



# HARTPURY

## Hartpury Special Committee Terms of Reference

### **Membership**

Three Independent Governor Members

### **Quorum**

The Chair of the committee or nominated representative who must be an independent Governor of the Board of Governors and two independent Governors or their nominated representatives who are also independent Governors of the Board of Governors.

The Chair and Vice Chair of the Board of Governors, the Principal, staff members and student members may not sit on the Committee. In addition, no person may sit on the Committee who has any interest in its findings or who has been involved in any way in an investigation or other disciplinary action leading up to the reference of the particular matter to the Committee unless it is reasonably impracticable to avoid. No person may sit on the Committee unless they are a member of the Board of Governors. The Vice-Principal (Resources) or an external HR specialist will support the Committee.

The Board of Governors shall select the Chair of the Committee and its members.

### **Terms of Reference**

1. To determine the case for the dismissal of a senior post-holder referred to the Committee by the Chair of the Board of Governors, the Vice Chair of the Board of Governors or a majority of the members of the Board of Governors.
2. The Committee shall convene a meeting as soon as possible after a reference to it and, in any event, within ten days.
3. The Board of Governors will invite the senior post-holder to attend a disciplinary meeting. The senior post-holder will be advised in writing of the nature of the alleged misconduct, the possible consequences of the meeting and any relevant papers (such as written evidence and witness statements) to enable the senior post-holder to prepare for the meeting. The Board of Governors will write to the senior post-holder with all the above information at least five working days before the meeting. The written notification should also detail the date and venue of the meeting and the senior post-holder's right to be accompanied.

4. If the senior post-holder wishes to call relevant witnesses to the meeting, he / she should advise the Clerk to the Board of Governors of this in advance of the meeting. The senior post-holder will be informed prior to the meeting if the Board of Governors intends to call relevant witnesses.
5. Before the meeting takes place, the senior post-holder should notify the Clerk to the Board of Governors if he or she is to be accompanied and provide the name and contact details of the companion.
6. At any disciplinary meeting, the senior post-holder will be given an opportunity to state his or her case and will have the right to be accompanied by a trade union representative or fellow worker of his or her choice, subject to a reasonable request being made. However, if the chosen companion of the senior post-holder is unavailable on the date of the initial meeting, the senior post-holder may delay the date of that meeting once by up to five working days to enable the chosen companion to attend. The location and timing of any alternative meeting should be convenient to both the Board of Governors and the senior post-holder, but should not unduly delay the process.
7. Representatives of the Board of Governors, the senior post-holder and the senior post-holder's companion should make every effort to attend the meeting. If the senior post-holder fails persistently, without good reason, to attend a disciplinary meeting which the Board of Governors has instructed him or her to attend, the meeting will take place, and a decision will be made, in his or her absence. In other circumstances where it seems likely that for a lengthy period, the senior post-holder will be unable to attend a disciplinary meeting, the Board of Governors reserves the right to go ahead with that meeting, affording the senior post-holder the right to either submit written representations and/or be represented by a workplace colleague or trade union representative.
8. Although the individual who conducted the investigation shall not be a member of the panel at the disciplinary meeting, he or she may attend in order to present the findings of the investigation and any supporting material.
9. After taking any representations into account the Committee shall take such action as it considers appropriate, this could include dismissal, and communicate its decision to the senior post holder concerned within 7 days of the meeting. The person should be notified of that person's right of appeal.
10. The senior post holder shall have the right of appeal to the Board of Governors against the decision of the Committee and must do so within 14 days of receipt of that decision by letter to the Clerk of the Board of Governors outlining the grounds for appeal.

11. Where an appeal is made the senior post-holder must be invited to a meeting of the Board of Governors and shall have the right to make representations at the meeting including oral representations, for which purpose that person may be accompanied by a colleague or union representative. The meeting of the Board of Governors must take place within fourteen days of receipt of notice of appeal.
12. No members who attended the meeting of the Special Committee shall attend the meeting of the Board of Governors. Staff members and student members may not attend this meeting of the Board of Governors. In addition, no person may sit on the Committee who has any interest in its findings or who has been involved in any way in an investigation or other disciplinary action leading up to the reference of the particular matter to the Board of Governors.
13. The Board of Governors shall consider the decision of the Special Committee and any representations of the senior post holder and take such action as it considers appropriate and communicate within seven days its decision to the senior post-holder and the Special Committee. This decision is final.
14. The Chair, or the Vice-Chair (in the Chair's absence), may dismiss the holder of a senior post within immediate effect - without any need for prior notice and without referral to the Special Committee - where the circumstances are such that the Chair or the Vice-Chair (in the Chair's absence), is entitled to do so by reason of the serious or gross misconduct of the senior person.
15. Where a senior post-holder has been dismissed pursuant to paragraph 14, the Chair or Vice Chair, as appropriate shall provide that person a written statement of the alleged conduct, characteristics or other circumstances which led to the dismissal and notifying that person the right of appeal to the Board of Governors against the dismissal.
16. The senior post-holder shall have the right to appeal in writing to the Board of Governors within fourteen days of receiving a written statement under paragraph 15. The Board of Governors shall invite that person to attend a meeting and that person shall have the right to make representations at the meeting, including oral representations, for which purpose a colleague or union representative may accompany that person. The meeting of the Board of Governors must take place within fourteen days of receipt of notice of appeal.
17. The Chair or Vice-Chair, as appropriate, shall not attend the meeting of the Board of Governors.
18. The Board of Governors shall determine the appeal, having considered any representations and shall notify the senior post-holder of its decision, in writing, within seven days. The decision is final.

19. The failure by the Board of Governors or the Special Committee to take any action within a time limit set out in this process shall not relieve them of the duty to take that action.
20. The Clerk to the Board of Governors shall act as Clerk to the Committee.

**Approved by the Corporation 27<sup>th</sup> February 2003**

**Amendments approved by the Corporation 24<sup>th</sup> October 2006**

**Amendments approved by the Corporation 10<sup>th</sup> July 2008**

**Amendments approved by the Corporation 8<sup>th</sup> March 2012**

**Change of Membership approved by Corporation 24<sup>th</sup> October 2013**

**Change of Membership approved by Corporation 13<sup>th</sup> October 2016**

**Membership approved by Search and Governance on 16<sup>th</sup> January 2019**

**Terms of Reference approved by Corporation 31<sup>st</sup> January 2019**