



DOWNING COLLEGE CAMBRIDGE

ORDINANCES

May 2022

TABLE OF CONTENTS

ORDINANCE 1 AND 2: The election, tenure of office and retirement of the Master	
Ordinance 1: The election of the Master	4
Ordinance 2: The retirement of the Master	8
ORDINANCES 3 TO 13: Academic Staff	
Ordinance 3: The Academic Staff Statute: General Principles	9
Ordinance 4: Meaning of 'employed' and 'academic staff'	10
Ordinance 5: Senior Disputes Panel and Senior Disputes Appeal Panel constituted under Statute XX	10
Ordinance 6: Redundancy procedure	13
Ordinance 7: Disciplinary procedure	15
Ordinance 8: Procedure for assessing incapacity on health grounds	20
Ordinance 9: The duration and renewal of fixed term Official Fellowships held by Teaching Fellows	22
Ordinance 10: Procedure for the confirmation of appointments at the end of an initial probationary period	24
Ordinance 11: Procedure for dismissal on other grounds	25
Ordinance 12: Procedure for removal from secondary office or employment	26
Ordinance 13: Grievance procedure	27
ORDINANCE 14: Ordinance relating to the Disciplinary Committee	
Ordinance 14: The Disciplinary Committee	26
ORDINANCES 15 and 16: Ordinance relating to the Library and the Fellow Librarian	
Ordinance 15: The Library	28
Ordinance 16: The Fellow Librarian	28
ORDINANCE 17: Ordinance relating to College Offices	
Ordinance 17: Periods of appointment to College Offices	30
ORDINANCE 18: Ordinance relating to Superannuation Schemes	
Ordinance 18: Superannuation Schemes	31
ORDINANCE 19, 20 AND 21: Ordinances relating to Lodges and Rooms	
Ordinance 19: Interpretation and General Principles	32
Ordinance 20: Fellows' rights to residential accommodation	33
Ordinance 21: Use of rooms for non-residential purposes	34
ORDINANCE 22: Ordinance relating to the management of conflicts of interest	
Ordinance 22: The Management of Conflicts of Interest.	36
ORDINANCE 23: Ordinance relating to the Removal of the Master from Office	
Ordinance 23: Procedure for the removal of the Master from Office	39
ORDINANCE 24: Ordinance relating to the Discipline and Good Government of the College	
Ordinance 24: Failure in Examination	43
The functions of the Dean	43

ORDINANCE 25: Ordinance relating to the Retirement of Fellows	
Ordinance 25: The Retirement of Fellows	44
ORDINANCE 26: Ordinance relating to the Fellow Archivist	
Ordinance 26: The Fellow Archivist	45
ORDINANCE 27: Ordinance relating to the Remuneration Committee	
Ordinance 27: The Establishment of a Remuneration Committee	46
ORDINANCE 28: Ordinance relating to Titular Fellowships	
Ordinance 28: Titular Fellowships	48
ORDINANCE 29: Ordinance relating to complaints by Student Members concerning alleged harassment and sexual misconduct by other Student Members	
Ordinance 29: Complaints by Student Members concerning alleged harassment and sexual misconduct by other Student Members	50
Ordinance 30: Ordinance relating to the disqualification of the Master or a Fellow as a Charity Trustee	
Ordinance 30: The Disqualification of the Master or a Fellow as a Charity Trustee	54
CODE OF PRACTICE	
Code of Practice relating to appropriate relationships between Senior Members and Students in the College	56

DOWNING COLLEGE, CAMBRIDGE

ORDINANCES MADE BY THE GOVERNING BODY ON 12 May 2017

Date in force: 20 May 2017

Ordinance 1: The election of the Master

Having regard to **Statute V** and to sections 4 and 5 of **Statute VIII** of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 23 June 2016 made the following

ORDINANCE RELATING TO THE ELECTION OF THE MASTER

Ordinance 1: The Election of the Master

(a) The purpose of the provisions in this Ordinance is to ensure that the election or pre-election of a Master may take place in a cooperative spirit, the Electors acting in good faith according to the spirit of the provisions, each Elector being able to participate fully in the process (except for Electors who have been nominated as candidates, whose participation will be limited in accordance with this Ordinance). Electors are expected to exercise their functions conscientiously, ensuring, so far as is possible, that they make themselves available for meetings of Electors (ideally being physically present, but allowing for the possibility of remote participation if an Elector is prevented from attending in person and remote participation is feasible in the circumstances). Where an Elector is permitted to participate in a meeting remotely, and there is a failure or interruption of the means of communication by which he or she is participating, that failure or interruption shall not invalidate any decision taken at the meeting.

(b) In this Ordinance, unless the context otherwise requires, (i) 'Vice-Master' means the Vice-Master if present in person, or, if he or she is absent and unable to act, the senior Fellow present in person who is willing and able to act, and (ii) references to an Elector 'attending' a meeting shall be construed as including an Elector participating remotely.

(c) When the date of resignation or retirement of the Master is known in advance, there shall be a meeting of Electors summoned by the Vice-Master at least nine months before the date of the resignation or retirement, or (if that date is less than nine months in the future) at the earliest possible date, to decide on the timetable and other arrangements, consistent with this Ordinance, for electing a new Master.

(d) At least seven days' notice shall be given to Fellows of the date of the meeting, disregarding days not falling within Term (subject to paragraph (e) below). The Vice-Master shall preside at this meeting.

(e) When a vacancy occurs without warning, the Vice-Master, within seven days of learning of the vacancy, shall summon the other Electors to a meeting which shall take place as soon as practicable to decide on the timetable and other arrangements, consistent with this Ordinance, for electing a new Master. In these circumstances, at least seven days' notice shall be given to Fellows of the date of the meeting, but the days may include days not falling within Term.

(f) The arrangements decided upon at the meeting mentioned in paragraph (b) or paragraph (d) above shall include whether and how to advertise the vacancy to the public, whether and how to bring the vacancy to the attention of individuals who might be appropriate candidates, how information about potential candidates will be provided

to the Electors, and how Electors may participate and notify the scrutineers of their votes. These arrangements may be reviewed and amended at subsequent meetings of Electors.

(g) For the purpose of taking forward the electoral process, the Vice-Master may summon such meetings of the Electors as he or she thinks fit, and shall summon one if requested in writing by six of the other Electors to do so. At least seven days' notice of such meetings shall be given to Electors.

(h) If the electoral process is occurring before the resignation or retirement of the Master, the Vice-Master shall summon a meeting of the Electors to determine the date for the pre-election of a new Master. This meeting shall take place at least three calendar months before the date of the Master's resignation or retirement, and the date for the pre-election shall be at least one month before the Master's resignation or retirement, unless notice of the Master's resignation or retirement does not reach the Vice-Master early enough to allow that to happen.

(i) If the electoral process takes place or continues after the position of Master becomes vacant, the Vice-Master shall summon a meeting of the Electors to determine the date for the election of a new Master. If circumstances permit, this meeting shall take place no more than one calendar month after the date when the position of Master became vacant, and the date for the election shall be no more than six months after the position became vacant.

(j) If requested in writing by six of the other Electors, the Vice-Master shall have power to summon a meeting of the Electors, of which seven clear days' notice in writing shall be given to the Electors, in order to vary the day or the hour or the place for the election of a new Master which shall have been fixed in accordance with paragraph (g) or paragraph (h) of this Ordinance. A proposal to postpone the date of the election shall be deemed to have been approved only if (i) at least three-quarters of the Electors who are not on leave of absence attend the meeting, and (ii) the proposal is supported in a vote by at least three-quarters of the Electors attending and voting.

(k) Notice of the day and time and place of the election or pre-election shall be given as soon as practicable by the Vice-Master (or, in his or her absence the Senior Elector who is available and is willing and able to act) to all the Electors.

(l) Only a person nominated in accordance with this paragraph is eligible to be a candidate for election. Any person may nominate himself or herself for election to the office of Master. Any Elector may nominate himself or herself or another person (whether or not an Elector), and an Elector may nominate more than one person. Any nomination must be given in writing to the Vice-Master at least two weeks before the date set for the meeting of Electors to elect a new Master, and the Vice-Master shall at once notify all Electors of the nomination. But the nomination shall not be treated as valid unless at least six Electors notify the Vice-Master in writing, at least two weeks before the date set for the meeting of Electors to elect a new Master, that they support the nomination. In the event of a dispute as to whether a nomination satisfies the requirements of this paragraph, the decision of the Vice-Master shall be final. The Vice-Master shall inform the Electors in writing, at least ten days before the date set for the election, of the names of all those people who have been duly nominated.

(m) Without prejudice to the generality of section 4 of Statute VIII, *Of the Master* (which provides that the Fellows of the College are to be the Electors to the Office of Master in accordance with the Statutes and Ordinances made under them), when an Elector is nominated for election to the office of Master, he or she shall thereafter not attend meetings of the Electors taking place before the meeting fixed for the election or pre-

election of the new Master, unless the other Electors request his or her attendance at a specific meeting. At the meeting fixed for the election of the new Master, he or she may not attend or vote.

(n) So far as it can be achieved in practice, and subject to paragraph (m) above, the Vice-Master shall ensure that every nominee and prospective nominee has an equal opportunity to visit the College and talk to Electors and others, and that all Electors have an equal opportunity to participate in the process.

(o) On the day and at the hour fixed in accordance with paragraphs (h), (i) or (j) of this Ordinance, the Electors shall assemble at the appointed place. The Vice-Master if present in person, or (if the Vice-Master is not present in person, whether or not participating by electronic means from elsewhere) the most senior Elector present in person, shall preside. The Vice-Master, and after him or her the other Electors present in their order of seniority, shall make the following declaration: 'I, M.N., do solemnly declare that I will choose as Master the person who is in my judgment best qualified, according to the Statutes, to secure the good government of this College.' With the prior approval of the Vice-Master, an Elector who is unable to be present may attend the meeting by telephone or other electronic means which allow him or her to make his or her declaration at the due time.

(p) After this declaration has been made by each Elector in turn, the Vice-Master (or, if the Vice-Master is not present in person, the next most senior Elector) shall announce the names of the people who have been duly nominated for election. The election of the Master shall take place by secret ballot. Each Elector may cast one vote, and may vote for any person who has been duly nominated. A vote cast for any other person, or an abstention, shall be treated a vote cast against all the duly nominated candidates.

(q) The Vice-Master and two senior Electors present, or, in the absence of the Vice-Master, the three senior Electors present, shall act as scrutineers.

(r) The scrutineers shall first write their own votes on separate ballot papers, and afterwards receive the votes, similarly written, of all the other Electors. An elector who is attending by telephone or other electronic means may signify his or her vote confidentially to the Vice-Master or senior Elector present at the appropriate time, by E-mail, private telephone conversation, or such other means as the Electors shall have approved.

(s) If, upon examination, it appears that a majority of the votes of all the Electors present or voting electronically are given for one person, the junior of the three scrutineers shall read the several votes, after which the Vice-Master or senior Elector present shall pronounce such person duly elected or pre-elected Master of the College.

(t) If having counted the votes it appears that there is no such majority of votes given for one person, there shall be a second round of voting. If any discussion takes place between rounds of voting, the Vice-Master or senior Elector present shall ensure that, so far as possible, Electors voting electronically are able to participate in the discussion. In the second round of voting, the scrutineers shall once again write their own votes and receive the votes of all the other Electors in the same manner as before, and shall scrutinise the votes cast. The person, if any, who on this second scrutiny has the majority of the votes of all the Electors present or voting electronically shall be pronounced to be elected or pre-elected Master. If at this second scrutiny the whole of the votes shall be equally divided between two persons, that person shall be pronounced to be elected or pre-elected Master for whom the Vice-Master or senior Elector present shall give his or her casting vote.

(u) If at the second scrutiny no election shall be made, the Electors shall proceed to a third and final vote, following the same procedure as in the first and second votes. Following scrutiny of the votes on this occasion, that person shall be pronounced elected or pre-elected who has the greatest number of votes, whether they form a majority of the whole number of votes or not. If there is an equality of votes given to the two or more persons who have the most votes, then that person shall be elected or pre-elected Master for whom the Vice-Master or senior Elector present shall give his or her casting vote.

(v) In case a Master shall not be elected in accordance with the foregoing provisions of this Ordinance within six calendar months following the occurrence of the vacancy in the Office of Master, then the Chancellor of the University shall elect the Master from amongst the Fellows of the College; except that if the Visitor shall have annulled the election of the Master, the power of election shall revert to the Electors, and the times hereinbefore laid down as running from the vacancy in the Mastership shall begin again to run from the time of the Visitor's decision being pronounced, as if the vacancy had occurred at that time.

(w) Immediately after such election or pre-election, it shall be notified by the Vice-Master or the senior Elector to the person elected. If the Master-elect does not notify the Vice-Master in writing within fourteen days or such longer period as is approved by the Electors at that or a subsequent meeting that he or she accepts the said office, the election shall be utterly void and of no effect, and the Electors shall recommence the process of electing a new Master in accordance with this Ordinance.

(x) If the Master-elect duly notifies the Vice-Master that he or she accepts the said office, the Master-elect shall take the office of Master upon himself or herself at the earliest practicable date after the resignation or retirement of the Master. The date shall be agreed between the Master-elect and, representing the Governing Body, the Vice-Master, in consultation with the Senior Bursar. When the date has been agreed, the Vice-Master shall summon a meeting of the Electors to take place on that date, at which time the Master-elect shall take the office upon himself or upon herself.

(y) On taking office, the Master-elect shall make to the Electors this declaration: 'I, A.B., do solemnly promise that I will truly and faithfully execute the office of Master of Downing College, and discharge the duties thereof according to the best of my judgment and ability.'

(z) If the Master-elect shall refuse to make the said declaration at the meeting of Fellows called for that purpose, his or her election shall be utterly void, and thereupon proceedings shall be taken, as if a vacancy had occurred in the Mastership, at the time of his or her refusal.

(aa) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

ORDINANCE MADE BY THE GOVERNING BODY ON 6 MAY 2022

Date in force: 14 May 2022

Ordinance 2: The retirement of the Master

Having regard to **Statute V** and to section 8 of **Statute VIII** of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 6 May 2022 made the following

Ordinance 2: The retirement of the Master

- (a) The age of retirement of the Master to which section 8 of Statute VIII refers is seventy-two years, and the Master shall not continue in office later than the thirtieth day of September in the year in which he or she attains that age.
- (b) This Ordinance shall come into force on the first day of October 2023, at the agreement of the Governing Body at its meeting on the sixth day of May 2022.

Ordinances 3 to 13: Academic Staff

Having regard to **Statute V** and to **Statute XX** and section 1 of **Statute XXXIV** of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 12 May 2006 made and on 24th July 2009 amended the following

ORDINANCES RELATING TO ACADEMIC STAFF

Note: These Ordinances are as follows:

Ordinance 3	The Academic Staff Statute: General Principles
Ordinance 4	Meaning of 'employed' and 'academic staff'
Ordinance 5	Senior Disputes Panel and Senior Disputes Appeal Panel constituted under Statute XX
Ordinance 6	Redundancy procedure
Ordinance 7	Disciplinary procedure
Ordinance 8	Procedure for assessing incapacity on health grounds
Ordinance 9	The duration and renewal of fixed term Official Fellowships held by Teaching Fellows
Ordinance 10	Procedure for the confirmation of appointments to fixed-term Teaching Fellowships at the end of an initial Probationary Period
Ordinance 11	Procedure for dismissal on other grounds
Ordinance 12	Procedure for removal from a secondary office or employment
Ordinance 13	Grievance procedure

Ordinance 3: General Principles

(a) In the interpretation of the guiding principles of Statute XX (Of Academic Staff), academic freedom shall be understood in the sense of Sections VI and VII of the Recommendation concerning the Status of Higher-Education Teaching Personnel adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO), meeting in Paris from 21 October to 12 November 1997 at its 29th session.

(b) In the procedures and Ordinances made under the Academic Staff Statute regard has been had to the Code of Practice on Disciplinary and Grievance Procedures approved by the Employment Code of Practice (Disciplinary and Grievance Procedures) Ordinance 2004 (S.I. 2004, No. 2356). So far as is consistent with the wording of Statute XX and the Ordinances made thereunder, that Statute and those Ordinances shall be interpreted in the spirit of that Code of Practice.

(c) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 4: Meaning of 'employed' and 'academic staff'

- (a) The expression 'employed' in the Academic Staff Statute means 'employed under a contract of employment'.
- (b) For the purposes of Statute XX, the academic staff of the College shall, until further Ordinance, be taken to be the College Officers listed in section 1 of Statute XXXIV, and (if Official Fellows) the Chaplain, the Junior Bursar, and the Development Director.
- (c) Except as may otherwise be provided in any specific case, any person (not being a member of the academic staff as defined in paragraph (b) above) employed by the College in teaching or research whose duties in that regard are of a limited nature shall be excluded from the scope of Statute XX. However, where the Governing Body is considering whether to deprive a Fellow who is not a member of the academic staff of his or her Fellowship in connection with a disciplinary complaint, the Governing Body may proceed in accordance with paragraph (u) of Ordinance 5, below.
- (d) Except as may otherwise be provided in any specific case, no person shall be employed by the College under a contract of employment in respect only of holding a Fellowship, or a Scholarship or Exhibition under Statute XVII.
- (e) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 5: Senior Disputes Panel and Senior Disputes Appeal Panel constituted under Statute XX

Constitution of panels

- (a) The Governing Body shall appoint each year a Senior Disputes Panel comprising three people, including at least one man, at least one woman, and a person with an appropriate legal qualification who shall act as Chairman. They need not be members of the College.
- (b) If a person is aggrieved by a decision of the Senior Disputes Panel made in a matter in which that person is directly concerned, and he or she gives notice of appeal in accordance with the provisions of Statute XX or these Ordinances, the Governing Body shall appoint a Senior Disputes Appeal Panel comprising three people, including at least one man, at least one woman, and a person with an appropriate legal qualification who shall act as Chairman. At least two of the members of the Panel shall not be members of the College.
- (c) If a matter to be considered by the Senior Disputes Panel or a Senior Disputes Appeal Panel concerns a question of health or incapacity on medical grounds, the Governing Body shall, ensure that the Panel includes a person with a medical qualification and a relevant field of expertise. If necessary for this purpose, the Governing Body or the Master acting on behalf of the Governing Body may appoint to the Panel in question an additional member or members.
- (d) Where a member of a Panel appointed in accordance with this Ordinance is for any reason unable to participate in its work, then to that extent the Governing Body (or the Master acting on its behalf), with the consent of the member of the academic staff under consideration by the panel ("the Member Concerned"), may appoint another person to be a member of the Panel, either generally or for the determination of a particular matter.

Disqualification of panel members

(e) A person who believes that he or she has an involvement with the matter before a panel that would make his or her participation as a member of the panel unfair shall for that reason decline to accept appointment as a member of the panel, or, if already appointed, shall disqualify him or herself from the panel.

(f) A member of a panel who fails to attend the whole of any hearing (save for absences which, in the opinion of the chairman, are immaterial) shall be disqualified from the panel.

(g) If the Member Concerned believes that a member of the panel has an involvement with the matter before the panel that would make his or her participation as a member of the panel unfair, then the Member Concerned shall object on that ground to the panel chairman without delay, and in any event not later than the start of the first hearing of the matter by the panel. The panel chairman shall rule on any such objection (including such an objection relating to him- or herself). If the objection is upheld the member of the panel concerned shall be disqualified from acting further. A ruling dismissing the objection shall be open to appeal to the Governing Body or to the Master acting on behalf of the Governing Body, whose decision shall be final.

(h) No objection of the sort referred to in paragraph (g) above shall be entertained after the start of the first hearing of the matter by the panel, unless the panel chairman (or the chairman of the appeal panel if the objection is taken at the appeal stage) is satisfied that it was not reasonably practicable for the member concerned to have raised the matter earlier. A ruling declining to entertain a late objection shall be open to appeal to the Governing Body or to the Master acting on behalf of the Governing Body, whose decision in the matter shall be final.

(i) Where a member of a panel (not being the panel chairman) is disqualified from acting, the panel may, with the consent of the Member Concerned, continue to act, notwithstanding such reduction in membership. Alternatively the panel chairman may select a replacement member in accordance with the rules for selection, and may adjourn proceedings pending that appointment. Where the chairman of a panel is disqualified, a new chairman shall be selected in accordance with the rules for selection.

(j) Where a person is added to the membership of a panel, then any hearing that has already taken place in whole or in part shall be disregarded and shall be held afresh.

Rôle and powers of the panel

(k) The panel chairman shall determine all preliminary and procedural matters on behalf of the panel after such consultation with members of the panel as the chairman shall see fit.

(l) A panel shall make its decisions (a) unanimously, or (b) if unanimity is impossible by a majority vote of those members present and voting. In the event of a tie, the chairman of the panel shall have an additional vote.

(m) If the panel considers it to be necessary in order to allow its procedure to be fair and orderly, it may vary time limits, allow the amendment of charges or of grounds of appeal, permit any departure from the rules or procedure set out in this Ordinance, and in exceptional circumstances exclude any person, including the Member Concerned, from any hearing of the panel.

(n) In exercising any discretion the panel shall seek to give effect to the guiding principles set out in section 2(a) of Statute XX. Any exercise of discretion by the panel may be made subject to such conditions as it shall see fit.

(o) The panel chairman may postpone, adjourn and reconvene any hearing or other meeting of a panel. The panel chairman may discharge the panel and order a rehearing of the matter before a fresh panel, but shall only do so where he or she is of the view that that step is necessary in order to ensure a just and fair process.

(p) Where it appears to the panel chairman, whether on receipt of an application made by a party to the proceedings or otherwise, that a material aspect of the matter before the panel is or is likely to be the subject of criminal or civil proceedings in a court of law or the subject of disciplinary proceedings in the University, the panel chairman may direct such stay in the process of the panel as he or she may consider desirable. Subject to any such stay the panel chairman shall seek to ensure that the case before the panel is heard and determined as expeditiously as is reasonably practicable.

(q) The panel chairman shall arrange for a record of the proceedings of the panel to be made.

(r) The panel chairman shall send a document recording the panel's decision in the case (together with their findings of fact (if any) and the reasons for their decision regarding the case) to the Master, the Member Concerned, the Presenting Officer (if any) and any person who shall have been added as a party to the proceedings. Where a right of appeal exists, the chairman shall draw the attention of the Member Concerned to that fact and to the procedure, including any time limit, for appeal.

(s) The panel chairman shall have power, with the agreement in writing of the other members of the panel, by certificate under his or her hand to correct in the record of proceedings kept under paragraph (q) above or in the document recording the decision of the panel any clerical mistakes or errors arising from any accidental slip or omission.

Conduct of hearings

(t) The overriding objective of the rules of procedure is to enable panels to deal with cases justly. That will include, so far as practicable,

- (i) ensuring that the parties are on an equal footing;
- (ii) saving expense;
- (iii) dealing with the case in ways which are proportionate to the complexity of the issues; and
- (iv) ensuring an expeditious and fair process.

(u) The Member Concerned may be accompanied when appearing before the panel by a person of his or her choice, who may be a trade union representative, except that a person may only have legal representation with the agreement of the panel.

(v) Any hearing shall take place in private unless the panel, after considering the views of the Member Concerned, direct otherwise.

(w) Panels shall, so far as appears to them to be practicable, seek to avoid formality in their proceedings and shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before courts of law. They shall make such inquiries of persons and witnesses appearing before them as they consider appropriate and shall otherwise conduct their hearing in such manner as they consider most

appropriate for the clarification of the issues before them and generally for the just handling of the proceedings.

(x) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 6: Redundancy procedure

Resolution to effect a reduction in the academic staff by way of redundancy

(a) This procedure shall apply where the Governing Body has decided that it may be appropriate to effect a reduction in the academic staff of the College as a whole, or of any area of academic work within the College, by way of redundancy. But it shall not apply to the extent of any matter dealt with under Part V of Statute XX (Of Academic Staff).

(b) Where the Governing Body has so decided, it shall consult such members of the academic staff and such other persons holding office in, or employed by, the College as it considers likely to be affected by a reduction of the sort contemplated. It shall also conduct such further process of consultation as may be required by law or as it may consider appropriate. The Governing Body may specify time limits for response to any consultation that it conducts. After considering the responses received to the consultation, the Governing Body shall either resolve to take no further action; or shall resolve to continue, extend or vary the process of consultation, with such modification (if any) of the terms of consultation as it shall see fit; or shall resolve to effect a reduction in the academic staff by way of redundancy and decide what direction (if any) to give in relation to the extent of the reduction.

Selection for redundancy

(c) Where the Governing Body has resolved to effect a reduction in the academic staff by way of redundancy, it shall appoint a redundancy committee of one or more persons to select the members of the academic staff for dismissal by reason of redundancy and to give notice of dismissal to those members of the academic staff so selected. The redundancy committee shall act in accordance with any direction of the Governing Body under paragraph (b) above.

(d) The redundancy committee shall formulate the selection criteria which it proposes to employ, and shall notify each member of the academic staff considered for selection of those selection criteria. It shall afford each member of the academic staff considered for selection the opportunity to make such written or oral representations on his or her own behalf as he or she shall see fit. If, following the receipt of such representations, any change is made to the selection criteria, then any member of the academic staff who might be materially affected by such change shall be afforded a new opportunity to make such representations.

(e) The redundancy committee shall give notice of dismissal to each member of the academic staff who is selected for dismissal, and shall also inform him or her of the selection criteria finally adopted, of the reasons for his or her dismissal, and of his or her right of appeal under this Ordinance.

(f) The procedure to be adopted by a redundancy committee shall be determined by the committee themselves as they shall see fit, subject to the adoption of a just and fair process which complies with the rules in paragraphs (c), (d) and (e) above.

Appeal

(g) A member of the academic staff who is given notice of dismissal by reason of redundancy may, within fourteen days from the date of that notice, give to the Master notice of appeal to the Senior Disputes Panel. The notice of appeal shall state the grounds of appeal.

(h) The lodging of an appeal shall not affect the operation of the notice of dismissal, but the chairman of the Senior Disputes Panel may extend the period of notice if he or she considers it just and fair in all the circumstances that an extension should be granted.

(i) Where the Senior Disputes Panel decides to remit the matter back for further consideration, then—

(i) it may direct that that further consideration should be given by the same redundancy committee, or direct that a differently constituted redundancy committee be selected for that purpose;

(ii) it may give such other directions as it shall see fit, including directions affecting other members of the academic staff, provided that it may confirm, suspend, extend or cancel any notice of dismissal given to such other members, but shall not give notice of dismissal to any member of the academic staff not already under such notice; and

(iii) a fresh right of appeal to the redundancy appeal panel shall accrue to any member of staff from notice of dismissal given or confirmed as a result of that further consideration.

(j) Where the redundancy appeal panel reaches a final decision on any appeal, no further right of appeal under College procedures lies against that decision.

(k) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 7: Disciplinary procedure

Matters which may lead to disciplinary proceedings

(a) Disciplinary action under this Ordinance may be taken, and where appropriate a penalty imposed, in respect of the following:

(i) conduct amounting to a criminal offence, whether or not there has been a prosecution and conviction, of a kind that is judged in all the circumstances to be relevant to a member of academic staff's employment by the College;

(ii) failure, refusal, neglect or inability to perform some or all of the duties or to comply with some or all of the conditions attaching to the post, or performing those duties or complying with those conditions in an unsatisfactory or inadequate manner;

(iii) other misconduct on the part of a member of academic staff, including (but not confined to) the following:

a) breach of any obligation or duty arising under any of the College's Statutes, Ordinances, regulations or codes of practice regarding financial matters, harassment, equal opportunities, public interest disclosure, health and safety, or data protection or any other rules, regulations or codes binding on the member of academic staff;

b) damage to or improper use of College facilities, premises, property or equipment;

c) improper interference with the activities of the College or of any member, officer, employee of or visitor to the College;

- d) violent, indecent, disorderly, threatening, abusive, insulting or harassing behaviour or language (whether written, spoken or in any other form);
- e) fraud, deceit, deception or dishonesty in relation to any professional activity, including research and examining;
- f) action likely to cause injury or impair safety;
- g) divulging information or material received in confidence (unless the disclosure is permitted under the Public Interest Disclosure Act 1998 or in accordance with the University's or College's public interest disclosure procedure).

Less serious matters: Warnings

(b) If it appears to the Master, after receiving a complaint or otherwise, that there are grounds for believing that the conduct or performance of a member of the academic staff ("the Member Concerned") is or has been unsatisfactory, the Master shall inquire into the matter. If the Master concludes after investigation (including a meeting with the Member Concerned) that the Member Concerned is or has been at fault, the Master may issue an oral warning. The Master shall specify the reason for the warning, shall indicate that it constitutes the first stage of the College's disciplinary procedure, and shall advise the person concerned that he may appeal against the warning under paragraph (e) below.

(c) If the Master concludes after investigation that the fault is sufficiently serious to justify it, or if a further offence occurs after an oral warning, the Master may issue a written warning. Such a warning shall specify the reason for the warning, the improvements required in the conduct or performance of the Member Concerned, and the period of time within which such improvements are to be made. The Master shall advise the Member Concerned that he or she may appeal against the warning under paragraph (e) below, and shall indicate that, if no satisfactory improvement takes place within the stated time, charges may be instituted before the Senior Disputes Panel.

(d) The Master shall keep a written record of any oral or written warning issued. Each warning shall specify a period from the date of issue after which, in the absence of further disciplinary matters arising, it will be disregarded for all purposes. The period shall not exceed one year.

(e) The Member Concerned may appeal in writing to the Master against a disciplinary warning within fourteen days of the date of the warning, stating the grounds of appeal. The appeal shall be communicated to the Governing Body, who shall determine it as they shall see fit. If the appeal is allowed, the warning shall be disregarded.

More serious matters: The institution of charges before the Senior Disputes Panel

(f) If the Master receives a complaint against a member of the academic staff ("the Member Concerned") seeking the institution of a charge or charges ("a Charge") before the Senior Disputes Panel, then the Master shall investigate the matter as he or she shall see fit. If, whether as the result of the investigation of a complaint or otherwise, the Master considers that there are grounds for believing that a Charge should be instituted before the Senior Disputes Panel, then the Master shall write to the Member Concerned inviting his or her comment in writing by a specified date. If the Master considers that the College might otherwise suffer significant harm, the Master may suspend the Member Concerned from the performance of his or her duties until the next following meeting of the Governing Body without loss of emolument. As soon as practicable following receipt of the comments (if any) of the Member Concerned, the Master shall consider the matter

in the light of all the available evidence and may dismiss the matter summarily, or issue an oral or written warning, or determine that a Charge should be instituted before the Senior Disputes Panel.

(g) Where the Master has determined that a Charge should be instituted before the Senior Disputes Panel, then—

(i) the Master shall appoint and instruct a suitable person ('the Presenting Officer') to formulate the Charge and to present it, or arrange for its presentation, before the Senior Disputes Panel; and

(ii) the Master shall refer the matter to the chairman of the Senior Disputes Panel.

(h) If the Master has suspended the Member Concerned and the matter has not been finally determined before the next meeting of the Governing Body, the Master shall report on the matter to the Governing Body which shall consider whether to suspend the Member Concerned from the performance of his or her duties without loss of emolument. Any such suspension shall be reviewed by the Governing Body at regular intervals, each review taking place within two months of the time of the last decision to suspend or at the next following meeting of the Governing Body after that decision, if later. The Governing Body shall not impose or continue a suspension unless it considers that the College might otherwise suffer significant harm.

(i) The Presenting Officer shall seek to ensure that the case is heard and determined as expeditiously as is reasonably practicable.

(j) As soon as reasonably practicable after the date of his or her appointment, the Presenting Officer shall send to the Member Concerned and to the chairman of the Senior Disputes Panel ("the panel chairman") notice of the Charge together with a copy of the Academic Staff Statute and of the Ordinances made thereunder.

(k) The panel chairman, after consultation with the Member Concerned and with the Presenting Officer, shall determine the date and time of a meeting of the Senior Disputes Panel for the purpose of hearing the case, and shall send notice of the date, time and place of the meeting to the Member Concerned, to the Presenting Officer and to the members of the Senior Disputes Panel.

(l) Not later than seven days before the date set for the hearing, the Presenting Officer shall send to the Member Concerned and to the members of the Senior Disputes Panel a copy of the Charge, together with any documents specified therein; a list of all witnesses that the Presenting Officer proposes to call, with statements containing the evidence they are expected to give; and a copy of any other documents that the Presenting Officer proposes to put in evidence.

Evidence

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

The decision of the Senior Disputes Panel

(n) Where, after a hearing, the Panel find the Charge or any part thereof to be without substance, then it shall dismiss the Charge or that part thereof.

(o) Where, after a hearing, the Panel finds the Charge or any part thereof to be established, then before deciding what penalty (if any) to impose, it shall give the Member Concerned and the Presenting Officer the opportunity to put forward any matters bearing on the penalty to be imposed unless it is of the view that a sufficient opportunity has already been given in the course of the hearing.

(p) The Panel may decide to impose no penalty, or may impose a penalty comprising one or more of the following:

- (i) an oral or written warning;
- (ii) suspension without pay for up to three months;
- (iii) the withholding of future increments in stipend;
- (iv) reduction in grade in any primary office or employment;
- (v) removal from any secondary office or employment;
- (vi) the substitution of a lesser office or employment for any primary office or employment;
- (vii) dismissal with or without notice;
- (viii) the award of compensation to any person in respect of any loss caused or damage done; and
- (ix) any penalty considered by the Senior Disputes Panel to be lighter than some penalty comprising one or more of the above.

If the Panel is of the view that the conduct of the Member Concerned constitutes gross misconduct such as to justify dismissal without notice, it shall so state. If the penalty of dismissal without notice is imposed in the absence of such a statement (or, in the event of an appeal, such a statement by the Senior Disputes Appeal Panel), then the College shall pay compensation to the Member Concerned in respect of any loss caused to the Member Concerned by reason of the absence of proper notice. The Panel shall not impose the penalty of the substitution of a lesser office or employment for any primary office or employment unless it is of the view that the conduct of the Member Concerned is such as to justify dismissal.

(q) Where, after a hearing, the Panel is of the view that the Member Concerned should be dismissed, but that the dismissal is for some other substantial reason than good cause, it shall so state, specifying the reason, in its findings and shall dismiss accordingly.

Appeal

(r) The Member Concerned may, within fourteen days from the decision of the Senior Disputes Panel, give to the Master notice of appeal to a Senior Disputes Appeal Panel. The notice of appeal shall state the grounds of appeal and whether it is an appeal against the findings of the Senior Disputes Panel, or the penalty imposed, or both. The Master shall report on the matter to the next meeting of the Governing Body, which shall appoint a Senior Disputes Appeal Panel in accordance with Ordinance 3, paragraphs (b) to (d) above.

(s) The appeal shall then be heard and determined as expeditiously as is reasonably practicable by the Senior Disputes Appeal Panel, which may substitute for the decision of the Senior Disputes Panel any decision that that Panel might have made. The decision of the Senior Disputes Appeal Panel in the matter shall be final.

The addition of parties and the consolidation of matters

(t) The chairman of the Senior Disputes Panel may agree to the addition of any other person as party to a case before the Panel; provided that the chairman shall not so act unless he or she is of the view that that step is desirable in order to ensure a just and fair process. Such other person shall receive from the Presenting Officer the papers specified in paragraphs (j) and (l) above, and shall have the right to a fair process before any Senior Disputes Appeal Panel.

(u) In any case in which the Governing Body is considering the dismissal from an office or employment in the College before its prescribed or normal termination date of a Fellow who is not a member of the academic staff, the Governing Body may refer the matter to a Senior Disputes Panel to determine in accordance with the procedural rules contained in Statute XX and this Ordinance.

(v) The Governing Body may determine that charges against more than one member of the academic staff may be heard concurrently by the same disciplinary panel. It may further determine that charges against one or more members of the academic staff shall be heard concurrently with charges against one or more members of the College in statu pupillari or with charges against any Fellow who is not a member of the academic staff. In such a case the Senior Disputes Panel shall be deemed, in relation to any member of the College in statu pupillari, to be constituted concurrently as a Disciplinary Committee under Statute XXII (Of the Disciplinary Committee) and shall proceed giving effect to the requirements of that Statute so far as is consistent with the requirements under Statute XX (Of Academic Staff) and this Ordinance.

Relationship with Part IV of the Academic Staff Statute

(w) If at any stage the chairman of the Senior Disputes Panel forms the view that the conduct or capability of the Member Concerned may be attributable, wholly or in part, to a medical condition, then he or she shall inform the Master, who shall either report the matter to the Governing Body which shall consider whether to appoint an appropriately medically qualified member, or shall himself or herself decide whether to appoint such a member to the Panel on behalf of the Governing Body, in accordance with paragraph (c) of Ordinance 3 above. If the Governing Body or the Master decides not to appoint a medically qualified member, the proceedings shall continue before the Panel with its former membership. If a medically qualified member is appointed, he or she shall participate fully as a member of the Panel in relation to that matter.

(x) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 8: Procedure for assessing incapacity on health grounds

The institution of charges before an incapacity panel

(a) Where the Governing Body is of the view that the Senior Disputes Panel should consider whether a member of the academic staff ("the Person Referred") should be dismissed by reason of an incapacity on health grounds under Statute XX (Of Academic Staff), it shall at the same time appoint a suitable person ('the Presenting Officer') to present the case on behalf of the College to the Panel.

(b) Any person having authority in law to act on behalf of the Person Referred shall have power so to act in respect of all proceedings before the Panel or a Senior Disputes Appeal Panel. Any requirement in relation to the Person Referred shall be satisfied if that requirement is fulfilled in relation to the person having authority to act on behalf of the Person Referred or a representative appointed by the Person Referred, whether or not it is also fulfilled in relation to the Person Referred him or herself.

(c) As soon as reasonably practicable after appointment, the Presenting Officer shall send to the Person Referred and to the chairman of the Senior Disputes Panel notice of the reason why it is thought that the dismissal of the Person Referred by reason of incapacity on health grounds of the should be considered together with a copy of the Statute XX and of the Ordinances made thereunder.

(d) The Presenting Officer shall seek to ensure that the case is heard and determined as expeditiously as is reasonably practicable.

(e) The chairman of the Senior Disputes Panel, after consultation with the Person Referred and with the Presenting Officer, shall determine the date and time of a meeting of the Panel for the purpose of a hearing of the case, and shall send notice of the date, time and place of the meeting to the Person Referred, to the Presenting Officer and to the members of the Panel.

(f) Not later than seven days before the date set for the hearing, the Presenting Officer shall send to the Person Referred and to the members of the Panel a copy of the communication referred to in paragraph (c) above, together with any documents therein specified; a list of all witnesses the College proposes to call, with statements containing the evidence they are expected to give; and a copy of any other documents which the College proposes to put in evidence.

Medical evidence

(g) The Presenting Officer may seek from the Person Referred such medical evidence as he or she considers necessary for the purpose of the presentation of the matter to the Senior Disputes Panel. Such evidence may include the opinion of a medically qualified person appointed by the College, at College expense, to advise on the health of the Person Referred. The medically qualified adviser must not be a member of the Senior Disputes Panel or of any Senior Disputes Appeal Panel; nor may he or she be eligible to be appointed to the Panel or Appeal Panel for the purposes of proceedings relating to the Person Referred in accordance with paragraph (c) of Ordinance 3 above. In the event of the Person Referred declining to provide any or all of the evidence requested, the Presenting Officer may apply to the chairman of the Panel for a direction for the production of medical evidence. The chairman will then hear and determine the matter, and may direct the production of such medical evidence (whether or not sought by the

Presenting Officer) as the chairman shall specify. The Person Referred may seek a review of such a direction by the Panel sitting as a body, whose decision shall be final.

(h) If, after a direction to produce medical evidence, the Person Referred declines to provide any or all of the evidence directed, the Senior Disputes Panel and a Senior Disputes Appeal Panel may draw such inferences as to the health of the Person Referred as they shall see fit from all the circumstances of the case. In addition, the chairman of either Panel may refer the matter to the Governing Body for the institution of disciplinary proceedings, but the Governing Body shall only institute such proceedings if it is of the view that the Person Referred was under an obligation to provide the evidence directed by reason of the terms of his or her appointment or by reason of the Statutes and Ordinances of the College.

The decision of the Senior Disputes Panel

(i) Where, after a hearing, the Senior Disputes Panel finds that the Person Referred is incapable of performing satisfactorily the duties of his or her office of employment, it may take action which may be any of the following:

- (i) suspension on grounds of ill health pending receipt of evidence to the satisfaction of the medically qualified member or members of the panel of fitness to resume work;
- (ii) suspension on grounds of ill health pending further review by the incapacity panel at a specified date; or
- (iii) dismissal with or without notice on grounds of ill health.

During any period of suspension on grounds of ill health the Person Referred shall be paid in accordance with the terms of his or her office or employment. If the panel decide to dismiss without notice on grounds of ill health, the College shall pay compensation to the Person Referred in respect of any loss to him or her caused by reason of the absence of proper notice.

Appeal

(j) The Person Referred may, within fourteen days from the decision of the Senior Disputes Panel, give to the Master notice of appeal to a Senior Disputes Appeal Panel. The notice of appeal shall state the grounds of appeal and whether it is an appeal against the findings of the Senior Disputes Panel (stating which findings are appealed against), or the action taken by them, or both.

(k) The appeal shall be heard and determined as expeditiously as is reasonably practicable by a Senior Disputes Appeal Panel, which may substitute for the decision of the Senior Disputes Panel any decision that that Panel might have made. The decision of the Senior Disputes Appeal Panel in the matter shall be final.

(l) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 9: The duration and renewal of fixed-term Official Fellowships held by Teaching Fellows

Having regard to **Statute X and Statute XX** of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 12 November 2010 made the following

ORDINANCE RELATING TO THE DURATION AND RENEWAL OF FIXED-TERM OFFICIAL FELLOWSHIPS HELD BY TEACHING FELLOWS

[Note, not forming part of the Ordinance: Statute X, section II, paragraph 11 provides: "The tenure as Official Fellows of persons falling within category (d) above who have been designated Teaching Fellows shall be for three years upon their first designation as Teaching Fellows which may include such shorter probationary period as the Governing Body may determine and may thereafter be extended for a further period or periods not exceeding five years at a time."]

(a) Any appointment to an office or employment in the College, by virtue of which the person appointed ("the Member Concerned") will be a Teaching Fellow within the meaning of paragraph 11(d) of Statute X, section II of the Statutes of Downing College, and which is for a fixed term, shall be made in accordance with the following provisions.

(b) The purposes of a Teaching Fellowship are:

- a. to provide a fixed term opportunity for career development to a person at the beginning of his or her academic career, in particular by developing the Teaching Fellow's teaching skills and research activity with a view to obtaining a University office or a permanent position in another university;
- b. to allow the College to maximise its use of its very limited financial resources for teaching and research;
- c. to ensure the flow of new ideas into and within the College; and
- d. to maintain the College as a place of academic excellence.
- e. to provide supervision for junior members of the College which cannot otherwise be provided by Teaching Fellows of the College.

(c) An appointment falling within this Ordinance shall be made for a maximum period of three years. The Member Concerned shall be appointed initially on probation for a period of two terms.

(d) At the end of the period of probation, the appointment will be confirmed if the Member Concerned has satisfied the appropriate College authority that his or her teaching is likely to continue to be effective and that he or she has made a positive contribution to the life of the College.

(e) There shall be a further review of the performance of the Member Concerned at the end of the fifth Term of his or her appointment.

(f) If the College has a crucial need which the Member Concerned can meet and it is unlikely to be possible to find a better qualified person to meet the need in the time available, a final, fixed-term reappointment for a period of one year may be made

(g) When considering whether to re-appoint the Member Concerned under paragraph (f) above, the Governing Body shall take into account:

- (i) the College's resources;
- (ii) the College's teaching needs;

- (iii) the performance of the Member Concerned in teaching;
- (iv) the performance of the Member Concerned in research;
- (v) the contribution of the Member Concerned to College life; and
- (vi) the ability and willingness of the Member Concerned to meet the Charity Commission's requirements of a Trustee.

(h) A code of practice, approved by the Governing Body, shall lay down procedures for reviewing the performance of a member of the academic staff falling within this Ordinance and for decisions relating to probation, and shall identify the matters to be considered in relation to any possible re-appointment at the end of the fixed term.

(i) The code of practice shall—

1. sufficiently describe the College's expectations of the Member Concerned in relation to the period of appointment and any possible re-appointment;
2. provide for the Member Concerned to receive appropriate feedback on his or her performance and advice on career development;
3. define the time or times at which reviews of the appointment of the Member Concerned will take place and decisions will be taken as to whether his or her office or employment should be allowed to terminate without renewal, or in exceptional circumstances be renewed for a further year;
4. provide for discussion with the Member Concerned in the course of the review;
5. provide for the communication of the outcome of the review, with the reasons for its recommendation, to the Member Concerned before a final decision by the Governing Body in relation to renewal; and
6. provide for further review at the request of the Member Concerned and for time limits in relation to that further review process.

(j) The decision of the Governing Body whether the office or employment should be allowed to terminate without renewal, or should be renewed for a further year, shall be taken in accordance with the code of practice.

(k) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term. It applies to Members Concerned who are in post at the time when the Ordinance comes into force as well as those who are appointed subsequently. If the review of the employment of a Member Concerned has commenced before that time, it shall be continued so far as possible in accordance with this Ordinance.

Ordinance 10: Procedure for the confirmation of appointments to fixed-term Official Fellowships

Having regard to **Statute X and Statute XX** of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 12 November 2010 made the following

PROCEDURE FOR THE CONFIRMATION OF APPOINTMENTS TO FIXED-TERM TEACHING FELLOWSHIPS AT THE END OF AN INITIAL PROBATIONARY PERIOD

(a) The provisions of this Ordinance, and any Code of Practice which may be made relating to it, shall be followed in relation to the probationary period of any appointment to an office or employment in the College, by virtue of which the person appointed ("the

Member Concerned”) will hold a fixed-term Teaching Fellowship within the meaning of paragraph 11(d) of Statute X, section II of the Statutes of Downing College, and which is subject to confirmation at the end of an initial probationary period.

(b) The Senior Tutor shall be responsible for reviewing the performance of the Member Concerned during the probationary period. In addition, the Master, relevant Directors of Studies, and any other appropriate Fellow shall provide the Member Concerned with mentoring and advice.

(c) During the probationary period, the Senior Tutor shall conduct such inquiries (which shall include discussion with the Member Concerned) as he or she may consider appropriate to assess the performance of the member of the academic staff concerned, and shall keep a note of the outcome of those inquiries. The Senior Tutor shall, during that period, give such help, guidance and warnings as he or she may consider appropriate to assist the Member Concerned to succeed in his or her appointment.

(d) Not later than two months before the end of the initial probationary period, the Senior Tutor shall meet the Member Concerned for discussion to enable the Senior Tutor to decide whether:

- (i) to confirm the appointment of the Member Concerned at the end of the initial probationary period; or
- (ii) to extend the initial probationary period; or
- (iii) to give the Member Concerned notice of dismissal from the end of the initial probationary period;

and shall write to the Member Concerned stating the decision and the reasons for it.

(e) Not later than fourteen days after the date of any letter from the Senior Tutor extending the initial probationary period or giving notice of dismissal, the Member Concerned may apply in writing to the Master for a further review. On such application, the Senior Tutor shall send to the Master the notes kept during the course of the initial probationary period and all correspondence with the Member Concerned.

(f) The Master, after such consultation (if any) with the Governing Body as he or she shall see fit and after discussion with the Member Concerned, shall before the end of the probationary period decide whether or not to confirm or vary the decision of the Reviewing Officer. The Master’s decision in the matter shall be final.

(g) An initial probationary period shall not be extended more than once, and shall not be extended so that the whole period amounts to one year or more, without the consent of the Governing Body.

(h) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term. It applies to those members of academic staff who are in post at the time when the Ordinance comes into force. If the review of the employment of a member of academic staff has commenced before that time, it shall be continued so far as possible in accordance with this Ordinance.

Ordinance 11: Procedure for dismissal on other grounds

(a) If it appears to the Master, after receiving a complaint or otherwise, that there are grounds for believing that a member of the academic staff (“the Member Concerned”) should be dismissed for some substantial reason other than redundancy or good cause,

then the Master may determine that the matter should be considered by the Senior Disputes Panel.

- (b) Where the Master has so determined, then—
- (i) the Master shall appoint and instruct a suitable person ('the Presenting Officer') to formulate the Charge and to formulate the matter and to present it, or arrange for its presentation, before the Senior Disputes Panel; and
 - (ii) the Master shall refer the matter to the chairman of the Senior Disputes Panel.
- (c) The procedure to be followed in relation to such a matter before the Senior Disputes Panel (including the procedure for appeal) shall be the same as that in relation to a disciplinary procedure under Ordinance 5 above, save that, in substitution for paragraph (p) of Ordinance 5 the conclusion of the Senior Disputes Panel in a case under this Ordinance shall be one of the following:

- (i) to take no action; or
- (ii) to dismiss with or without notice.

If the panel decide to dismiss without notice, the College shall pay compensation to the Member Concerned in respect of loss suffered by him or her by reason of the absence of proper notice.

(d) After hearing the views of the Member Concerned and the Presenting Officer, the Senior Disputes Panel may resolve to continue the proceedings as a disciplinary procedure under Ordinance 5 above, provided that it is satisfied that that course is consistent with a just and fair process, and in particular that the Charge for the disciplinary procedure is clearly specified and is fairly related to the matter already before the Panel.

(e) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 12: Procedure for removal from a secondary office or employment

(a) This Ordinance applies where the Master is of the opinion that a member of the academic staff ('the Member Concerned') should be removed from a secondary office or employment before its prescribed or normal termination date, but is not aware of any grounds that would justify proceedings for dismissal from a primary office or employment held by the Member Concerned.

(b) The Master shall discuss the reasons for that opinion with the Member Concerned. If, after that discussion, the Master remains of the same opinion, then he or she shall ask the Governing Body to refer the matter to the Senior Disputes Panel to consider the matter and to report. Before reporting, the committee shall give the Member Concerned a fair opportunity to show why he or she should not be removed from the secondary office or employment before its prescribed or normal termination date.

(c) The report of the committee shall be communicated to the Member Concerned for comment by a specified date, and shall then be communicated, with the comments (if any) of the Member Concerned, to the Governing Body, whose decision in the matter shall be final.

(d) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 13: Grievance procedure

(a) If a member of the academic staff ('the Member Concerned') has a grievance then he or she should seek to resolve it informally through discussion with the appropriate College officer or other authority in the College. If such action does not suffice to resolve the grievance, or if, in the circumstances of the case, it is not reasonable to expect another course to be followed first, the Member Concerned may refer the grievance to the Master, or, if the grievance concerns the Master, to the Vice-Master or, in his or her absence, the most senior Fellow present who is not concerned in the grievance and is able to act.

(b) When a grievance has been so referred, the Master shall seek to resolve the matter promptly and fairly after discussion with the Member Concerned. The Master may seek the advice of the Governing Body regarding the grievance, and must do so if the Member Concerned requests that this be done.

(c) The Master or the Governing Body, as the case may be, shall rule inadmissible any complaint judged—

- (i) not to be one concerning the office or employment of the Member Concerned; or
- (ii) not to be one relating to matters affecting the Member Concerned as an individual or his or her personal dealings or relationships with other staff of the College; or
- (iii) to be one for which express provision is made elsewhere in the Statutes.

In particular if the Master or the Governing Body, as the case may be, is of the view that the complaint should be dealt with in accordance with the disciplinary procedures of the College, of whatever sort and whether or not those procedures should be invoked in relation to the complainant or any other person, he, she or it shall rule the grievance inadmissible.

(d) The Master or the Governing Body, as the case may be, may defer the consideration of a grievance pending the completion of other proceedings under the Statutes, including disciplinary proceedings of whatever sort, relevant to the grievance which are pending or in progress.

(e) If the Master or the Governing Body, as the case may be, is of the view that a complaint is trivial or vexatious he, she or it shall declare it to be so.

(f) If the Member Concerned remains aggrieved after consideration of the grievance by the Governing Body under paragraph (b) above, he or she may ask that it be referred to the Senior Disputes Panel, which shall seek to resolve the matter and report to the Governing Body.

(g) The report of the Senior Disputes Panel shall be considered by the Governing Body, which shall make a reasoned response to the panel on the recommendations of the report. The Panel may, at its discretion, make a further report to the Governing Body recommending the reconsideration by the Governing Body of any matter. The Governing Body's decision on any such further report shall be final. Any reports or response made under this paragraph shall be copied to the Member Concerned.

(h) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 14: The Disciplinary Committee

Having regard to **Statute V** and to **Statute XXII**, section 6 of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 12 May 2006 made, and on 23 November 2018 amended, the following

ORDINANCE RELATING TO THE DISCIPLINARY COMMITTEE

(a) A person on whom the Dean has imposed a penalty in exercising his or her disciplinary functions may appeal to the Disciplinary Committee (the Committee) against the penalty on the ground that it is excessive. No appeal lies to the Committee against a finding by the Dean that a person has committed a disciplinary offence.

(b) When the Committee hears an appeal against a penalty imposed by the Dean, the Committee shall give an opportunity to the person on whom the penalty was imposed (the appellant) and the Dean to be heard. The appellant may be assisted by a Tutor or a Fellow who is available and willing to act.

(c) If the Committee allows the appeal, it may substitute such lesser penalty as it considers appropriate for that imposed by the Dean.

(d) When the Committee hears and determines a charge preferred by the Dean, the hearing shall be conducted in accordance with the following provisions.

(e) The Committee's function is to conduct a fair adversarial hearing, following which the Committee will determine whether the charge has been proved, and, if it has been proved, impose an appropriate penalty.

(f) At the hearing, the Dean or the Dean's representative shall present the case against the person charged. The person charged shall have the right to have, if he or she so desires, in relation to its proceedings, the assistance of a Tutor or any Fellow of his or her choice, subject to the availability of the Tutor concerned and availability and willingness to act of the Fellow concerned. The Committee may allow the person charged to be assisted by any other person if the Committee considers that to be appropriate in the light of the seriousness of the charge or of the potential consequences for the person charged.

(g) The person charged shall be entitled to hear and see all evidence, to have witnesses heard on his or her behalf, and to have his or her questions put to all witnesses, but the Committee may adopt such procedures as they see fit to ensure that the proceedings are conducted in a way that preserves, so far as possible, the dignity of all parties consistently with ensuring a fair hearing to all.

(h) The person charged shall not be obliged to say anything, but should be advised that anything he or she does say might be available for use in other proceedings.

(i) The Committee shall not find a charge to have been proved unless its members, or a majority of them, are sure that the offence was committed and that the person charged committed it.

(j) If the Committee find a charge to have been proved, the Committee may impose a penalty which is appropriate and proportionate to the seriousness of the offence and the circumstances of the person charged. The penalty may include one or more of:

- (1) a requirement to pay a sum of money to the College or/and to any other person;
- (2) loss of specified privileges as a Member of the College for a specified period;
- (3) a requirement to cease to reside in any specified College premises;
- (4) a requirement not to enter specified College premises for a specified period or indefinitely.

(k) When the Disciplinary Committee, after determining a charge brought against a person pursuant to Statute XXII or an appeal under paragraph (a) of this Ordinance against a penalty imposed by the Dean, has imposed a penalty on the person concerned, that person may appeal to the Governing Body against the determination of the charge or the decision as to penalty or both if—

- (1) the charge involves an allegation of dishonesty, or
- (2) the penalty consists of or includes finally removing a person from the College, or temporarily removing the person from the College or from College premises for a period exceeding 14 days, or deprivation of a person's Scholarship or Exhibition or of any emoluments thereof permanently or for a period exceeding 14 days,
- (3) the penalty consists of or includes a requirement that the person pay a sum exceeding £500 to the College or to any person or other body, or
- (4) the Disciplinary Committee grants permission to appeal on the ground that there are exceptional reasons making it appropriate for the matter to be considered by the Governing Body.

(l) When the Governing Body meets to hear and determine an appeal brought under this Ordinance—

- (1) no Member of the Governing Body who was a member of the Disciplinary Committee which made the decision that is the subject of the appeal shall participate in the hearing or determination of the appeal;
- (2) the Dean and a Tutor or other Fellow may attend the hearing of the appeal to present (or help to present) arguments for or against upholding the decision of the Disciplinary Committee, but may not participate as a member of the Governing Body in the deliberation on or decision in relation to the appeal.

(m) This Ordinance and any amendment of it shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinances 15 and 16: Eligibility to use the Library and provision for appointing the Fellow Librarian

Having regard to Statute V, to **Statute XXVIII**, sections 1 and 2, and to **Statute XXXIV**, section 1 of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 12 May 2006 made the following

ORDINANCES RELATING TO THE LIBRARY AND THE FELLOW LIBRARIAN

Ordinance 15:

(a) Subject to the following provisions of this Ordinance, all Members of the College who are pursuing a course of study in the University of Cambridge are eligible to use the Library for the purpose of their studies.

(b) Other Members of the College may be permitted to use the Library by the Fellow Librarian, the Librarian, or the Librarian's authorised representative, subject to such conditions as the person giving the permission thinks fit to impose.

(c) When using the Library, Members of the College shall conduct themselves in such a way as to avoid interfering with the capacity of the Library to fulfil its purpose as a place of study, the safety and cleanliness of the Library, and the ability of other Members of the College to use the Library effectively for study.

(d) In particular, no Member of the College shall—

- i. disturb or distract other users by noise or other forms of behaviour,
- ii. conceal or intentionally misplace Library materials,
- iii. remove Library material from the Library without the permission of the Librarian or the Librarian's authorised representative,
- iv. retain Library materials outside the Library for longer than the permitted period,
- v. damage, deface or destroy Library materials, furniture, or equipment, or the fabric of the Library, or
- vi. bring into the Library food or drink to be consumed in the Library.

(e) No Member of the College shall introduce to the Library any person who is not an eligible Member of the College without the permission of the Fellow Librarian, the Librarian, or the Librarian's authorised representative.

(f) Any Member of the College who acts in a manner inconsistent with the requirements of paragraphs (a) to (d) of this Ordinance shall be liable to disciplinary proceedings in accordance with the Statutes and Ordinances, and to penalties which may include withdrawal of eligibility to use the Library.

(g) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 16:

The Fellow Librarian shall be appointed from among the Members of the Governing Body having regard to the following considerations

(a) The need to appoint a person who, in the opinion of the Governing Body, is committed and competent to exercise the functions of the Fellow Librarian shall be the first and paramount consideration.

(b) Subject to that, the Governing Body shall, so far as possible, ensure that, over time, the academic interests of Fellow Librarians reflect the range of academic interests represented among the Fellows of the College as a whole.

(c) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 17: Periods of appointment to College Offices

Having regard to **Statute V**, to **Statute VIII**, section 8, to **Statute X**, section 11, to **Statute XI**, to **Statute XXVII**, section 1, and to **Statute XXXIV**, section 2 of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 12 May 2006 made and on 24th July 2009 amended the following

ORDINANCE RELATING TO COLLEGE OFFICES

- (a) For the purpose of this Ordinance, 'College Offices' means the Offices of Master, Vice-Master, President, Chaplain, Teaching Fellow, Director of Studies, Tutor, Bursar, Fellow Librarian, Dean, Fellows' Steward, Praelector, Fellow Archivist, Secretary of the Governing Body, and such other Offices as the Governing Body may from time to time create.
- (b) Except in relation to the Offices of Master, President, Fellow Librarian, Praelector, and Teaching Fellow (for which the periods of appointment are fixed by Statutes), and the Offices of Bursar, Chaplain and College Lecturer (for which the terms and conditions of appointment are determined by the Governing Body), the term of appointment to College Offices shall be three years.
- (c) The Governing Body may, if it thinks fit, re-appoint the holder of a College Office to that Office at the end of his or her period of appointment, unless a Statute or Ordinance provides otherwise.
- (d) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 18: Superannuation schemes

Having regard to **Statute V** and to **Statute XXXIX**, section 2 of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 12 May 2006 made the following

ORDINANCE RELATING TO SUPERANNUATION SCHEMES

(a) The College shall participate in the Universities Superannuation Scheme, the CCFPS and the Staff Pension Fund, or any successor scheme to those schemes, in accordance with the regulations and requirements laid down by the scheme in question for participating institutions.

(b) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

**ORDINANCES MADE BY THE GOVERNING BODY
ON 3 NOVEMBER 2006 AND 23 JUNE 2016**

Ordinances 19, 20 and 21: Allocation and occupation of lodges and rooms

Having regard to **Statute V** and to **Statute XXXVII**, section 4 of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 3 November 2006 (Ordinances 19 and 21) and 23 June 2016 (New Ordinance 20) made the following

ORDINANCES RELATING TO LODGES AND ROOMS

Ordinance 19: Interpretation and general principles

Date in force: 11 November 2006

- (a) In these Ordinances, 'Fellow' means a Fellow admitted on or after the date on which this Ordinance enters into force. The entitlement of other Fellows to lodges and rooms shall continue to be determined in accordance with the Statutes in force at the date of each Fellow's admittance.
- (b) These Ordinances shall be interpreted and applied so as to advance, so far as possible, the objectives of providing reasonable accommodation for Fellows in the light of their duties and circumstances, helping the College to remain attractive to Fellows and potential Fellows so as to facilitate their recruitment and retention, and making optimal use of the resources of the College.
- (c) In the light of a review of the availability of rooms and of the needs of different groups for accommodation of particular kinds, the Governing Body shall decide biennially how many of the rooms available in College premises should be allocated to Fellows, Officers, staff and students respectively (subject to adjustment where necessary to take account of changing circumstances during the subsequent two years).
- (d) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 20: Fellows' rights to residential accommodation¹

Date in force: 7 February 2020

When deciding whether to confer on a Fellow the right to reside in College for the better performance of their duties, the Governing Body shall accord priority in the allocation of available residential accommodation among the claims of Fellows by applying the following criteria.

(a) The highest priority shall be accorded to those Fellows who would be unable to take up their Fellowships unless residential accommodation is made available in College, on account of the fact that it would be particularly difficult for them to find or pay for accommodation outside the College because —

(i) they are moving to Cambridge from elsewhere to take up their positions, or

(ii) they are embarking for the first time on an academic career, or returning to an academic career after pursuing other activities for an extended period.

(b) Fellows who do not fully satisfy the criteria set out in paragraph (a) of this Ordinance shall be accorded priority according to the extent to which they do satisfy those criteria.

(c) The initial period for which a Fellow may be permitted to reside in College shall be five years unless either

(i) his or her Fellowship terminates earlier, in which event the right to reside in College shall terminate with the Fellowship, or

(ii) he or she acquires residential accommodation within 40 miles of Great St. Mary's Church, Cambridge, in which case he or she shall be required to vacate his or her residential accommodation in College within one month, except that the College may permit him or her to continue to reside after the period of one month on payment by the Fellow of a sum determined by the College's agent as a market rent for the accommodation in question, subject to any academic discount which may be available, together with any appropriate service charge as determined by the College, whose determination shall be final.

(d) The Governing Body may permit a Fellow who has resided in College for five years in accordance with paragraph (c) above, and has not acquired residential accommodation within 40 miles of Great St. Mary's Church, Cambridge, to continue to reside in College for a further period or periods of up to three years as long as—

(i) the Fellow continues to hold his or her Fellowship during that time, and

¹ Made by **Ordinance 20a. AN ORDINANCE TO AMEND ORDINANCE 20 RELATING TO FELLOWS' RIGHTS TO RESIDENTIAL ACCOMMODATION**

Having regard to Statutes V and XXXVII of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 23 June 2016 made the following

ORDINANCE RELATING TO FELLOWS' RIGHTS TO RESIDENTIAL ACCOMMODATION

(a) Ordinance 20: Fellows' rights to residential accommodation shall be replaced with new Ordinance 20 as set out in the Schedule to this Ordinance.

(b) This Ordinance shall come into force on the eighth day following the day on which it is made by the Governing Body, excluding any day falling outside Full Term.

(ii) he or she does not acquire residential accommodation within 40 miles of Great St. Mary's Church, Cambridge, and

(iii) the available College accommodation is not needed by a person with a higher priority need, assessed in accordance with paragraphs (a) and (b) of this Ordinance.

(e) Where the Governing Body permits a Fellow to reside in College in accordance with paragraph (c) or (d) of this Ordinance, it shall require the Fellow to pay a sum or sums fixed from time to time having regard to the size and character of the accommodation, and in any case not exceeding the sum determined by the College's agent as a market rent for the accommodation in question as well as any appropriate service charge.

(f) This Ordinance, and any amendment of it, shall come into force on the eighth day following the meeting of the Governing Body at which the Ordinance, or as the case may be the amendment, is made, ignoring any day not falling within Full Term.

Ordinance 21: Use of rooms for non-residential purposes

Date in force: 11 November 2006

When assigning to Fellows the right to use rooms in College for non-residential purposes, the Governing Body shall accord priority to the claims of Fellows according to the following criteria.

(a) Non-residential rooms for Fellows may be allocated for the sole use of one Fellow or for shared use.

(b) In the allocation of rooms for teaching, holding meetings, and interviewing students or staff, Fellows who are College Teaching Officers, Tutors, University Teaching Officers who supervise for the College for an average of four or more hours per week during Full Term, Directors of Studies, the Dean, and/or the Bursar shall have priority over other Fellows. Among themselves, Fellows falling within this paragraph shall be accorded priority in accordance with the requirements of their functions and their individual needs and circumstances.

(c) Research Fellows shall have the highest priority for the sole use of a room as a study.

(d) Fellows who are not assigned a room for their sole use shall be given the right to the shared use of a room as a study, and given access to a teaching room if they undertake limited supervising for the College.

(e) The Governing Body shall review the allocation of residential and non-residential rooms in the light of competing requirements for the use of space (including but not limited to the respective needs to accommodate Fellows and students, for academic purposes, and for offices) in the academic year following the one in which this Ordinance comes into effect, and in alternate years thereafter. In conducting the review, the Governing Body shall apply the criteria set out in this Ordinance.

(f) When conducting such a review, the Governing Body may, if it considers it appropriate to do so, alter the allocation of rooms to any Fellow or Fellows (within the meaning of paragraph 1 of Ordinance 1 above) with effect from a date which the

Governing Body shall determine, as long as the resulting allocation is consistent with the Statutes and these Ordinances.

(g) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

ORDINANCE MADE BY THE GOVERNING BODY ON 22 JANUARY 2008

Date in force: 30 January 2008

Ordinance 22: The management of conflicts of interest

Having regard to **Statute V** of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 22 January 2008 made the following

ORDINANCE RELATING TO THE MANAGEMENT OF CONFLICTS OF INTEREST

Meaning of 'material interests' and 'excluded interests'

(a) Subject to paragraph (b) below, a material interest is any matter (other than an excluded interest) which may influence the judgment of the person possessing it, or may reasonably appear as capable of influencing that person's judgment, so that the judgment may not be exercised wholly and exclusively in the interests of the College.

NOTE (for information, not forming part of the Ordinance): *The test for deciding whether or not an interest is material is an objective one. It also depends on appearances—the test is not simply whether the interested person might be influenced, but whether the possibility of influence might reasonably seem to arise.*

(b) An interest shall not be a material interest unless the person having that interest either knew about it or should reasonably have been aware of it. Any position as a company director or charity trustee, or family or social relationship with any person, shall not constitute a material interest unless there is a reasonable possibility that the company, charity or person, as the case may be, may be engaged in any business, charitable appeal, or transaction involving the College.

NOTE (for information, not forming part of the Ordinance): *The directorship of a trading company wholly owned by the College is virtually certain to be a material interest and is not excluded. Any College Officer who is a director of a subsidiary company of the College will already know of the special care necessary to manage the conflict that can arise between his or her duty to the College and that to the company, and of the need to be aware at all times in which capacity he or she is acting.*

(c) A member's employment by or affiliation with:

- (i) organisations outside the University of Cambridge; or
- (ii) other institutions of the University of Cambridge,

is a material interest if it may influence the Member concerned—

a) in dealing with matters of business relating to the acquisition of goods or services by the College; or

b) in the dispensing of funds, other property or services by or on behalf of the College.

(d) If a holding or shares or bonds in a company constitutes a material interest, it is a pecuniary material interest for the purpose of paragraph (k) below.

(e) An interest is an excluded interest for the purpose of paragraph (a) of this Ordinance if—

(i) it is an interest which arises from the holding of an office or position in the College, where the other persons holding such an office or position in the College have a similar interest; or

(ii) it is an interest arising from membership of a Faculty or Department in the University, or the holding of an office or position in the University, where the other members of the Faculty or Department or the other persons holding such an office or position in the University, as the case may be, have a similar interest.

(f) In particular, an interest which arises from a general review of College stipends or general charges or facilities is excluded, but shall only be so in the case of the Master, the Bursar or the holder of any other Office which attracts a stipend in relation to an increase in their respective stipends in accordance with a general percentage stipend increase.

(g) A Fellow's interest in his or her election or re-election to a Fellowship or appointment or re-appointment to any Office or position in the College is not an excluded interest.

(h) If the Master considers that any member or members of the Governing Body may have an interest which should be treated as a material interest for the purposes of paragraphs (a) to (g) above, then the Master may ask the Governing Body to determine the matter. The Governing Body shall then determine it in the absence of the member or members concerned, after hearing his, her or their views, and the Governing Body decision shall be binding on the member or members concerned.

(i) Paragraphs (a) to (h) and (j) to (m) of this Ordinance shall apply with necessary modifications to committees, working parties and other bodies constituted by the Governing Body, as it applies to the Governing Body, except in so far as it may be specifically disapplied by decision of the Governing Body. If in the course of the work of such a body a question arises as to whether a member's interest is a material interest, paragraph (h) shall apply as if references to the Master referred instead to the Chairman of the body and references to the Governing Body referred instead to the body concerned.

Declarations of interest at Meetings of the Governing Body

(j) Any member of the Governing Body who has a material interest, not being an excluded interest, in any matter of business before the Governing Body shall declare that fact on each occasion that that business is under consideration. But that shall not apply to business solely for report which is not discussed by the Governing Body.

(k) If the material interest in question is a pecuniary interest, then the member of the Governing Body declaring it shall withdraw from any meeting while that matter of business is under consideration, and shall not speak or vote on the matter.

(l) If the material interest is not a pecuniary interest, then the member of the Governing Body declaring it shall withdraw from any meeting while that matter of business is under consideration, and shall not speak or vote on the matter, unless the Governing Body shall have resolved to the contrary.

(m) Where a member withdraws from a meeting in accordance with paragraph (k) or (l) above, that fact shall be recorded in the Minutes of the meeting. Any resolution of the Governing Body under paragraph (h) above shall be recorded in the Minutes of the meeting at which it is made.

Register of interests

(n) Members of the Governing Body shall register their material interests (other than excluded interests falling within paragraph (e)(i) above) with the Bursar, who shall record that information in a register kept for the purpose, subject to paragraph (p) below. Members of the Governing Body shall notify the Bursar of any new material interest which arises as soon as is reasonably practicable.

NOTE (for information, not forming part of the Ordinance): *As well as obviously material interests, Members of the Governing Body should notify the Bursar of employments and offices held outside the University of Cambridge, and of their membership of any Faculty or Department of the University and of Offices and employments held in the University, whether or not other people holding such positions, Offices or employments would have a similar interest.*

(o) The register of interests shall be available for inspection in the College Office by any Fellow.

(p) Where a material interest consists of a holding of shares or bonds in a company, it need not be notified to the Bursar or, if notified, shall not be recorded in the register unless the value of the bonds or the nominal value of the shares is £25,000 or greater. In such a case the register shall record the name of the company in which the shares or bonds are held, but need not record the size or value of the holding.

Entry into force

(q) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 23: Procedure for the removal of the Master from office

Having regard to **Statute V** and to **Statute VIII** of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 3 November 2006 made the following

ORDINANCE RELATING TO THE REMOVAL OF THE MASTER FROM OFFICE

Complaint

(a) On receipt of a complaint signed by any three Fellows seeking the removal of the Master from office for good cause (such complaint stating the reasons for such removal), the Vice-Master or, if he or she is absent or is one of the complainant Fellows, the most senior Fellow who is available and is able to act shall (i) write to the Master notifying him or her of the complaint and inviting him or her to comment in writing, and (ii) without delay summon a meeting of the Governing Body. The Master and the complainant Fellows may make written representations to the meeting but shall not attend it.

(b) At the meeting, the Vice-Master or, if he or she is absent or is one of the complainant Fellows, the most senior Fellow who is able to act shall preside. After considering the complaint and the written comments (if any) of the Master and the complainant Fellows, the Governing Body shall dismiss the complaint if it is of the view that the complaint is not supported by sufficient evidence of good cause for removal from office to justify further investigation. Otherwise it shall appoint a Panel to hear and determine the complaint.

Panel to hear and determine complaint

(c) A Panel appointed under paragraph (b) shall have three members. None of the members shall be a Fellow or an employee of the College. The Chairman shall be a person who holds or has held judicial office or is a barrister or solicitor of at least ten years' standing. If the complaint is concerned with the alleged incapacity of the Master on health grounds, one of the other members of the Panel shall be a person with medical qualifications and expertise relevant to the nature of the alleged illness or incapacity.

(d) A person who believes that he or she has an involvement with the matter before the Panel that would make his or her participation as a member of the Panel unfair shall for that reason decline to accept appointment as a member of the Panel, or, if already appointed, shall disqualify himself or herself from the Panel.

(e) A member of the Panel who fails to attend the whole of any hearing (save for absences which, in the opinion of the chairman, are immaterial) shall be disqualified from the Panel.

(f) If the Master believes that a member of the Panel has an involvement with the matter before the Panel that would make his or her participation as a member of the Panel unfair, then the Master shall object on that ground to the Panel Chairman without delay. The Panel Chairman shall rule on any such objection (including such an objection relating to himself or herself). If the objection is upheld the member of the Panel concerned shall be disqualified from acting further. The hearing shall end, the Governing Body shall appoint a new member of the Panel to replace the disqualified member, and the Panel shall begin a fresh hearing in its new constitution.

(g) No objection of the sort referred to in paragraph (f) above shall be entertained after the start of the first hearing of the matter by the Panel, unless the Panel Chairman is

satisfied that it was not reasonably practicable for the Master to have raised the matter earlier.

The Presenting Officer

(h) The Governing Body shall appoint a Presenting Officer, who may be a Fellow of the College, to present the complaint to the Panel.

(i) The Presenting Officer shall seek to ensure that the case is heard and determined as expeditiously as is reasonably practicable.

(j) As soon as reasonably practicable after the date of his or her appointment, the Presenting Officer shall send to the Master and to the Chairman of the Panel notice of the complaint, together with a copy of the Academic Staff Statute and of the Ordinances made thereunder.

(k) The Panel Chairman, after consultation with the Master and with the Presenting Officer, shall determine the date and time of a meeting of the Panel for the purpose of hearing the case, and shall send notice of the date, time and place of the meeting to the Master, to the Presenting Officer and to the members of the Panel.

(l) Not later than seven days before the date set for the hearing, the Presenting Officer shall send to the Master and to the members of the Panel a copy of the written complaint, together with any documents specified therein; a list of all witnesses that the Presenting Officer proposes to call, with statements containing the evidence they are expected to give; and a copy of any other documents that the Presenting Officer proposes to put in evidence.

(m) The overriding objective of the rules of procedure is to enable panels to deal with cases justly. That will include, so far as practicable,

- a. ensuring that the parties are on an equal footing;
- b. saving expense;
- c. dealing with the case in ways which are proportionate to the complexity of the issues; and
- d. ensuring an expeditious and fair process.

(n) Panels shall, so far as appears to them to be practicable, seek to avoid formality in their proceedings and shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before courts of law. They shall make such inquiries of persons and witnesses appearing before them as they consider appropriate and shall otherwise conduct their hearing in such manner as they consider most appropriate for the clarification of the issues before them and generally for the just handling of the proceedings.

(o) The Panel Chairman shall determine all preliminary and procedural matters on behalf of the Panel after such consultation with members of the Panel as the Chairman shall see fit.

(p) If the Panel considers it to be necessary in order to allow its procedure to be fair and orderly, it may vary time limits, allow the amendment of charges or of grounds of appeal, permit any departure from the rules or procedure set out in this Ordinance, and in

exceptional circumstances exclude any person, including the Master, from any hearing of the panel.

(q) In exercising any discretion the Panel shall seek to give effect to the guiding principles set out in section 2(a) of Statute XX. Any exercise of discretion by the Panel may be made subject to such conditions as it shall see fit.

(r) The Panel Chairman may postpone, adjourn and reconvene any hearing or other meeting of a panel. The Panel Chairman may discharge the Panel and order a rehearing of the matter before a fresh Panel, but shall only do so where he or she is of the view that that step is necessary in order to ensure a just and fair process. In such a case, the Governing Body shall appoint a new Panel in accordance with paragraphs (b) and (c) of this Ordinance to hear and determine the complaint.

(s) Where it appears to the Panel Chairman, whether on receipt of an application made by a party to the proceedings or otherwise, that a material aspect of the matter before the Panel is or is likely to be the subject of criminal or civil proceedings in a court of law or the subject of disciplinary proceedings in the University, the Panel Chairman may direct such stay in the process of the Panel as he or she may consider desirable. Subject to any such stay the Panel Chairman shall seek to ensure that the matter before the Panel is heard and determined as expeditiously as is reasonably practicable.

(t) The Panel Chairman shall arrange for a record of the proceedings of the panel to be made.

Evidence

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

Decision of the Panel

(v) After the hearing, the Panel shall make one of the following decisions:

- (i) to find that the complaint is unfounded;
- (ii) to find that the complaint is well founded but that no action should be taken;
- (iii) to find that the complaint is well founded and to give advice to the Master accordingly; or
- (iv) to remove the Master from office.

(w) The Panel shall make its decision (a) unanimously, or (b) if unanimity is impossible by a majority of the votes of its members.

(x) The Panel Chairman shall send a document recording the Panel's decision, together with the findings of fact (if any) and the reasons for the decision, to the Fellow who convened the meeting of the Governing Body in accordance with paragraph (a) of this Ordinance, to the Master, and to the Presenting Officer (if any). The chairman shall draw the attention of the Master to that fact and to the procedure, including the time limit, for the appeal.

(y) The Panel Chairman shall have power, with the agreement in writing of the other members of the Panel, by certificate under his or her hand to correct in the record of proceedings kept under paragraph (t) above or in the document recording the decision of the Panel any clerical mistakes or errors arising from any accidental slip or omission.

Appeal

(z) The Master may, within fourteen days from receiving notice of a decision of the Panel to remove him or her from office, lodge notice of appeal with the Vice-Master or, if he or she is absent or is one of the complainant Fellows, the most senior of the other Fellows who is not on leave. The notice of appeal shall state the grounds of appeal.

(aa) In the event of an appeal, the Governing Body shall appoint a new Panel ('the Appeal Panel') to hear the appeal. The membership, procedure, powers and duties of the Appeal Panel and the procedures to be followed shall be governed by paragraphs (c) to (w) of this Ordinance. The Master shall be suspended from office without loss of emoluments pending the decision of the appeal panel.

(bb) After hearing the appeal, the Appeal Panel may decide either to confirm or to reverse the decision of the first Panel to remove the Master from office. The decision of the Appeal Panel shall be final and conclusive. If the Appeal Panel reverses the decision of the Governing Body to remove the Master from office, then the suspension of the Master shall forthwith be lifted and the Master shall be reinstated.

Commencement of this Ordinance

(cc) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 24: Discipline and Good Government of the College

Having regard to **Statute V** (*Of Ordinances*), sections 3 and 4 of **Statute XXI** xxxx(*Of the Discipline and Good Government of the College*), section 2 of Statute XXIX (*Of the Dean*), and section 3 of Statute XXXIV (*Of College Offices*) of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 24th July 2009 made the following

ORDINANCE RELATING TO THE DISCIPLINE AND GOOD GOVERNMENT OF THE COLLEGE

Failure in Examination

- (a) Where a member of the College *in statu pupillari* fails to obtain Honours in a University examination it shall be regarded as a failure in examination, and he or she shall be liable to be removed from the College temporarily or finally by the Governing Body.
- (b) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

The functions of the Dean

- (c) If it becomes necessary or expedient for the disciplinary functions of the Dean under section 3 of Statute XXI to be exercised when the Dean is absent, those functions shall be exercised by the Fellow who has been designated for that purpose by the Governing Body, or, in the absence of any such Fellow, by the most senior Fellow who is not a Tutor and is not on leave of absence, is able and willing to act, and is not claimed to be a victim of the alleged offence.
- (d) This Ordinance shall come into force on the eighth day following the meeting of the Governing Body on which it is made, ignoring any day not falling within Full Term.

Ordinance 25: Retirement of Fellows

Having regard to **Statute V** (*Of Ordinances*) and to section 1 of **Statute X** (*Of the Fellows*) of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 24th July 2009 made the following

ORDINANCE RELATING TO THE RETIREMENT OF FELLOWS

- (a) The age of retirement of Fellows to which section 1 paragraph 1 of Statute X refers is sixty-seven years.
- (b) This Ordinance shall come into force on the day on which it is made.

Ordinance 26: The Fellow Archivist

Having regard to **Statute V** (*Of Ordinances*) and to section 1 of **Statute XXXII** (*Of the Fellow Archivist*) of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 24th July 2009 made the following

ORDINANCE RELATING TO THE FELLOW ARCHIVIST

- (a) The Fellow Archivist shall satisfy the Governing Body that the muniments, title deeds, leases and other like documents belonging to the College are in safe custody during the academic year 2008-09 and thereafter in every fifth academic year.
- (b) He or she shall do this by submitting the College's archives to an audit conducted by two auditors, who shall be Fellows (at least one of whom shall be a member of the Governing Body) appointed by the Governing Body for this purpose.
- (c) The audit shall include a requirement to provide sight of thirty documents, selected by the auditors from the Fellow Archivist's list of documents, and shall include any other procedures which the auditors judge to be appropriate.
- (d) The auditors shall provide to the Governing Body a written report on the audit.
- (e) This Ordinance shall come into force on the day on which it is made.

Ordinance 27: On the Establishment of a Remuneration Committee

[Explanatory note (not forming part of the Ordinance): The Charity Commission requires the College to establish an independent Remuneration Committee by Ordinance, in order to avoid the conflict of interest which would arise if the Governing Body were to be responsible for setting levels of remuneration for its own members. This Ordinance sets out the constitution and powers of, and procedures to be followed in relation to functions of, the Remuneration Committee. Typically the process would start with the Finance Committee considering remunerations in the Lent Term and making a report with recommendations to the Governing Body in June. The Governing Body would consider the recommendations and, if it approves them, make a recommendation to the Remuneration Committee accordingly. The Remuneration Committee would meet to consider the recommendation in the light of other information and after consulting the Senior Bursar, and would be able to approve the recommendation, award a lower level of remuneration than that recommended (but not a higher level), or refer the matter back to the Governing Body for its meeting in July. If the Remuneration Committee approves the recommendation, the Governing Body would have to implement it. If the Committee refers the matter back to the Governing Body, the Governing Body will make a further recommendation after consulting the Finance Committee. The Remuneration Committee would have either to accept this second recommendation or award a lower level of remuneration. A person aggrieved by the Committee's decision would be able to ask it to reconsider, but the Committee would not be able to increase the level of remuneration above that recommended by the Governing Body without a reference back to the Governing Body and a further recommendation from the Governing Body for the higher level of remuneration to be awarded. A meeting of the Remuneration Committee would then take place after the Finance and Governing Body meetings in the Michaelmas Term to review a summary of Fellows' benefits.]

Having regard to **Statute XX** of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 12 November 2010 made, and on 8 March 2019 amended, the following

ORDINANCE RELATING TO THE REMUNERATION COMMITTEE

- (a) There shall be a Remuneration Committee ('the Committee').
- (b) In each financial year (commencing on 1st July and ending on 30th June), the Committee shall decide on behalf of the Governing Body of the College the level of remuneration which members of the Academic Staff of the College and holders of College Offices shall receive.
- (c) The Committee shall meet at least once in every financial year, normally in June. If additional meetings are required, they may take place by email, video conference, conference call, or similar medium of communication, rather than in person.
- (d) The Committee shall have not fewer than three nor more than five members. No person who is or has been a member of the Governing Body of the College or is or has been employed by the College or is a current undergraduate or graduate student of the College may be a member. Members should serve for three years in the first instance, with the possibility of re-appointment to the Committee for a period or periods of up to three years, provided that no member shall normally serve for a total period of more than six years; but in exceptional circumstances the Governing Body may re-appoint a member for a further period or periods as long as the member's total period of service shall not exceed nine years.
- (e) The members shall choose one of their number to chair the Committee.

- (f) The Committee shall consider annually remunerations of all Officers and members of the Academic Staff of the College for the following financial year, in the light of recommendations made by the Governing Body on the basis of a report of the Finance Committee.
- (g) The Committee may seek such information as it sees fit from the Master, the Senior Bursar, the Senior Tutor, and any Fellow or member of staff of the College in relation to the performance of the Officers and members of the Academic Staff, the interests and financial position of the College, and any other matters which the Committee considers to be relevant. The Senior Bursar shall be in attendance at all meetings of the Committee, and the Committee may invite such other people as it considers appropriate to attend any of its meetings.
- (h) Having received such information as it deems necessary, the Committee shall decide (if possible by consensus, but otherwise by a majority vote, the Chairman having a casting vote if a vote is tied) to accept the recommendations of the Governing Body, or to award a lower level of remuneration to some or all Officers and members of the Academic Staff than the Governing Body recommended, or to refer the whole recommendation back to the Governing Body with such comments as the Committee wishes to make. The Committee shall not decide to award a higher level of remuneration than the Governing Body recommended.
- (i) If the Remuneration Committee refers a set of recommendations back to the Governing Body, the Governing Body shall reconsider them as soon as possible in the light of a further report from the Finance Committee, and shall make a further recommendation to the Remuneration Committee which may be for a higher or lower level of remuneration than, or the same level of remuneration as, the Governing Body originally recommended. On receiving the new recommendation, the Remuneration Committee shall, as soon as possible, meet and decide either (a) to accept the recommendation or (b) to award a lower level of remuneration than that recommended by the Governing Body.
- (j) A College Officer or member of the Academic Staff who is aggrieved by a decision of the Committee in respect of his or her remuneration may ask the Committee to reconsider it, and may supply further information in support of the request.
- (k) On reconsidering the matter, the Committee may decide to reaffirm its earlier decision, or award a higher level of remuneration so long as that level does not exceed the level recommended by the Governing Body, or refer the matter back to the Governing Body for further consideration. If the Committee refers the matter back to the Governing Body, the procedure set out in paragraph (i) above shall be followed.
- (l) The College shall give effect to decisions of the Committee relating to the remuneration of Officers and members of its Academic Staff. If for any reason the College is unable to give effect to such a decision, the College may ask the Committee to reconsider the matter. In that event, those Officers and members of the Academic Staff who may be affected by the Committee's reconsideration shall be given the opportunity to make representations to the Committee in writing, and the Committee shall take such representations into account when making its decision.

Ordinance 28: Of Titular Fellows

Having regard to Statute XIV of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 12 May 2017 made, and on 2nd November 2018 amended the following

ORDINANCE RELATING TO TITULAR FELLOWSHIPS

(a) The Governing Body, on the recommendation of the Fellowships Committee, may confer on any person who is considered to have satisfied the relevant criteria the Title of Fellow within one of the categories below.

(b) The categories of titular Fellow and relevant criteria are as follows:

- i. Foundation Fellow. The title of Foundation Fellow may be conferred on any benefactor, or agreed representative of any benefactor, who has shown extraordinary munificence to the College, as determined by the Governing Body.
- ii. Wilkins Fellow. The title of Wilkins Fellow may be conferred on any benefactor, or agreed representative of any benefactor, who has shown great munificence to the College, as determined by the Governing Body.
- iii. Morgan Fellow. The title of Morgan Fellow may be conferred on any person who shows high achievement in postdoctoral research and holds an office which the Governing Body decides is a qualifying office or employment for this purpose. No more than seven people shall hold the title of Morgan Fellow at the same time.
- iv. Fellow Commoner. The title of Fellow Commoner may be conferred on any person who in the opinion of the Governing Body is making a significant and continuing contribution to the activities of the College.
- v. Bye-Fellow. The title of Bye-Fellow may be conferred on any person who has rendered, is rendering, or will render valuable service to the College.
- vi. Visiting Fellow. The title of Visiting Fellow may be conferred on any distinguished academic visitor to the College, as determined by the Governing Body. A Visiting Fellow shall be a member of the College and shall be entitled to such emoluments and such privileges as the Governing Body may in his or her particular case appoint.

(c) The period for which a titular Fellow will hold the title shall (subject to paragraphs (f) and (g), below) be as follows.

- i. The titles of Foundation Fellow and Wilkins Fellow shall be held for life.
- ii. The title of Morgan Fellow shall be held for a period of three years, conditional upon the title-holder continuing to hold a qualifying office as determined by the Governing Body. The Governing Body may renew the title indefinitely as long as the holder continues to hold a qualifying office.
- iii. The title of Fellow Commoner shall be held for such period, not exceeding three years, as the Governing Body determines in each case, and the Governing Body may renew the conferral of the title for periods not exceeding three years.
- iv. The title of Bye-Fellow shall be held for a period of one year, which the Governing Body may renew indefinitely.

v. The title of Visiting Fellow shall be held for such period or periods, not exceeding one year in each case, as the Governing Body may determine.

(d) A titular Fellow is not a Fellow for the purposes of the College Statutes but shall have such duties and enjoy such privileges as the Governing Body may determine for each category of titular Fellow.

(e) The Governing Body may appoint a titular Fellow under Statute XIV to any Committee other than the Remuneration Committee.

(f) (a) The titles authorized by this Ordinance have the following hierarchical ranking, in ascending order of status:

- i. Visiting Fellow;
- ii. Bye-Fellow;
- iii. Morgan Fellow;
- iv. Fellow Commoner;
- v. Wilkins Fellow;
- vi. Foundation Fellow

(b) A person's entitlement to one of these titles shall cease on the conferral of a higher-ranking title.

(c) A person's entitlement to a title under this Ordinance shall end if the title of Honorary Fellow is conferred on the person pursuant to Statute XIII.

(g) The Governing Body may for grave cause terminate a person's entitlement to a title of Fellow under this Ordinance.

Ordinance 29 relating to complaints by Student Members concerning alleged harassment and sexual misconduct by other Student Members

Having regard to **Statute V** and **Statute XXI** of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 2nd November 2018 made the following

ORDINANCE RELATING TO COMPLAINTS BY STUDENT MEMBERS CONCERNING ALLEGED HARASSMENT AND SEXUAL MISCONDUCT BY OTHER STUDENT MEMBERS

1. **Purpose and general principles.** This Ordinance sets out the procedures to be followed if a Junior Member, hereafter referred to as “X”, alleges that another Junior Member, hereafter referred to as “Y”, has behaved towards X in a way which amounts to harassment or sexual misconduct. The following principles inform the making and shall guide the interpretation of this Ordinance.
 - a. The Ordinance applies only to harassment as defined by law and sexual misconduct.
 - b. The College may attempt to bring about an informal resolution of complaints falling within the scope of this Ordinance, but should not initiate formal investigations of disputed allegations where the alleged conduct would, if proved, amount to a criminal offence of a sexual nature which the College lacks the forensic-scientific facilities or the specialised investigative expertise or powers needed to investigate adequately. In such cases, X should be advised to report the matter to the police, but without ruling out other attempts at resolution in accordance with the provisions of this Ordinance.
 - c. Procedures should clearly distinguish between dispute-resolution processes and penal processes.
 - d. Dispute-resolution processes should be designed to bring about a consensual resolution to the problem.
 - e. Penal processes should give full weight to the need to guarantee fairness to both X and Y, and therefore to provide independent and impartial decision-making, and to provide support for all Members of the College.
 - f. So far as the University procedure is consistent with these principles, but not otherwise, its provisions may be taken into account by decision-makers in the College’s processes, but with such adaptations as are needed in order to make it compatible with the College’s internal arrangements and obligations to all its Members.
 - g. A complainant may choose whether to invoke the University’s procedure or the College’s procedure. If he or she chooses to invoke the University’s procedure, the College’s procedure will not subsequently be open to him or her.
2. **Complaints covered by this Ordinance.** This Ordinance applies only to complaints by X against Y where:
 - a. both X and Y are Members of Downing College who are registered for a degree or other qualification of the University or in residence with the intention of so registering;
 - b. X’s allegations would, if proved, amount to harassment or sexual misconduct; and
 - c. X’s allegations would not, if proved, amount to a criminal offence such as rape or sexual assault for which specialist scientific or investigative expertise is

required in order to establish facts as accurately as possible and allow fair treatment of both X and Y.

3. **Meaning of “harassment”.**

a. For the purpose of this Ordinance, “harassment” by Y means unwanted conduct, sexual or otherwise, by Y towards X which has the purpose or effect of violating X’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, if (i) Y understood that the conduct was likely to have that effect or (ii) a reasonable person in Y’s position would have understood that the conduct was likely to have that effect.

b. When deciding whether conduct is to be treated as having the purpose or effect of violating X’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, the following matters must be taken into account:

- i. Y’s perception of the matter;
- ii. the other circumstances of the case; and
- iii. whether a reasonable person would consider that the conduct had one of those purposes or effects¹.

c. Where the conduct of Y is related to a “protected characteristic” of X, conduct which occurs on a single occasion may amount to harassment of X.

d. Where conduct of Y is not related to a “protected characteristic” of X, the conduct must occur on two or more occasions if it is to amount to harassment².

e. “Protected characteristics” are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation³.

4. **Making a complaint.** If X considers that Y has acted towards X in a way that amounts to harassment or sexual misconduct, and X wishes to invoke the procedures under this Ordinance, X shall make a complaint in writing to the Senior Tutor. The complaint shall set out as clearly as possible:

- a. the nature of the alleged conduct by X; and
- b. the date or dates and time or times on which the alleged conduct took place; and
- c. the location and circumstances in which the alleged conduct took place.

5. **Steps to be taken by the Senior Tutor.** On receiving a written complaint, the Senior Tutor shall first consider whether the alleged conduct amounts to a criminal offence such as rape or sexual assault for which specialist scientific or investigative expertise or evidence-gathering power is required in order to establish facts as accurately as possible and allow fair treatment of both X and Y.

6. *If the Senior Tutor considers that the complaint falls within the scope of this Ordinance, he or she shall as soon as possible inform Y of the complaint and invite X and Y to participate in an informal process aiming at resolving the complaint. The Senior Tutor shall also advise both X and Y to consider the desirability of obtaining independent legal advice.*

7. *If the Senior Tutor decides, after taking such legal and other advice as he or she considers appropriate, that the alleged conduct would fall within section 5 of this Ordinance, the Senior Tutor shall advise X to complain to the police, and explain that the College lacks facilities and expertise to investigate such matters. This must be done within seven days of receiving the complaint if the complaint is received during Full Term, and in any case within a reasonable period.*

¹Equality Act 2010, s 26. - ²Protection from Harassment Act 1997, s.1. - ³Equality Act 2010 s 26.

8. If the complainant, having been advised by the Senior Tutor to complain to the police, declines to do so, the Senior Tutor shall inform Y of the complaint and invite X and Y to participate in a process of informal resolution of the complaint. Consideration of the complaint shall then proceed, taking the following steps in the following order.
9. **Step 1: Informal resolution.** Informal resolution will not be attempted unless both X and Y agree to participate.
10. *If both X and Y agree to informal resolution, the Senior Tutor shall arrange for appropriate mediation facilities to be made available as soon as possible.*
11. *If X, while the informal resolution process is being considered or is under way, decides to report the matter to the police, no further steps shall be taken until the police investigation and any subsequent legal action has been completed.*
12. *If X or Y does not agree to informal resolution, the Senior Tutor shall initiate a formal investigation, but without commencing a disciplinary procedure.*
13. **Step 2: Formal investigation.** *If the parties do not agree to informal resolution, or efforts to secure an informal resolution prove unsuccessful, but X persists in the complaint and no report has been made to the police (or police action and any resulting legal action have come to an end), the Senior Tutor shall arrange that a formal investigation is carried out by an independent investigator, who shall offer to each party a chance of an interview in the absence of the other party.*
14. *The independent investigator shall report, if practicable, within four weeks falling inside Full Term. (Procedures shall be suspended outside Full Term, unless the Senior Tutor decides otherwise.) The independent investigator shall include in the report a recommendation as to whether, in the investigator's view, (a) Y has a case to answer in respect of the complaint, or (b) the complaint should be dismissed.*
15. *If the investigator recommends that Y has a case to answer, the Senior Tutor shall use his or her best efforts to bring about a settlement. If the investigator recommends that there is no case to answer, the Senior Tutor shall dismiss the complaint.*
16. **Step 3: Continuing failure to secure a settlement of the complaint.** *If the informal resolution and formal investigation procedures have failed to produce a settlement, the Senior Tutor shall consider, taking account of the report of the independent investigator and such other information or advice as the Senior Tutor considers relevant, whether the complaint and the report of any investigation have disclosed an allegation of behaviour which could amount to a disciplinary offence falling within the jurisdiction of the Dean.*
17. **Step 4: Dean's disciplinary procedure.** *If the Senior Tutor decides that the allegation discloses an allegation of a disciplinary offence, the Senior Tutor shall refer the matter to the Dean.*
18. It shall then be the responsibility of the Dean to deal with the complaint as a disciplinary matter, which may involve a reference to the Disciplinary Committee, in accordance with Statutes XXI and XXII. When exercising his or her functions, the Dean shall comply with the requirements of procedural fairness, and may take

into account the report of the independent investigator and any other evidence or advice which he or she considers to be relevant.

19. The Dean shall not be subject under any College procedure to complaint in respect of actions taken or decisions made in good faith in the course of his or her exercise of his or her disciplinary functions.

Ordinance 30 relating to the disqualification of the Master or a Fellow as a Charity Trustee

Having regard to **Statute IV**, **Statute V** and **Statute VIII** of the Statutes of Downing College in the University of Cambridge, the Governing Body of Downing College on 23rd November 2018 made the following

ORDINANCE 30: THE DISQUALIFICATION OF THE MASTER OR A FELLOW AS A CHARITY TRUSTEE

Ordinance 30: Disqualification of the Master or a Fellow as a Charity Trustee

- (a) If a disqualifying event occurs as a result of which, under the rules administered for the time being by the Charity Commission or any person or body who or which may from time to time exercise the functions now exercised by the Charity Commission, the Master becomes ineligible to act as a Charity Trustee, the Master shall inform the Vice-Master of the circumstances at the first opportunity.
- (b) The Vice-Master shall take such advice as he or she thinks appropriate and, in the light of it, shall decide whether the College should request the Charity Commission to exempt the Master from being disqualified.
- (c) The Vice-Master shall inform the Members of the Governing Body of the circumstances and shall draw their attention to the possibility of making a complaint to the Visitor seeking the suspension or dismissal of the Visitor pursuant to Statute VIII, section 10.
- (d) While the result of a request to the Charity Commission under paragraph (b) or a complaint to the Visitor under paragraph (c) is awaited, and for so long after that as the Master may remain in office without having been exempted by the Charity Commission from disqualification, the Master shall not attend meetings of the Governing Body, and any aspect of the role and responsibilities of the Master which involves the exercise of the powers or discharge of the responsibilities of a Charity Trustee shall devolve on the Vice-Master.
- (e) If a disqualifying event occurs as a result of which, under the rules mentioned in paragraph
(a) above, a Fellow becomes ineligible to act as a Charity Trustee, the Fellow shall inform the Master of the circumstances at the first opportunity.
- (f) The Master shall take such advice as he or she thinks appropriate and, in the light of it, shall decide whether the College should request the Charity Commission to exempt the Fellow from being disqualified.
- (g) Unless and until exempted by the Charity Commission, the Fellow shall not vote at meetings of the Governing Body, or discharge any other responsibility or exercise any other power of a Charity Trustee. Other Members of the Governing Body shall be informed of the reason for the Fellow's ineligibility to exercise the powers or discharge the responsibilities of a Charity Trustee, but that information

shall be confidential and shall not be disclosed to any other person except in obedience to a legal obligation.

(h) This Ordinance shall come into effect on the day on which it is made by the Governing Body.

**CODE OF PRACTICE MADE BY THE GOVERNING BODY
ON 16 MARCH 2007**

Date in force: 16 March 2007

Code of practice relating to appropriate relationships between Senior Members and students in the College

1. This Code of Conduct covers situations in which a relationship between a Senior Member and a student of the College seems likely to develop, or has developed, a romantic, sexual or familial dimension of any kind. Paragraphs 2 to 5 deal with romantic or sexual relationships. Paragraph 6 deals with familial relationships.

Romantic or sexual relationships

2. Such relationships give rise to significant issues of professional responsibility, including possible conflicts of interest, questions of trust, confidence and dependency, and equal treatment in teaching, learning, selection, assessment and research. Such relationships can also disrupt the teaching and learning environment for other Senior Members and students, and may carry a serious risk to the reputation of the College.

3. Implicit in the professional status and role of Senior Members is an obligation to ensure that such conflicts of interest and risks to the College do not arise, and that relationships with students for whom a Senior Member has a direct professional responsibility remain strictly professional in nature. Senior Members have professional and ethical responsibilities to protect the interests of students in this respect, to respect the trust involved in the professional relationship between Senior Members and students, and to accept the constraints and obligations inherent in those responsibilities, regardless of the age and status of the Senior Member and student (whether undergraduate or postgraduate) respectively.

4. In the event of such a relationship developing, the Senior Member should declare this relationship to the Master (or, if the Senior Member concerned is the Master, to the Vice-Master). The Master (or the Vice-Master, as the case may be) will consult confidentially within the College as necessary in order to decide on the best way of protecting the interests of the student and the Senior Member concerned. The Master or Vice-Master will then put in place any arrangements within the College that seem appropriate, which may include measures to ensure that the Senior Member is removed as far as possible from direct professional and working contact with the student concerned. The failure of a Senior Member to disclose a relationship of this kind, so that action may be taken to protect the interests of the student concerned, other students, and the College, may lead to disciplinary action within the College.

5. Any student who is or has been involved in a romantic or sexual relationship with a Senior Member and who does not consider his or her involvement to be or to have been consensual is entitled to complain in accordance with the College's policy on harassment.

Familial relationships

6. Conflicts of interest may arise where a Senior Member enters into an academic or professional relationship with a member of his or her family. A Senior Member in such a situation must inform the Master (or, if the Senior Member concerned is the Master, the Vice-Master) of the situation. The Master (or the Vice-Master, as the case may be) will consult confidentially within the College as necessary in order to decide on the best way of protecting the interests of the student and the Senior Member concerned. The Master or Vice-Master will then put in place any arrangements within the College that seem appropriate, which may include measures to ensure that the Senior Member is removed as far as possible from direct professional and working contact with the student concerned. The failure of a Senior Member to disclose a relationship of this kind, so that action may be taken to protect the interests of the student concerned, other students, and the College, may lead to disciplinary action within the College.