

## **Appendix 1**

### **UNIVERSITY OF YORK**

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

1. This document 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 Procedure shall be construed in every case to give effect to the following guiding principles:
  - a. to ensure that the Vice-Chancellor shall have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing himself in jeopardy of losing his job or privileges;
  - b. to enable the University to provide education, promote learning and engage in research efficiently and economically; and
  - c. to apply the principles of justice and fairness.
3. Subject to paragraph 4 of this document, 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 considers that there are grounds for such dismissal and removal from office; or
  - b. the Chair has received a written request or requests from any member or members of Council seeking the dismissal and removal from office of the Vice-Chancellor and (after such investigation, if any, as the Chair considers appropriate) the Chair considers that the request or requests raise sufficient grounds for the matter to be referred to Council for decision.
4. In any case where the Chair has received a written request or requests seeking the dismissal and removal from office of the Vice-Chancellor from four or more Council members, within a three month period, so long as no such request has been withdrawn, the Chair must refer the request(s) to Council for decision. The Chair may, at his discretion, appoint a member or members of Council or any other person as the Chair considers appropriate (including the option to appoint a person external to the University) to investigate any matter or establish any facts, and to prepare a written report, in order to assist Council's consideration of whether the Vice-Chancellor should be dismissed and removed from office.
5. For the avoidance of doubt, nothing in paragraph 3 or 4 shall oblige the Chair to appoint a member or members of the Council or any other person to carry out any investigation before the Council determines whether the Vice-Chancellor shall be dismissed or removed from office, although where an investigation is not undertaken, this will be the case only where the Chair considers there is already sufficient information to take action.
6. 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, and the reasons for it, not less than five working days in advance of the relevant meeting of Council.
7. Without prejudice to any provisions in the Vice-Chancellor's contract of employment regarding suspension, the Chair of Council may suspend the Vice-Chancellor from his duties on such conditions as the Chair considers appropriate 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 and the Chair shall notify all members of Council of this decision within two working days.

8. Notwithstanding any decision previously made by the Chair regarding the need for any investigation under paragraph 3 or 4, if the Council considers that it is necessary, before it takes 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 (or such other person as determined by Council) to carry out such investigation and make a written report to the Council. It shall be for the member or members of Council or other person 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 or other person appointed consider appropriate) before the matter is referred back to the Council for a final decision. Nothing in this paragraph shall oblige the Council to appoint a member or members of the Council or any other person to carry out any investigation before the Council determines whether the Vice-Chancellor shall be dismissed or removed from office.
9. At any meeting of Council at which the dismissal and removal from office of the Vice-Chancellor is to be considered, the Vice-Chancellor will be invited to attend and make representations to Council before a decision is made and may be accompanied by a representative, who may be external to the University.. The Vice-Chancellor shall not be present when Council is deliberating on whether the Vice-Chancellor should be dismissed and removed from office.
10. The Council may decide by a simple majority of those present to dismiss the Vice-Chancellor and remove him 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. The Council's decision shall be final, where the normal quoracy arrangements for the Council shall apply.