

# ST PETER'S COLLEGE

## **BY-LAWS**

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## BY-LAW I

### Additional emoluments and allowances

1. Entertainment allowance The Official and Professorial Fellows shall be granted an annual entertainment allowance of such sum as the Governing Body may from time to time decide, payable in December of each year.
2. Book, equipment and travel allowance In each College financial year Official and Professorial Fellows shall be entitled to order books and equipment that are necessary for the purpose of their work for the College to the value of such sum as the Governing Body may from time to time determine. Books and equipment purchased from this allowance shall remain the property of the College.
3. Housing allowance In each College financial year every Official Fellow not residing in College accommodation shall be granted a housing allowance of such sum as the Governing Body may from time to time determine.
4. The Governing Body may at a Stated Meeting extend any or all of the above allowances to other Fellows who hold College Offices.

## BY LAW II

### Leave of Absence (Sabbatical)

Definition: In this By-Law Fellow means an Official Fellow who is also a tutor.

- (1) The Governing Body will grant leave of absence, for the purpose of travel or study or some similar object, for one, two, or three terms to every Fellow who has applied for it not less than a term previously, provided that:
  - (a) the cumulated number of terms of leave which the Fellow has taken since his election shall not at any time exceed one-sixth of the cumulated number of terms in which he has performed his duties since his election, except that:
    - (i) a Fellow who has held an appointment in this University carrying with it entitlement to sabbatical leave shall carry with him into his Fellowship whatever service qualification he has accumulated as a University officer, and, subject to the other rules of this By-Law, may be granted leave on the basis of such service;
    - (ii) when a Fellow has been granted a period of Special Leave on the basis that either the whole of the Fellow's salary is paid by an outside body or replacement of all the Fellow's teaching duties is funded by an outside body that period of Special Leave shall normally count neither as Sabbatical Leave nor as qualifying service for the purposes of calculating entitlement to Sabbatical Leave;
    - (iii) leave will not normally be granted to a Fellow during the first six terms of his Fellowship;
  - (b) the Governing Body shall not grant leave to a Fellow for a continuous period exceeding three terms in duration or for more than three terms in all within any continuous period of nine terms; nor normally to any Fellow who has taken leave within the previous six terms;
  - (c) a Fellow granted leave under these rules shall before the beginning of his leave make such arrangements as the Governing Body deems adequate for the teaching of his pupils and for the discharge of his other responsibilities during his absence;

- (d) the Governing Body shall ensure that not more than one quarter of the total number of Fellows shall be on leave at any one time.
- (2) The period of leave shall be allowed to count towards service for a pension, and during this period the College and the Fellow shall continue to pay their respective portions of the Fellow's superannuation contributions.
- (3) A Fellow granted leave under these rules shall be entitled during his leave to his College stipend, together with any allowances to which he is ordinarily entitled, but not to any part of the stipend of any College office, nor, if he resides away from Oxford for a substantial part of his leave, to rooms in College, except that:

a Fellow, who, for the period of his leave, accepts paid employment, shall receive from the College only such part of his College stipend as the Governing Body, taking into account the Fellow's total earnings during the period of his leave, shall deem equitable.

## BY-LAW 3

### Maternity/paternity, adoption and parental leave

1. A member of the College who is also an employee of the College shall be entitled to either maternity or paternity leave and to parental leave, the benefits, terms and conditions of such entitlement to be those offered, for the time being, by the University to academic staff.
2. Application for such leave shall be made in writing to the Master.
3. In the event that an applicant wishes to vary the period of maternity leave relative to her expected date of confinement, her request shall be referred to the Sabbatical Leave Committee, the Committee having the power to act provided that the total benefit is not thereby increased.
4. Any period of maternity leave, paternity leave, parental leave or shared parental leave shall not affect an individual's entitlement to apply for Sabbatical Leave.

## BY LAW IV

### Residence of Official Fellows

Under the provisions of Statute V. 3 (c), the Governing Body shall normally be deemed to have dispensed from the requirement to reside within the University any Official Fellow who resides up to a limit of twenty-five miles from Carfax, without application. In exceptional circumstances, the Governing Body may authorise an Official Fellow, on application, to reside beyond this limit.

## BY-LAW 5

### Public Advertisement of Stipendiary Posts

Every stipendiary post, whether Fellowship or Lectureship, to which an appointment is to be made, shall normally be advertised in the University Gazette and in at least one duly registered newspaper.

Any proposal to dispense with advertisement of a particular appointment shall be supported by a reasoned case stated in writing, which the Governing Body shall consider and on which it shall decide no later than the meeting of the Governing Body next following that at which the decision to make such an appointment was taken.

## BY-LAW VI

### Appointments

No Fellow shall be present at any discussion in the Governing Body or any of its committees which concerns

- (a) the decision as to whether, or in what form, the College should continue to provide tuition to undergraduates in the Fellow's own subject after his retirement or resignation;
- (b) the selection of his successor.



## BY-LAW 7

### Stated Meetings

There shall be a Stated Meeting of the Governing Body immediately before any College Meeting held on the Wednesday of the first week of a Full Term, and this By-Law shall constitute due notice of such Stated Meetings as required by College Statute X, Clause 1, so long as any such College Meeting shall have been scheduled more than seven days in advance..

## BY-LAW VIII

### Employment and dismissal of academic staff

- (i) In any case where under Statute XV an officer of the College or any person is designated to perform any duties or exercise any powers under this Statute, and that officer or person is himself certified by the Master, or in the case of the Master by the Vice-Master, to be himself involved in the matter in question, the Governing Body may on the motion of any two members appoint as an alternate to act in his place any other holder of an office explicitly specified in Statute V.12, or in case the person designated is the Senior Fellow present the official Fellow next to him in seniority and present.
- (ii) In any matter which the Master has determined should be considered by a Disciplinary Committee, the Governing Body shall within two weeks appoint a Committee composed as prescribed under Statute XV.16 and shall on the same occasion agree to instruct a solicitor or other suitable person to formulate and arrange the presentation of charge or charges to be considered by the Disciplinary Committee, as provided by Statute XV.17. The Disciplinary Committee shall commence its hearing of the charge or charges within a period not exceeding four weeks from the appointment of the Committee unless the Committee having met and heard submissions on either side so determine in the interest of a just and fair outcome of the proceedings. It shall be the responsibility of the Chairman of the Disciplinary Committee to ensure that the content of its proceedings conforms in every way with the requirements of Statute XV.18.
- (iii) In any case referred by the Master to a Medical Board constituted as provided in Statute XV.23 (e), the Board shall commence its hearing of the case within a period not exceeding four weeks from the date of its appointment unless the Board having met and heard submissions on either side so determines in the interest of a just and fair outcome of the proceedings. It shall be the responsibility of the Chairman of the Medical Board to ensure that the conduct of its proceedings conform in every way with the requirements of Statute 23 (e).
- (iv) In any appeal allowed by Statute XV from a decision made by the Governing Body or by a Disciplinary Committee, Medical Board or other tribunal of first instance appointed under the provisions of Statute XV, the appeal panel shall ensure that the proceedings are held as expeditiously as is reasonably practicable and in conformity with the requirements of Statute XV (b) and (c).
- (v) In matters in which members of the academic staff feel themselves aggrieved and which the Master has referred to a Grievance Committee constituted as provided in Statute XV.35-36, the Committee shall commence consideration of the alleged grievance within two weeks of its appointment and shall ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.

## BY-LAW IX

### Notice for Governing Body business

- (1) (1) For the purpose of the application of Statute X.2, an agenda item will be held to have been communicated to members with "reasonable notice" if it has been circulated to members by the end of the fifth day before the meeting. Any supporting paper not circulated by the same deadline may only be considered at the meeting if all the members present so allow.
- (2) Where a paper is circulated electronically a hard-copy must be made available to all those who usually receive hard-copies of Governing Body papers, and therefore such papers should be provided to the College Registrar the day before the deadline for circulation.

## BY-LAW X

### Room entitlement of Official Fellows

Officials Fellow engaged in the teaching work of the College shall be entitled to sole occupancy of a room in College for academic purposes. Fellows wishing to take up their entitlement shall give notice of their intention. The appropriate allocation shall be made as soon as possible thereafter, and in any case no later than twelve months after notice has been given.

## BY-LAW XI

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

#### Summary

1. St Peter's College has agreed to maintain a retirement age for the Master and all academic staff (both holders of College-only appointments and those holding joint appointments with the University of Oxford), primarily to support the College's mission to sustain excellence in teaching and research, to maintain and develop its historical position as part of a world-class university and to secure robust leadership for the College.
2. The College's EJRA procedures aim to provide a fair and inclusive process through which the College is able to manage the future of academic posts by retirement or retention. The procedures seek to balance the wishes of the individual with the needs of the College by
  - a. facilitating the timely discussion of options with a view to identifying possible future arrangements which are acceptable to all parties and
  - b. providing a clear decision-making and appeal process which allows account to be taken of all relevant considerations.

#### I. Aims and justifications of the St Peter's College EJRA

3. The EJRA and its associated procedures are considered to provide a proportionate means of:
  - safeguarding the high standards of the College in teaching and research;
  - promoting inter-generational fairness and maintaining opportunities for career progression for those at particular stages of a career, given the importance of having available opportunities for progression across the generations, in order, in particular, to refresh the academic and research workforce within the College and to enable them to maintain the collegiate University's position on the international stage;
  - facilitating succession planning by maintaining predictable retirement dates, especially in relation to the collegiate University's joint appointment system, given the long lead times for making academic appointments, particularly in a university of Oxford's international standing;

- promoting equality and diversity, noting that recent recruits are more diverse than the composition of the existing workforce, especially amongst the older age groups of the existing workforce and those who have recently retired;
- minimising the impact on staff morale by using a predictable retirement date to manage the need to make efficiencies by retiring staff at the EJRA; and
- in the context of the distinctive collegial processes through which the College is governed, avoiding invidious performance management and redundancy procedures to consider the termination of employment at the end of a long career, where the performance of the individual and/or the academic needs of the College have changed.
- securing strong and active leadership as Master from those who have already distinguished themselves in their careers.

## II. Scope

4. St Peter's College has established an EJRA of the 30<sup>th</sup> September preceding the 70<sup>th</sup> birthday.
5. The EJRA applies to the Master and to all academic staff employed by St Peter's College, including (in relation to their College appointments) the holders of joint academic appointments with the University of Oxford.
6. The EJRA applies to any College Officer roles held by a member of academic staff in addition to their academic duties.
7. The Master of St Peter's College, whose retirement age is currently specified in statute as 67, will continue to have a retirement date of 30 September immediately preceding his or her 68th birthday.

## III. Consideration of requests to work beyond the ERJA

8. All requests to continue working beyond the EJRA will be considered in the context of the aims of the College in maintaining the EJRA as set out in section 2 above. Applications will be approved only where, having taken account of the considerations set out below, the Governing Body, having received advice from a College panel, is convinced that it is reasonably necessary to extend and that

any detriment to the furtherance of aims of the EJRA is offset by a balance of advantage arising from an extension of employment. The relevance of each consideration will depend on the post in question.

9. The College panel and subsequently the Governing Body as decision-maker will weigh the advantages of continued employment against the opportunities arising from creating a vacancy or part-vacancy, including the intention of recruiting someone else, using the vacancy for a different purpose, or leaving the post vacant for a period (whichever may apply).
10. The College panel will take the following issues into consideration:

a) Is there a demonstrable need, for a defined period, to retain the applicant in employment in order to complete a specific project or duties, or to gain the full benefit of tasks already completed by him or her, which:

(i) are of particular strategic importance to the University; and

(ii) could not be completed by any other individual who is not over the EJRA, either by a current member of the University's staff or through a recruitment exercise; and

(iii) in the case of prospective or current grant-funded research projects, could not, in accordance with the funder's rules, be completed on a non-employed, or voluntary basis; and

(iv) could not be completed on an employment contract with fewer working hours or of a shorter duration?

b) Are there any special personal characteristics that would properly justify exceptional treatment?

c) Will the proposed extension result in the creation of career development opportunities for others that would not otherwise have been created?

d) Is there a demonstrable need that arises in connection with a specific event or circumstance and that could only be met by retaining this particular employee in employment for a fixed period?

e) In the case of a joint appointment what are the implications for the joint nature of the post: for example, where the request involves only one part of a joint appointment, has some suitable means been found of managing the future of the joint

appointment so as to protect the shared educational interests of the University and College?

f) In the case of clinical academics, is the NHS Trust concerned willing to renew the employee's honorary contract? The holding of an honorary contract is prerequisite for continuation in a clinical post.

## Part Two - The Process

### (a) Notification and Discussions

The College has adopted the following procedure for considering requests from academic staff who are due to retire on or after reaching the EJRA but who wish to extend their employment.

#### Step One – Notification



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

#### Step Two – Discussion



**Step Two: Discussions**

The next six months

Informal discussions if employee wishes to continue

Any staff member who wishes to continue in employment beyond the EJRA should first discuss his/her situation informally and in good time with the Senior Tutor. Holders of joint appointments should also consult their Head of Department and/or Division. Similarly, where a contract of any type is held with another body, such as an NHS trust or another college, that other body should also be consulted.

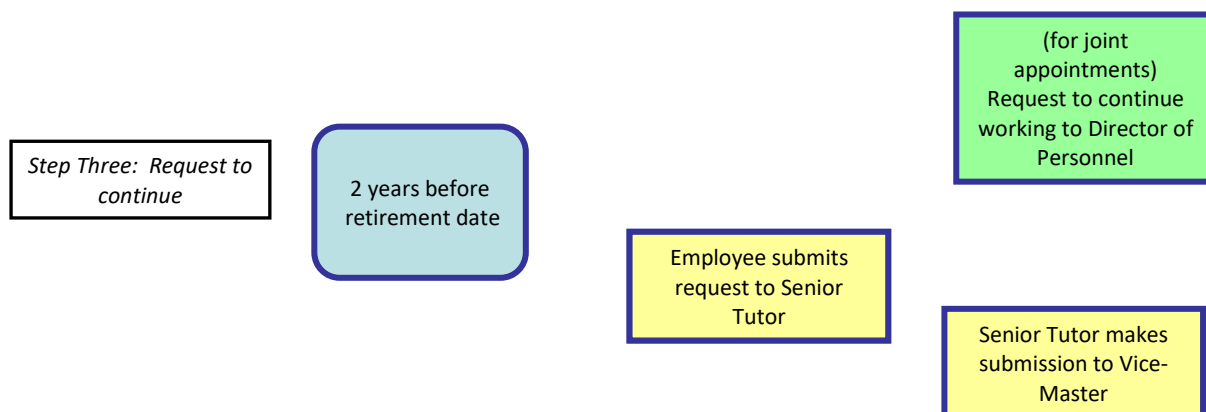
Early exploration of all options is encouraged. In the case of joint appointments, it is possible that the staff member may wish to continue working in only one part of the joint appointment, or one employer might wish to agree continued employment while the other does not.

In all cases, the substantive appointment will be released, and if it is agreed that the member of staff will continue in employment after the EJRA, he or she will be offered one or more new fixed term contracts, though with continuity of service. In this context, a staff member wishing to continue to work might wish to consider a new contract issued by one employer that would be compatible with retirement from the other part(s) of the joint employment. Flexibility should be encouraged, subject to the aims of the EJRA.

These informal discussions, which may take place at any time, will not result in a definitive decision by the College but may help inform any formal request which might subsequently be made by the individual. Such discussions are intended to provide opportunity for the formulation of a request with which all parties will be content.

(b)Submission and consideration of the request to continue

Step Three – Request to Continue



If the staff member wishes to continue in employment beyond the EJRA, they should submit their case in writing to the Senior Tutor in good time, setting out the proposed working arrangements and the length of extension requested.

The request to continue working in a College appointment, or in the College part of a joint University and College appointment, beyond the EJRA should be submitted formally in writing, by the Senior Tutor to the Vice-Master, as part of an agreed submission. Any request relating to the University part of a joint appointment should be made to the Director of Personnel and Related Services, in accordance with the University's procedures.

The submission should consist of, and set out clearly:

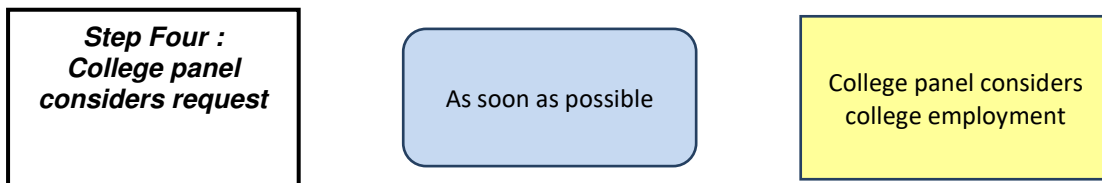
- a) the request made by the member of staff, including the proposed working arrangements and the length of extension requested;
- b) an account, agreed where possible, of how the request relates to the considerations for extensions set out in the College's policy;
- c) a note from the Senior Tutor setting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

The member of staff should be invited to append to the submission any supporting material he or she may consider appropriate.

The normal deadline for such requests to reach the Vice-Master is two years before the retirement date. Later requests may be considered in exceptional circumstances but only with the agreement of the relevant employers (e.g. division, department, NHS Trust).

#### Step Four – Consideration of request

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



All requests to continue in employment by the College beyond the EJRA, will be considered by a panel appointed by the Vice-Master. The panel will normally comprise the Vice-Master (who will chair it) and two other members of the Governing Body. As the Senior Tutor is responsible for presenting the case for extension to the Vice-Master, he/she will not be involved in the panel.

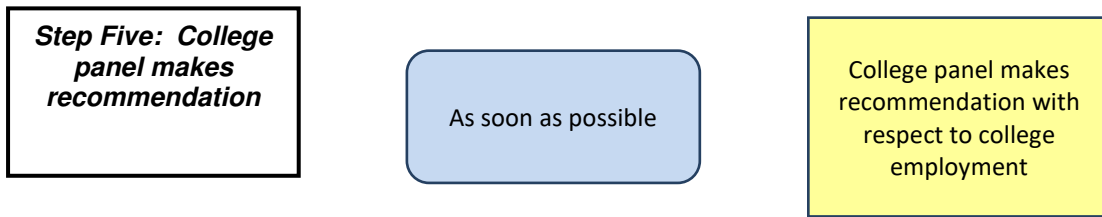
The panel will assess each request on its own merits against the considerations/criteria and in the context of the aims of the EJRA as set out above, and in the light of any exceptional personal circumstances.

In the case of the consideration of joint appointments, the chair of the College panel will liaise with the chair of the equivalent University panel over matters of process, including the relative timings of the work of the two panels and the communication between the panels of their decisions, as may best suit the individual case and allow for issues relating to the joint nature of the post to be addressed.

The panel will consider the request in the light of the considerations set out in section 4 of the policy above, taking due account of the views of the individual staff member, the College, and any others with an interest, which may include the Division, Department, another college or an NHS Trust, as appropriate. The panel will seek any clarification it deems necessary.

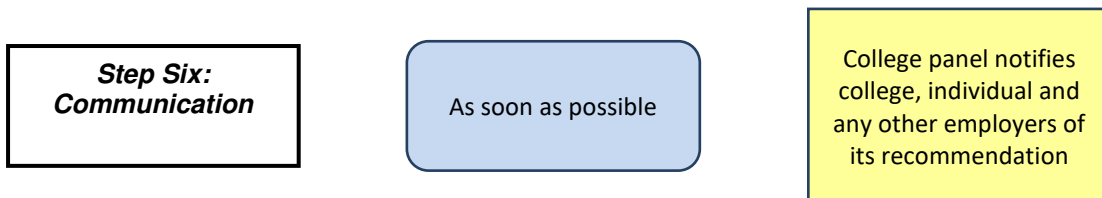
Where the College does not support the request for an extension, or, in the case of a joint appointment, where there is a difference of views between the employers, further submissions may be made in writing. It should however be recognised that each part of the joint appointment is a separate contract, and any extension granted would be to a separate fixed-term contract.

Step Five: The panel makes a recommendation



The panel will make a recommendation to the Governing Body on the request for extension of employment (in the form of a new fixed-term contract with continuity of service) including the length of time of any such extension (with reasons).

Step Six : Communication



The panel will inform the individual of its recommendation in writing. The letter will give reasons for the recommendation and the length of any extension proposed.

Step Seven: College makes decision



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

Where the request to continue working beyond the EJRA is rejected, the individual will be notified in writing of the right of appeal under this By-Law.

Where a decision is taken to extend employment under these procedures beyond the EJRA, the employee will be issued with a fixed-term contract, to terminate at the date set by the Governing Body in agreeing to the

extension but with continuity of employment. This contract will state the details of the specific hours, duties, salary and other terms and conditions for the extension. On any occasion when the Governing Body shall agree an extension to the period of employment in accordance with this procedure, it shall decide whether to permit any further application to be made under this procedure. If so, it shall decide whether any further notification is necessary equivalent to that set out in step 1 above and set an appropriate time limit in place of that set out in step 3 above by which any application shall be made for a further extension.

#### Step Eight: Appeal

The College shall make arrangements to hear any appeal against a decision made under step 7. Appeals will be heard by a suitable individual designated by the Governing Body. The individual responsible for considering the appeal shall inform the College, the employee and any other employer, as relevant, of their decision.