

## **REGULATION 37 PROCEDURE FOR DISMISSAL AND REMOVAL FROM OFFICE OF THE VICE-CHANCELLOR**

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1. This Regulation sets out the applicable procedure for the Council determining that the Vice-Chancellor shall be dismissed and removed from office, for any reason.
2. This Regulation shall be construed to ensure that the Vice-Chancellor has freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing himself or herself in jeopardy of losing his/her job or privileges.
3. The Chair of the Council may at any time request Council to consider the dismissal and removal from office of the Vice-Chancellor where:
  - (a) the Chair him/herself considers that there are grounds for such dismissal and removal from office; or
  - (b) the Chair has received a written request(s) from any member of Council seeking the dismissal and removal from office of the Vice-Chancellor and the Chair considers that it raises sufficient grounds for the matter to be referred to Council for consideration and decision.
4. In any case where:
  - (a) the Chair has received written request(s) seeking the dismissal and removal from office of the Vice-Chancellor from four or more Council members; or
  - (b) the Chair recommends the Vice-Chancellor's dismissal and removal from office on the grounds that the Vice-Chancellor has failed to meet agreed performance objectives

the Chair must refer the request to Council for consideration and decision .
5. Where the Council is to be asked to consider the dismissal and removal from office of the Vice-Chancellor, the Chair of the Council shall notify the Vice-Chancellor of that fact not less than two working days in advance of the meeting.
6. The Chair of Council may suspend the Vice-Chancellor from his/her duties and may exclude the Vice-Chancellor from the precincts of the University or any part thereof without loss of salary:
  - (a) where the Council is to be asked to consider the Vice-Chancellor's dismissal and removal from office; or
  - (b) at any other time where the Chair considers that this is appropriate.
7. At any meeting of Council at which the dismissal and removal from office of the Vice-Chancellor is to be considered under this procedure, the Vice-Chancellor will be invited to attend and address Council before a decision is made and may be accompanied by a representative. The Chair may request the Vice-Chancellor to absent him/herself from any part of that meeting.
8. If the Council considers that it is necessary, before taking any decision on the proposed dismissal and removal from office of the Vice-Chancellor, to investigate any matter or establish any facts, it may at its discretion appoint a member or members of the Council to carry out such investigation and make a written report to the Council. It shall be for the member or members of Council so appointed to determine how any such investigation should be progressed, save that the Vice-Chancellor shall be afforded the opportunity to

make written or oral representations (as the member or members of Council appointed consider appropriate) before reporting back to the Council. Nothing in this paragraph shall oblige the Council to appoint a member or members of the Council to carry out any investigation before the Council determines whether the Vice-Chancellor shall be dismissed or removed from office.

9. The Council may decide by a simple majority of those present to dismiss the Vice-Chancellor and remove him/her from office and whether such dismissal shall be a summary dismissal (i.e. without notice or payment in lieu of notice) or a dismissal on notice or (where provided for in the Vice-Chancellor's contract of employment) with a payment in lieu of notice. If the vote shall be equally divided for and against, the Chair shall have a second and casting vote.
10. An appeal against dismissal and removal from office under paragraph 9 shall be made in writing to the Chair of Council, to be received within 7 days from the date of the decision being appealed and setting out the full grounds of appeal relied on. In cases other than dismissal on notice, the effect of such appeal shall be that the Vice-Chancellor's employment with the University shall continue (without any right to pay or benefits of any kind) for a period not exceeding 28 days from the date of the decision of Council which is being appealed, to allow time for the expedited hearing and termination of the appeal. During this period, the Vice-Chancellor shall be suspended and shall not be entitled or required to carry out any duties or exercise any of the powers of the Vice-Chancellor. Pending the outcome of the appeal, the Chair of Council shall have the power to make such interim arrangements as are considered appropriate, including the appointment of an Acting Vice-Chancellor.
11. An independent employment solicitor of at least 10 years standing, shall be appointed by the Chair of Council to hear the appeal.
12. The person hearing the appeal shall make such arrangements as are considered appropriate by him/her for the expedited hearing and determination of the appeal within the period of 28 days from the date of the decision of Council being appealed.
13. Where the person hearing the appeal considers this practicable, the appeal shall take the form of an oral hearing, at which the Vice-Chancellor may be present and/or represented by a person of his choice. The Chair of Council may be present and/or represented by any other person. Otherwise, the appeal shall be determined on the basis of written submissions on behalf of the Vice-Chancellor and the Chair of Council.
14. Any appeal shall not be a re-hearing of the case, but shall be a review of the decision taken by Council under paragraph 9 above.
15. The person hearing the appeal may allow or dismiss the appeal in whole or in part and shall either:
  - (i) determine that the decision to dismiss and remove the Vice-Chancellor from office shall stand, in which case the Vice-Chancellor's employment with the University shall terminate on the basis identified by Council under paragraph 9 (i.e. summarily, on notice or with a payment in lieu of notice);
  - (ii) recommend that Council reconsider its decision, in which case the Vice-Chancellor's employment with the University shall continue until such further decision by Council (by simple majority of those present and with a second and casting vote by the Chair of Council if the vote shall be equally divided for and against). This decision of Council will be final.
16. The person hearing the appeal shall convey his/her decision (either in writing where practicable or orally, in which case the decision shall be confirmed in writing as early as possible) within the period of 28 days from the date of the decision appealed, failing which the decision of Council shall stand.