deputy Chairman shall act as Chairman in the absence of the Chairman at any time.

4.4 **Voting**

Matters to be decided by a vote shall be decided by a simple majority of those present entitled to vote, with the Chairman of the meeting having a casting vote in the event of equality.

4.5 **Quorum**

The Committee shall be quorate when at least half of its members are present and when at least half of those attending are Fellows.

<u>Responsibilities of the School Committee</u>

5. The terms of reference of the School Committee will be determined by the College and subject to this the School Committee will have the following responsibilities:-

5.1 General responsibility to the College for the strategic direction and conduct of the policies of the School as directed by the College.

5.2 The over-seeing and maintenance of the standards of performance of the educational, financial, property, employment, social and other policies determined by the College.

5.3 **Meetings**

5.3.1 The School Committee shall meet at least once in each School term.

5.3.2 The School Committee shall produce a report of all its meetings for the College.

5.4 **Appointment and Dismissal of the Head**

5.4.1 The Head shall be appointed by the College on the recommendation of a sub-committee of the School Committee consisting of at least four members, including the Chairman or Deputy Chairman, at least two other Fellows, and an expert member external to the College. The serving Head and Deputy Head shall not be members of this sub-committee.

5.4.2 The terms of the contract of employment of the Head shall be such as may be directed by the College who shall consult (as appropriate) with the relevant bodies representing schools in the independent sector and the terms of such contract shall identify amongst other matters the procedure and responsibility for discipline, suspension and dismissal.

5.5 **Appointment and Dismissal of the Senior Management Team**

5.5.1 The Deputy Head shall be appointed by a sub-committee of the School Committee consisting of at least three members, including the Head, one Fellow Governor and either one co-opted Governor or another appropriate expert external to the College. Other members of the Senior Management Team shall be appointed by the Head, provided that the Deputy Head and a Fellow Governor shall participate in the selection process.

5.5.2 Dismissal or suspension of senior academic staff as defined in Article 5.5.1 may be undertaken by the Head only with the prior approval of the Chairman of the School Committee.

5.6 **Appointment and Dismissal of Staff**

The Head shall select and appoint, discipline, suspend and dismiss on behalf of the College (and after reference to the College where it so directs) all junior teaching, administrative and ancillary staff on such terms and at such remuneration as are from time to time laid down by the College and in accordance with current Employment Law.

<u>Powers and Duties of the Head</u>

6.1 The Head and the Chairman of the School Committee shall consult each other fully on important matters relating to the School.

6.2 The Head shall be responsible to the School Committee in the first instance for the day to day running of the School, its well being and the attainment and implementation of the policies from time to time decided by the College and the School Committee.

6.3 The Head shall be responsible for the discipline of the School including permanent or temporary exclusion of any pupil and shall report any such exclusion immediately to the Chairman of the School Committee and at the next meeting of the School Committee. In the case of permanent exclusion, parents shall have the right to appeal the Head's decision to an appointed sub-committee of the School Committee which shall not include the Head and Deputy Head.

6.4 **Admissions**

The Head shall be responsible for establishing and operating admission procedures for pupils within the policies and regulations determined by the School Committee and approved by the College.

6.5 **School Terms and Holidays**

The Head shall recommend to the School Committee the dates of the School's terms half-terms and holidays.

6.6 **Financial Control**

The Head shall be responsible to the School Committee for the management and control of all expenditure by and income of the School in accordance with and subject to rules and financial regulations from time to time determined by the College. In discharging this duty, he will be supported by the College Bursar and the College Accountant. The Head will prepare the budget for at least one year ahead, for the scrutiny of the School Committee. The budget is to be approved in the summer term by the School Committee and then submitted for final approval by the College.

6.7 **School Premises**

The Head shall be responsible to the School Committee for the management and control of all land or buildings allocated for the use of the School in accordance with and subject to rules and regulations from time to time determined by the College.

<u>Involvement of Officers of the College</u>

7.1 In the discharge of their responsibilities by both the School Committee and the Head, the Officers of the College shall provide such assistance as may be approved by the College as being necessary for the School after consultation with the School Committee and the Head.

<u>Scholarships and Other Awards</u>

8.1 The School Committee shall award from the School's own resources, or from any special funds placed at their disposal, Chorister Scholarships to pupils selected as Choristers by the Organist. The extent of the commitment of Choristers to their choral duties shall be agreed by the School Committee together with the College's Chapel and Choir Sub-Committee, after receiving the recommendations of the Organist and the Head.

8.2 The School Committee may award from the School's own resources, or from any special funds placed at their disposal, Scholarships, Exhibitions, Bursaries and Prizes to pupils entering attending or leaving the School in accordance with and subject to rules and regulations from time to time determined by the College. The authority to make such awards may be delegated to the Head.

Religious Worship

9. Pupils in receipt of Chorister Scholarships are required to attend services in the College Chapel as specified by the Organist, as part of the performance of their Chorister duties. The parent, guardian or custodian of any other pupil attending the School may claim by written notice to the Head the exemption of such pupil from attending religious worship or prayers or any lesson of religious education and such pupil shall be exempted accordingly and shall not on account of such exemption be deprived of any advantage or award in the School to which the pupil would otherwise have been entitled.

Variation and Amendment

10. These Articles may be varied by the College at any time.

APPENDIX D

School Committee: Terms of Reference (General)

1. The Committee of Governors of New College School ("the School Committee") is responsible to the Governing Body of New College ("the College") for the conduct and maintenance of the School in accordance with the Articles of Government. The School Committee is empowered to act as the Governing Body of the School in all areas except the following:-

   a) final approval of Capital Projects,
   b) undertaking loans or other significant financial commitments,
   c) making decisions that might have a significant effect on other activities of the College (including the Choir and Chapel),
   d) final approval of budgets, including fee levels,
   e) utilisation of endowment income allocated to the school,
   f) appointment and dismissal of the Head (see paragraph 11 below),
   g) other matters which may require the approval of the College under Charity Law.

Composition

2. As laid down in the articles of government, the School Committee shall consist of:

   a) five Fellows of the College, including the Warden, Bursar and Organist *ex officio*,
   b) three co-opted Governors,
   c) the Head of the School *ex officio*.

   The Deputy Head of the School has the right of attendance at meetings as a non-voting member.

3. The co-opted Governors shall be appointed by the College on the recommendation of the five Fellow Governors, following a formal selection procedure. The co-opted Governors shall be chosen, as far as possible, to ensure a balance of expertise and experience on the School Committee. It is expected, but not required, that one will be the holder, or recent holder, of a senior position in a preparatory school, and one in a secondary school.

4. The five Governors who are not *ex officio* (i.e. two of the Fellow Governors and the three Co-opted Governors) shall be appointed for terms of three years and may then offer themselves for re-appointment for a second term. None of these Governors may serve more than six consecutive years on the School Committee.

5. The Warden of the College shall be Chairman of the School Committee. The Committee shall elect from among the Fellow Governors a Deputy Chairman and a Secretary. The Deputy Chairman and Secretary shall be elected for three years and

may offer themselves for re-election provided that the maximum period served shall not exceed nine consecutive years.

Responsibilities

6. To determine the strategic direction of the School within the overall strategy of the College.

7. To ensure that the School is managed in accordance with the College's overall policies and objectives, in particular its Equal Opportunities and Health and Safety Policies.

8. To receive reports from the Head (or delegated members of his staff) on the general operation of the School and to advise and assist him in the performance of his duties. These shall include promoting the well being of the School and its reputation amongst the community at large, including the parents of present and potential pupils, and communication with the staff.

9. To consider the Head's Annual Report and to consider such other reports as may be required from time to time before presentation to the College.

10. To represent the interest of the School within the College by recommending policies considered necessary to those interests.

11. To recommend to the College the appointment and termination of the appointment of the Head in accordance with the procedures laid down in the Articles of Government of the School. To establish an appropriate sub-committee to appoint senior academic staff in accordance with the procedures laid down in the Articles of Government.

12. To monitor the management of the School estate and other School property to ensure that it is managed in the best educational and financial interests of the School and to recommend to the Trustees capital programmes necessary to maintain and enhance the School's physical resources as appropriate to the needs of the School.

13. To consider and recommend to the College the School's annual budget, and to monitor the School's performance against the budget.

14. To consider and recommend fund raising activities to the College and to be responsible for the conduct of such activities.

15. To ensure that they have available to them such information as will give them a balanced view of the School's operation and to obtain such professional advice as the School Committee and the College feel necessary in order to discharge their responsibilities.

16. To manage any restricted funds established for the benefit of the School in

accordance with the requirements of Charity Law.

Officers and Sub-Committees

17. The School Committee shall appoint the following Officers from among its membership:

    a) Health, Safety and Risk Assessment Governor
    b) Child Protection Governor

18. The Health, Safety and Risk Assessment Governor is responsible to the School Committee for ensuring that the requirements of the Health and Safety at Work Act (as amended) are met, and for maintaining a Risk Register in consultation with the Head. The Governor shall report to the School Committee termly and whenever professional advice is not followed. The School Committee is to report to the College on Health and Safety matters annually and whenever the College's Health and Safety Policy might be contravened.

19. The Child Protection Governor is responsible to the School Committee for ensuring that the requirements of Child Protection legislation are met. He will liaise with the School's Child Protection Officer. Any investigation of allegations concerning the Head or Deputy Head shall be investigated by the Child Protection Governor. The Governor shall report to the School Committee termly. The School Committee is to report to the College on Child Protection matters annually.

20. School Governors may establish any sub-committees they feel appropriate to assist them to discharge their responsibilities. Whilst certain detailed decisions may be delegated to these sub-committees, decisions are subject to ratification by the School Committee acting in committee.

21. The School Committee must lay down specific terms of reference for each sub-committee.

22. The School Committee may co-opt non-members of the School Committee to their sub-committees. Co-opted members of School Sub-Committees are not School Governors (but shall be entitled to indemnity from the assets of the Charity arising out of their appointment and the discharge of their duties). The rules of their co-option are to be laid down by the School Committee and all such co-options are to be approved formally at a meeting of the School Committee

Meetings

23. Meetings of the School Committee shall be held at least once in each School term. Additional meetings may be held at any time, at the instigation of the Chairman or of any three members of the School Committee. Proceedings for summoning additional meetings shall be as determined by the School Committee.

24. The Secretary to the School Committee shall be responsible for summoning Governors to the Committee and producing an adequate and timely agenda and supporting papers, which shall at each regular meeting include a written report from the Head, from the Health, Safety and Risk Governor, from the Child Protection Governor and from the Chairmen of any Sub-Committees. The Secretary is also responsible for the production of Minutes of each meeting, which shall be submitted to the next regular meeting of the School Committee and of the College.

25. The Committee shall be quorate when at least half of its members are present and when at least half of those attending are Fellows of the College. Meetings which are not quorate may proceed, but their decisions shall not be valid until they are ratified by a majority of the whole Committee at its next meeting or, in case of urgency and at the Chairman's discretion, by circulation. Decisions shall be taken by a simple majority of those present and entitled to vote. In case of a tied vote, the Chairman shall have a second, casting vote.

26. Other procedures for meetings of the School Committee and its Sub-Committees shall be determined by the School Committee.

APPENDIX E

PROCEDURES CONCERNING ACADEMIC AND GENERAL DISCIPLINE

1. Acceptance of a place

Everyone who accepts a place on an undergraduate or graduate course at New College is deemed to have bound themselves to observe the College regulations. Persons accepting a place on an undergraduate course at New College are deemed to have accepted the requirements set out in the statement of 'Academic Obligations' in the Dean's Handbook. These regulations set out the disciplinary procedures, which will be instituted in cases of infringement of these obligations and regulations.

2. Terminology

a) There are five categories of student:

Undergraduates:	undertaking first BA degree courses and members of JCR.
Graduates:	undertaking higher degree courses and members of both JCR and MCR.
Mature Students:	undertaking either first BA degree courses or higher degree courses and members of either JCR or MCR depending on what degree is being taken.
Senior Status Students:	undertaking second BA degree courses and members of both JCR and MCR.
Visiting Students:	Visiting Students are students studying at New College for a limited period of time, but who are not enrolled for a degree; depending on the circumstances, they may be members of either the Junior or Middle Common Rooms.

Hereinafter the term 'undergraduate' shall be understood to include all categories of junior members of the College listed in this paragraph.

b) 'Suspension (voluntary)': where an undergraduate ceases for a period to be provided tuition by New College, to have the use of New College facilities, and may not visit New College premises without the express permission of the Dean. But the undergraduate remains registered for their course of study, and is required to resume it at the end of the period of suspension, subject to meeting any requirements set by the College. To effect this the undergraduate will need to contact the Tuition Office.

c) 'Suspension (non-voluntary)': where an undergraduate ceases for a period to be provided with tuition by New College, to have the use of New College facilities, and may not visit New College premises without the express permission of the Dean. But the undergraduate remains registered for their course of study, and is required to resume it at the end of the period of suspension, subject to meeting any requirements set by the College. These may include sitting one or more Penal Collections, which shall where possible be marked or second-marked by an appropriate person outside College. (A Penal Collections differs from a routine Collection in this it is imposed by the Warden and Tutors Committee, not the tutors; it is where possible marked or second-marked externally; and failure to attain a given mark or above may result in further academic penalties as detailed under 6) below.)

d) 'Withdrawal from Public Examinations': where an undergraduate wishes to withdraw from Public Examinations (and therefore to suspend their course), the express agreement of the College is required. To effect this the undergraduate will need to contact the Tuition Office.

e) 'Withdrawal from course': where an undergraduate voluntarily withdraws from their course and so ceases to be a member of the College and of the University.

f) 'Expulsion': where an undergraduate is permanently deprived of membership of the College and of the University.

g) 'Fitness to study': Junior members must consistently fulfil the requirements of both the University's and College's Fitness to Study Policy. See links at http://www.new.ox.ac.uk/deans-handbook, 'University of Oxford Fitness to Study Policy' and 'New College Fitness to Study Policy'. Students who are not doing so will be asked to undergo a Fitness to Study process with the College Senior Welfare Team. If either the team is satisfied that the student is fit to study, or that appropriate measures have been taken to improve fitness, further problems with academic performance will be treated as matters of academic discipline. Likewise is the student declines to take part in such a process, further problems will be treated as matters of academic discipline.

3. College authorities

a) The Committee of Warden and Tutors consist of Warden, Sub-Warden, Senior Tutor, Dean, Dean of Divinity, all tutorial fellows, the Salvesen and Cox Fellows, and such additional persons as may be decided from time to time by Governing Body. The Committee determines the College's requirements regarding University examinations, academic performance, and general discipline, and shall be informed of breaches of those requirements.

b) Whenever a proposal is made for the non-voluntary suspension or withdrawal of an undergraduate's course or for the expulsion of an undergraduate, Warden

and Tutors shall refer it to a Disciplinary Sub-Committee. If a meeting of Warden and Tutors cannot be convened within a reasonable time the Senior Tutor shall, after consultation with the Warden, the appropriate tutors, and any other relevant persons in the case of an offence against academic discipline, or after consultation with the Warden, Dean and any other relevant persons in the case of an offence against general discipline, issue warnings of breach of regulations, and may impose penal collections or convene the Disciplinary Sub-Committee.

c) The Disciplinary Sub-Committee of Warden and Tutors shall be constituted according to the following procedures. The Senior Tutor shall in each Trinity Term draw up for the following academic year a panel of ten from the list of Professorial, Official and Supernumerary Fellows of the College and submit it to Warden and Tutors for approval. In drawing up the panel the Senior Tutor shall take the first name on the list of Fellows drawn up according to seniority, then the fifth, ninth names and so on exclusive of the Dean and the Dean of Divinity, or such other order as shall vary the list from year to year and shall include names from the first five and last five names on the list of Fellows. For any case the Disciplinary Sub-Committee shall consist of the Sub-warden, who shall normally take the chair, and four other Fellows drawn from the panel. The Senior Tutor shall act as non-voting advisor to the Sub-Committee, and shall inform it on matters of procedure, precedent, and fact, but shall take no active part in its recommendation, withdrawing before the Sub-Committee's final deliberations. The Senior Tutor may also recommend that a welfare representative from the College be present too where pertinent to the case, that representative also acting strictly in a non-voting and advisory role. The four other members of the Disciplinary Sub-Committee shall be drawn by the Senior Tutor from the members of the panel available at the time and excluding any member of the panel whose complaint forms part of the proceedings, beginning from the junior end of the list, and shall include both male and female members. Members of the panel may disqualify themselves on grounds of personal interest or involvement. If the Sub-Committee of five cannot be made up from the panel, the Senior Tutor shall co-opt additional persons from the list of Fellows.

d) Where there is evidence of a medical condition that may have impacted on the student's academic performance and, because of a belated diagnosis, this comes to light only after College has made a decision concerning termination of registration or suspension of registration and does so within twelve months of that decision, College may, at its discretion, review such new evidence by reconvening the original Disciplinary Sub-Committee and, if it decides the evidence would have led it to a different original decision had it been known at the time, then the original decision may be varied accordingly. The College's Disability Officer or another appropriate Welfare Team member will attend such meetings.

e) An Appeal Sub-Committee of Warden and Tutors will hear and decide any appeal against the decision of the Disciplinary Sub-Committee of Warden and Tutors. Any appeal to the Warden will be referred to this committee, and only in

cases of emergency will the Warden exercise the power of expulsion and suspension otherwise. The Appeal Sub-Committee consists of the Warden as chair, and four other members drawn from a panel of ten Professorial, Tutorial and Supernumerary Fellows of the College. In drawing up the panel the Senior Tutor shall proceed in the same way as prescribed for the panel of the Disciplinary Sub-Committee, but shall take the second, sixth name and so on or such other ordering as may be appropriate to vary the list from year to year. The four other members of the Appeal Sub-Committee shall be drawn by the Warden from the panel in the same way as prescribed for the Disciplinary Sub-Committee. The decision of the Appeal Sub-Committee is final within the College. No further appeal to the Warden will be entertained, and the decision will be reported to Warden and Tutors Committee, but may not be reopened by the College.

4. First Public Examination

a) The College's requirements are set out in the statement of 'Academic Obligations' in the Dean's Handbook. If an undergraduate fails to pass or to obtain Honours as appropriate at the first attempt, Warden and Tutors Committee shall set conditions regarding a second attempt.

b) If the undergraduate fails to fulfil these conditions regarding a second attempt, the College shall normally consider the undergraduate's course to have been withdrawn. Warden and Tutors, however, may set conditions for a further attempt, or may refer the matter to the Disciplinary Sub-Committee.

c) If in exceptional circumstances the Disciplinary Sub-Committee of Warden and Tutors allows a further attempt at the First Public Examination, but the undergraduate fails to meet the Disciplinary Sub-Committee's conditions regarding such a further attempt, the same procedures shall be followed as in the case of failure to meet conditions regarding a second attempt.

5. Second Public Examination

a) The College's requirements are set out in the statement of 'Academic Obligations' in the Dean's Handbook. If an undergraduate fails to obtain Honours at the earliest reasonable opportunity he or she will be deemed to have terminated his or her course. This requirement applies also to an undergraduate failing at the earliest reasonable opportunity to achieve the standard required by the University in Part I of the Second Public Examination in Biochemistry, Chemistry, or Engineering for proceeding to Part II of the course.

b) An undergraduate who is deemed to have withdrawn from his or her course but who wishes to be reinstated shall write to the Senior Tutor giving full details. The Senior Tutor shall advise the undergraduate of the date of the meeting of the

Disciplinary Sub-Committee at which the undergraduate's claim for reinstatement will be heard.

c) The Disciplinary Sub-Committee may impose conditions regarding reinstatement. An undergraduate who fails to meet them shall again be deemed to have terminated his or her course; and the procedures in 5(b) above shall again apply.

d) If the Disciplinary Sub-Committee rejects an undergraduate's claim for reinstatement, or imposes conditions for reinstatement which are unacceptable to the undergraduate, appeal procedures as in 8(ii) below shall apply.

6. Academic Performance

a) The College's requirements are set out in the statement of 'Academic Obligations' in the Dean's Handbook. A breach of these requirements shall be discussed at an early stage between the relevant tutors and the undergraduate. Where a breach [of academic requirements] is serious or where it persists , the matter shall be reported to the Senior Tutor who shall normally refer it to Warden and Tutors Committee but who may alternatively discuss it with the appropriate tutors and other relevant persons.

b) The normal course of action shall be to send to the undergraduate a First Official Warning of breach of requirements, which shall take the form either of a summons to the Warden or of a Senior Tutor's letter, and shall state that continued breaches may result in the undergraduate's expulsion. This First Official Warning may be accompanied by the imposition of a Penal Collection at which the undergraduate is required to achieve a specific standard (normally 60% or the lowest 2.1 mark).

c) If either a failure of a Penal Collection or a further breach of requirements is reported the normal course of action shall be to send to the undergraduate a Second Official Warning of breach of requirements, which shall take the same form as in 6(b) above. This Second Official Warning also may be accompanied by the imposition of a Penal Collection at which the undergraduate is required to achieve a specific standard. The undergraduate shall also be warned that a third breach will trigger the setting-up of a Disciplinary Sub-Committee.

d) In the event of a subsequent failure in a Penal Collection or a further persistent breach of requirements, a Disciplinary Sub-Committee shall be convened to consider the suspension or expulsion, or retention under specified conditions, of the student in breach. The Senior Tutor shall inform the undergraduate in writing of the date of the meeting of the Disciplinary Sub-Committee of Warden and Tutors at which his or her expulsion will be considered. The undergraduate shall have the rights of representation as in 8(i) below. If the Disciplinary Committee of Warden and Tutors decides to suspend or terminate the undergraduate's course or to expel an undergraduate, appeal procedures and in 8(ii) below shall apply.

7. College Regulations

Regulations concerning general discipline shall be proposed by the Dean from time to time and approved by Warden and Tutors Committee.

8. Procedures

(i) The Disciplinary Sub-Committee

a) If Warden and Tutors refer a matter to the Disciplinary Sub-Committee, the Senior Tutor shall at once inform the undergraduate in writing of the decision of Warden and Tutors, specifying the complaint, and shall as soon as possible thereafter inform the undergraduate of the time and place of the meeting of the Disciplinary Sub-Committee and of his or her rights of representation and appeal. At least a week will elapse between the student being informed of the Disciplinary Sub-Committee and the date of its hearing.

b) The undergraduate may submit a written statement to the Disciplinary Sub-Committee but is required to be present at the hearing. The undergraduate may be accompanied by a friend or relative, but is required to inform the Senior Tutor in advance of the identity of this friend or relative and of their relationship to the undergraduate. Such a companion is there to offer pastoral support. If the undergraduate fails to attend the meeting, the Committee may proceed in his or her absence.

c) Having presented the undergraduate's case and answered any questions which may be put to them by the Sub-Committee, the undergraduate and the undergraduate's representative shall at the Sub-Committee's request withdraw to allow it to deliberate and vote.

d) No persons other than the members of the Disciplinary Sub-Committee, the Senior Tutor, and a welfare representative if appropriate, the undergraduate and his or her friend or relative shall attend the hearing, except with the consent of the undergraduate and the Fellow chairing the Committee.

e) At the conclusion of the proceedings the Senior Tutor shall inform the undergraduate of the Sub-Committee's decision and the right and procedure of an appeal, and confirm it in writing. Unless appealing the decision, the undergraduate will then be required to sign a copy of the recommendation to signal acknowledgement of its findings and terms.

(ii) The Appeal Sub-Committee

a) An undergraduate may appeal against a decision of the Disciplinary Sub-Committee by notifying the Warden in writing of his or her intention to do so within ten days of the Disciplinary Sub-Committee's decision. The undergraduate shall at the same time state the grounds on which the appeal is made. Such an

appeal may be rejected if the grounds claimed are deemed insufficient for an appeal. The Warden shall then inform in writing the undergraduate making an appeal of the time and place of the meeting of the Appeal Sub-Committee and of his or her rights of representation.

b) In other respects the procedure of the Appeal Sub-Committee, *mutatis mutandis*, shall be the same as that of the Disciplinary Sub-Committee.

(iii) Minutes

The Fellows chairing the Disciplinary and Appeal Sub-Committees shall cause a minute of the proceedings to be made which shall form the basis of a report to Warden and Tutors. The Chair, or whoever the Chair has designated to take minutes, shall preserve the minute and prepare the report based on it, which must then be approved by the Sub-Committee and submitted to the Senior Tutor for procedural scrutiny. The report to Warden and Tutors shall summarise the evidence before the Sub-Committees and their examination of the undergraduate, and shall state the reasoning behind their recommendation.

9. External Appeals

Should a Junior Member remain dissatisfied, having exhausted the college's internal appeals process, they may refer the matter to the Conference of Colleges Appeal Tribunal. The Conference of Colleges Appeal Tribunal's role is to consider appeals on disciplinary decisions imposing a substantial penalty, made by the body with final jurisdiction within any participating College. 'Disciplinary decisions' means the imposition of penalties for breach of College statutes, by-laws, regulations or rules relating to academic or any non-academic matters. The Regulations, Schedule, and FAQs of the Tribunal are available to consult here:

http://www.confcoll.ox.ac.uk/html/main/ccat.html

Students may also refer decisions to the Office of the Independent Adjudicator for Higher Education, which is independent from the University of Oxford:

https://www.oiahe.org.uk/students/

APPENDIX F

College Declarations in active use

A. Declaration to be made by the Electors at the Election of a Warden

Domine, tu fidem dabis quod postpositis et cessantibus omnimodis amore favore odio timore invidia partialitate affectione consanguinitatis affinitatis facultatis et scientiæ, necnon acceptione personarum et patriæ et occasione quacunque precis aut pretii, cum omni celeritate qua poteris, eum quem in tua conscientia credideris magis idoneum sufficientiorem discretiorem utiliorem et aptiorem ad subeundum et exercendum Custodis officium nominabis; necnon quod illum, quem nominaveris, speras et firmiter credis, quoad bonum et salubre regimen et diligentem curam ipsius Collegii, personarum et statutorum ac bonorum ipsius Collegii, terrarumque possessionum et redituum spiritualium et temporalium et jurium eorundem, plus posse proficere ac debere.

Translation:
Master, you will give your pledge that you will nominate with all the expedition you can, the person whom in your conscience you believe to be the most suitable, competent, discreet, useful and well-qualified for understanding and exercising the Office of Warden. You will subordinate and put aside all feelings of liking, personal bias, fear, envy or partiality, all consideration of blood relationship, friendship, faculty or branch of learning; and, furthermore, all respect of persons, nationality and opportunity for gain or reward.

Moreover, that you hope and firmly believe that the person whom you nominate is the best capable and deserving of discharging the good and healthy governance and diligent care of the College, of the College's members, statutes and property, and of its lands, possessions and revenues spiritual and temporal with the rights of the same.

B. Declaration to be made by the Warden on his Admission

Ego [N.] in Custodem Collegii Sanctæ Mariæ Wintoniæ a reverendo patre Domino Willelmo de Wykeham fundati in Oxonia præfectus, fidem do, quod dictum Collegium, omnia beneficia terras tenementa possessiones reditus sprituales et temporales jura libertates privilegia et bona quæcunque ejusdem, necnon omnes et singulos Socios et Scholares ipsius Collegii, absque personarum acceptione quacunque, regam custodiam dirigam et etiam gubernabo, et per alios regi custodiri dirigi et gubernari faciam juxta posse.
Item, quod correctiones punitiones et reformationes debitas veras rationabiles atque justas, de quibuscunque delictis criminibus et excessibus Scholarium et Sociorum dicti Collegii quorumcunque, quoties ubi et quando ac prout opus fuerit, juxta negotii qualitatem omnemque vim formam et effectum ordinationum et statutorum prædicti Collegii, absque partialitate quacunque, diligenter et indifferenter faciam et exercebo, seu per alios fieri et exerceri faciam et etiam procurabo, et ea quæ in ea parte fuerint facienda fideliter in omnibus exequar et exequi faciam juxta posse.

Item, quod sustentationi et reparationi ædificiorum ipsius Collegii, gubernationi et regimini omnium terrarium et possessionum redituum spiritualium et temporalium ejusdem, necnon adminstrationi bonorum et rerum ad dictum Collegium qualitercunque pertinentium, cum omni diligentia et providentia mihi a Deo concessis fideliter ac diligenter intendam, ac alios ejusdem Collegii officiarios et ministros in diversis officiis et ministeriis deputatos et deputandos intendere faciam juxta posse.
Item, quod lites placita et jurgia quæcunque ipsius Collegii defendam; necnon omnia et singula negotia ipsum Collegium qualitercunque concernentia prosequar diligenter, possessionesque libertates privilegia et jura quæcunque ipsius Collegii manutenebo viriliter et defendam, et faciam ab aliis manuteneri et defendi; hoc taman salvo, quod causas placita et lites graves, in quibus verti poterit ipsius Collegii exhæreditatio vel grave præjudicium, absque majoris partis Sociorum dicti Collegii maturo et deliberato consilio et assensu non incipiam nec movebo, nec inchoari aut moveri faciam quovismodo.
Item, quoties aliqua Electio de Scholaribus in Collegia Oxoniæ et prope Wintoniam fuerit facienda, ut solum tales eligantur quos secundum ordinationes et statuta dictorum Collegiorum maxime habiles et idoneos reputaverim, omni favore postposito, quantum ad me pertinet, partes meas fideliter interponam et idem fieri effectualiter procurabo.
Item, de Sociis in dictum Collegium Oxoniæ eligendis et admittendis fidele consilium, omni favore postposito, tribuam et impendam, ut de bonis personis castis modestis honestis, et ad studendum et proficiendum in actibus scholasticas maxime habilibus et idoneis, juxta ordinationes et statuta dicti Collegii, provideatur eidem.
Item, si per me aut occasione mei aliqua dissensionis materia, iræ vel discordiæ, in dicto Collegio (quod absit) suscitata fuerit, si super ipsa materia per Vice-custodem Decanos Busarios et quinque alios dicti Collegii Socios seniores finis rationalis seu placabilis factus non fuerit, tunc arbitrio domini Episcopi Wintoniæ qui pro tempore fuerit, seu ipso in remotis agente, ejus Vicarii in spiritualibus generalis, vel, Episcopali sede Wintoniæ vacante, Custodis Spiritualitatis ejusdem, stabo, et quod eorum aliquis statuerit ordinaverit et definierit in ea parte, fideliter observabo.
Item, quod omnia et singula statuta et ordinationes dicti Collegii Beatæ Mariæ Oxoniæ et etiam Collegii Beatæ Mariæ prope Wintoniam, quatenus ipsa me concernunt, secundum planum literalem ac grammaticalem sensum et intellectum eorundem fideliter tenebo exequar et etiam observabo et, quantum in me fuerit, faciam teneri ab aliis, exequi et etiam observari.
Item, quod ad dictorum Collegiorum meliorationem, augmentationem bonorum terrarum possessionum redituum, et jurium eorundem conservationem et defensionem, promotionemque et expeditionem negotiorum dictorum Collegiorum quorumcunque, ad quemcunque statum gradum dignitatem et officium in posterum devenero, in sanis consiliis beneficiis favoribus et auxiliis, quantum in me fuerit et ad me pertinuerit, diligenter juvabo, et pro iisdem fideliter laborabo, et usque ad finalem et felicem expeditionem negotiorum dictorum juxta posse instabo, quamdiu vixero in hoc mundo.

Translation:
I, [Name], appointed Warden of the College of St Mary of Winchester, founded in Oxford by its reverend father, Lord William of Wykeham, give my pledge that I shall watch over, guide and also govern the said College with all its benefices, lands, holdings, possessions, revenues spiritual and temporal, its rights, liberties and privileges, any property of the same, and also all the Fellows and Scholars of the College, without any respect of persons; and,

to the best of my ability, I shall ensure that it is so guided and governed by others.
Furthermore, I shall diligently and impartially perform and exercise acts of correction, punishment and reformation that are merited, effective, rational and just, arising from any defaults, crimes or excesses on the part of the Scholars or Fellows of the said College, whoever they be, whenever, wherever and however the need should arise, in accordance with the nature of the offence and the full force, design and effect of the aforesaid College's regulations and statutes, without any bias whatever; or else I shall ensure and provide that these be performed and exercised by others; whatever needs to be done in this regard I shall faithfully perform or, to the best of my ability, cause to be performed by others in every case.
Moreover, I shall faithfully and conscientiously, with all the diligence and foresight granted me by God, attend to the maintenance and repair of the said College's buildings, to the governance and direction of all its lands, possessions, revenues spiritual and temporal, and also to the administration of property or matters that concern the College in any way, and to the best of my ability will ensure the attention to these of other College Officers and employees deputed or to be deputed to the various Offices and services.
Moreover, I shall defend any lawsuits, pleas or disputes of the same College; I shall diligently pursue each and every piece of business that concerns the College in any way; I shall vigorously maintain and defend the College's possessions, freedoms, privileges and rights, whatever they be, and shall ensure that they are so maintained and defended by others – with this one exception, that I shall not initiate or pursue, or in any way cause to be initiated or pursued, any causes, pleas or lawsuits in which the disinheritance or any matter of serious prejudice to the College's interests could depend, without a maturely considered and thoughtful meeting among the Fellows of the said College and the agreement of a majority of them.
Moreover, when an Election of Scholars has to be held in the Colleges at Oxford and Winchester, so far as it concerns me, I shall faithfully discharge my functions without personal bias and efficiently ensure that only such may be elected as I have counted the most capable and suitable in accordance with the regulations and statutes of the said College.
Moreover, in the Election and Admission of Fellows to the said College in Oxford, I shall offer faithful and strictly impartial advice. I shall be concerned that, in accordance with the regulations and statutes of the said College, provision shall be made to elect persons of good, virtuous, temperate and upright character and such as are best qualified and suited to learning and achievement in scholarly activity.
Moreover, if through me or by my contriving any ground for disagreement, ill-feeling or discord unhappily arises in the said College, and if a reasonable or peaceful conclusion on that issue is not reached through the Sub-Warden, Deans, Bursars and five other senior Fellows of the said College, I shall then abide by the decision of the current Lord Bishop of Winchester or, if he himself if involved in other matters, by that of his Vicar General in spiritual matters or, if the episcopal throne of Winchester is vacant, by the Spiritual Guardian of the same; and I shall faithfully comply with what one of these determines, rules and prescribes in that respect.
Moreover, I shall faithfully uphold, carry out and also comply with all the statutes and regulations of the said College of St Mary at Oxford and of St Mary's College at Winchester, so far as they concern myself, in accordance with the plain, literal and grammatical meaning and understanding of the same, and, as far in me lies, ensure that

they are upheld, carried out and also complied with by others.
Moreover – as regarding the betterment of the said Colleges, the increase of their goods, lands, possessions and revenues, the preservation and defence of their rights, the promotion and completion of the said Colleges' business of whatever kind: whatsoever position, degree, honour or Office I shall attain hereafter, I shall diligently help in offering sound counsel, acts of kindness and goodwill and all such assistance as lies within my power and my province. For these ends I shall faithfully labour and press towards the final and successful completion of the said business, to the best of my ability, for as long as I live in this world.

C. Declaration to be made by Fellows on their Admission

Ego [N.] in Socium Collegii Sanctæ Mariæ Wintoniæ a reverendo patre Domino Willelmo de Wykeham fundati in Oxonia jam admissus, fidem do, quod omnia statuta et ordinationes dicti Collegii, necnon Collegii Beatæ Mariæ prope Wintoniam, quatenus ipsa me concernunt, fideliter tenebo et etiam observabo, et, quantum in me fuerit, faciam teneri ab aliis et etiam observari.
Item, quod fidelis ero'ac etiam diligens in quocunque officio ad quod me in eodem Collegio Oxoniæ deputari contigerit et assumi, illudque, cum deputatus fuero, admittam et pro posse meo fideliter adimplebo. Quodque dictis Collegiis fidelis ero, damna scandala vel præjudicia dictorum Collegiorum, quatenus in me fuerit, nullatenus faciam aut quomodolibet fieri sustinebo, sed illa per me et alios modis quibus potero ne fiant impediam, et, si ipse impedire non potero, Custodi Vice-custodi Decanis et Bursariis dicti Collegii Oxoniæ plenarie revelabo.
Custodi insuper Vice-custodi cæterisque Sociis Officiariis, in licitis et honestis et maxime in dicti Collegii Oxoniæ negotiis, obœdiam assistam et reverentiam debitam obœdienter impendam; et tranquillitatem pacem utilitatem commodum et honorem dictorum Collegiorum, et Sociorum eorundem unitatem, quantum in me fuerit, conservabo et ab aliis conservari procurabo.
Item, de Sociis in dictum Collegium Oxoniæ eligendis et admittendis fidele consilium, omni favore postposito, tribuam et impendam, ut de bonis personis castis modestis honestis et ad studendum et proficiendum in actibus scholasticis maxime habilibus et idoneis, juxta ordinationes et statuta dicti Collegii, provideatur eidem.
Item, quod ad dictorum Collegiorum meliorationem, augmentationem bonorum terrarum possessionum redituum, et jurium eorundem conservationem et defensionem, promotionemque et expeditionem negotiorum dictorum Collegiorum quorumcunque, ad quemcunque statum gradum dignitatem et officium in posterum devenero, in sanis consiliis beneficiis favoribus et auxiliis, quantum in me fuerit et ad me pertinuerit, diligenter juvabo, et pro iisdem fideliter laborabo, et usque ad finalem et felicem expeditionem negotiorum dictorum juxta posse instabo, quamdiu vixero in hoc mundo.

Translation:
I, [Name], now admitted as a Fellow of the College of St Mary of Winchester, founded in Oxford by its venerable father, Lord William of Wykeham, give my pledge that I shall faithfully uphold and also observe all the statutes and regulations of the said College, together with those of the College of Blessed Mary at Winchester, so far as they concern

myself; and, to the best of my ability, shall ensure that these are upheld and also observed by others.
Further, that I shall be faithful and diligent in any duty for which it shall fall to my lot to be designated and appointed in the same College at Oxford; and when I have been so designated, I shall accept that duty and discharge it as faithfully as possible. I shall be loyal to the said Colleges and, as far as I am able, in no way cause or permit to occur anything injurious, discreditable or prejudicial to the said Colleges, but shall employ my own efforts and those of others, in what ways I can, to prevent the occurrence of such harm. If I cannot prevent it myself, I shall report the matter in full detail to the Warden, Sub-Warden, Dean and Bursars of the said College at Oxford.
Moreover, I shall render obedience to the Warden, Sub-Warden and all other Fellows in Office in what is lawful and honourable, and especially in the business of the said College at Oxford. To all these I shall obediently show due respect. I shall do my best to maintain, and ensure that others maintain, the peace and tranquility of the said Colleges, their interests and welfare, their good reputation and the unity of the Fellowship.
Further in the Election and Admission of Fellows to the said College in Oxford, I shall offer faithful and strictly impartial advice. I shall be concerned that, in accordance with the regulations and statutes of the said College, provision shall be made to elect persons of good, virtuous, temperate and upright character and such as are best qualified and suited to learning and achievement in scholarly activity.
Further, as regarding the betterment of the said Colleges, the increase of their goods, lands, possessions and revenues, the preservation and defence of their rights, the promotion and completion of the said Colleges' business of whatever kind: whatsoever position, degree, honour or office I shall attain hereafter, I shall diligently help in offering sound counsel, acts of kindness and goodwill and all such assistance as lies within my power and my province. For these ends I shall faithfully labour and press towards the final and successful completion of the said business, to the best of my ability, for as long as I live in this world.

E. Declaration to be made and signed by the Scholars on their admission to a Scholarship

Ego [N.], in Scholarem Collegii Beatæ Mariæ Wintoniæ, a reverendo patre Domino Willelmo de Wykeham fundati in Oxonia electus, fidem do, quod omnia et singula statuta et ordinationes dicti Collegii, quatenus ipsa me concernunt, tenebo et etiam observabo, et, quantum in me fuerit, faciam ab aliis teneri et etiam observari: quodque Custodi Vice-custodi cæteris Officiariis Sociis-reverentiam debitam in omnibus præstabo: quodque tranquillitatem commodum et honorem dicti Collegii, quantum in me fuerit, conservabo, et ab aliis conservari procurabo.

Translation:
I, [Name], elected to be a Scholar of the College of St Mary of Winchester, founded in Oxford by its venerable father, Lord William of Wykeham, give my pledge that I shall uphold and also observe all the statutes and regulations of the said College, so far as they concern myself, and, to the best of my ability shall ensure that these are upheld and also observed by others; and that in all matters I shall show due respect to the Warden, Sub-Warden, other Officers and Fellows; and that I shall do my best to maintain, and ensure that others maintain, the tranquillity, interests and good reputation of the said College.

Declarations no longer in use

A. Declaration to be made by the Electors to Offices

Domine, tu fidem dabis, quod neminem ad officium nominabis, nisi quem credideris pro hoc officio exercendo meliorem, affectione et partialitate cessantibus quibuscunque.

Translation:
Master, you will give your pledge that you will, setting aside any personal feeling or bias, nominate no one for an Office except the one whom you believe to be best for discharging this Office.

B. Declaration to be made by Officers on their Election

Domine, tu fidem dabiis, quod omnia et singula , quæ ad officium pertinent, bene diligenter ac fideliter facies et etiam observabis.

Translation:
Master, you will give your pledge that you will well, conscientiously and loyally perform and also comply with all and every one of the things that pertain to your Office.