

SPECIAL COMMITTEE

Terms of Reference and Procedures Spring 2008

AUTHORITY: The Special Committee is established in accordance with Article 4.1 and Standing Order 11.1 which provide that the Corporation may delegate functions to committees. The functions of this Committee fulfil requirements under Article 10.

The Corporation approved the Terms of Reference for the Special Committee as set out below on 26 March 2008.

1. MEMBERSHIP

- 1.1** The Committee shall comprise **at least 3 members of the Corporation**, but shall not include the Corporation Chair, Vice-Chair, Principal, Staff members, Student members, nor any person who has been involved in any way in an investigation or other action leading up to the reference of the matter to the Committee.
- 1.2** The Committee, including the Committee Chair, will be appointed by the Corporation. If the matter is urgent, the Corporation Chair's Action may be used to make the appointments provided that written/email notification of the appointments is sent to all Corporation members and that a majority of those members do not object within 2 days of this notification being issued.
- 1.3** **The quorum for Committee meetings shall be 3 Committee members, all of whom shall be Corporation members.**
- 1.4** The Clerk to the Corporation shall act as Clerk to the Committee unless the Committee is considering the dismissal of the Clerk, in which case a nominated Corporation member shall be responsible for clerking.
- 1.5** The Committee will be convened as soon as practicable after a reference to it and in any event shall hold its first meeting within 7 days of being convened.

2. FUNCTIONS OF THE COMMITTEE

- 2.1** To examine the case for dismissal of a Senior Post Holder or the Clerk, and take such action it considers appropriate.
- 2.2** The Committee is authorised by the Corporation to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any College employee. All employees are directed to co-operate with the Committee.
- 2.3** The Committee is authorised by the Corporation to obtain legal or other Independent professional advice and to secure the attendance of outsiders with the relevant experience and expertise if it considers this necessary, provided that the Committee may not incur direct expenditure in this respect in excess of £5,000 without the prior approval of the Corporation.

3. MAIN PROCEDURES

- 3.1** If the Chair of the Corporation, or a majority of members of the Corporation consider that it may be appropriate to dismiss a SPH or the Clerk, then they shall refer the matter to the Special Committee who shall examine the case.
- 3.2** The person whose proposed dismissal is to be considered and determined by the Committee shall be entitled to receive from that Committee a written statement of the alleged conduct, characteristics or other circumstances which led to that person being considered for dismissal. That person shall be afforded a reasonable opportunity to respond and shall also be invited to a Committee meeting. No disciplinary action, except suspension, shall be taken against that person until after that meeting.
- 3.3** The person whose dismissal is to be considered has the right to make representations at the meeting. The representations may be made in writing or made orally, for which purpose the person whose dismissal is to be considered may be accompanied and represented by a colleague or union representative.
- 3.4** After taking any representations into account, the Committee will take such action as it considers appropriate, which may include dismissal, and communicate its decision to the person concerned, notifying that person's right to appeal against the decision as set out in the process below.

4. DISMISSAL FOR MISCONDUCT

- 4.1** The Chair, or in his absence the Vice-Chair, may dismiss a SPH or the Clerk with immediate effect, without the need for prior notice and without referral to a Special Committee, where the circumstances are such that the Chair (or in the Chair's absence the Vice-Chair) is entitled to do so by reason of the serious or gross misconduct.
- 4.2** Where a SPH or the Clerk has been dismissed under the provisions of 4.1, the Chair or Vice-Chair, will provide that person with a written statement of the alleged misconduct which led to the dismissal and the reasons why it is considered that the person concerned was guilty of such misconduct, notifying that person's right to appeal against the decision as set out in the process below.

5. APPEAL PROCESS

- 5.1** The SPH or the Clerk has the right of appeal to the Corporation against the decision of the Special Committee, and must do so in writing within 14 days of receipt of the decision.
- 5.2** The SPH or the Clerk must be invited to a meeting of the Corporation at which that person may make representations, including oral representations, and may be accompanied by a colleague or union representative.
- 5.3** No person involved in the original dismissal decision shall attend any appeal meeting of the Corporation.
- 5.4** The Corporation shall determine the appeal, having taken any representations into account, and shall notify the person concerned of its decision without unreasonable delay.

6. REPORTING PROCEDURES

- 6.1** The Clerk to the Committee shall circulate minutes of the Committee meetings to all Committee members unless the Committee is considering an appeal by the Clerk, in which case a nominated Corporation member shall be responsible for circulating the minutes.

7. VERSION CONTROL

These terms of reference were:

Drawn up 30 January 2008 by Lily Garth, Clerk to the Corporation

Approved on 11 February 2008 by the Remuneration Committee and signed by Linda Jones, Chair of the Remuneration Committee

: Signature on paper file

Approved on 26 March 2008 by the Corporation and signed by Tony Allum, Chair of the Corporation

: Signature on paper file

Due for revision Spring 2009