



## BOARD OF MANAGEMENT

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conflict with its statutory obligations in the terms of paragraph 2.3.21 and only for the purposes of progressing the disciplinary proceedings involving the Principal as follows:-

- (i) In accordance with paragraph 9.1 of the Constitution to establish a disciplinary committee (“Disciplinary committee”) for the purpose of progressing the disciplinary proceedings involving the Principal.
- (ii) To approve the constitution of the Disciplinary Committee as being three board members, less any board member who has given a witness statement to the investigation involving the Principal, together with one external independent person.
- (iii) To delegate to the Disciplinary Committee the determination of who the external individual may be, being someone with appropriate experience in the sector.
- (iv) To delegate to the Disciplinary Committee the power to appoint one of their number, excluding the external person, to be Chair of the Disciplinary Committee.
- (v) To delegate to the Disciplinary Committee the power to hold the disciplinary hearing, determine whether any further investigation is required (and is so to make necessary arrangements for that to be undertaken) and to decide on any disciplinary actions and thereafter report back their decision to the Board and to amend paragraph 4.10 of Schedule 4 of the Constitution to delegate to the Disciplinary Committee the power to take disciplinary action against the Principal if the Disciplinary Committee so decides.
- (vi) To delegate to the Disciplinary Committee that in the event of any of the Disciplinary Committee having to withdraw from the committee on any

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basis, to appoint an additional external person to the panel.

- (vii) To delegate to the Disciplinary Committee that in the event of the Disciplinary Committee being split on any disciplinary action to be taken (including on whether any disciplinary action should not be taken) the Chair of the committee shall have the casting vote.
- (viii) To appoint from the remainder of the board members, excluding those involved as witnesses in the investigation or who have sat in the Disciplinary Committee, to constitute a committee to hear any appeal by the Principal (“the Appeal committee”) and to thereafter hear the appeal and decide on the outcome of any appeal.
- (ix) To delegate to the Appeal Committee the power to appoint an external member to sit on the appeal.
- (x) To delegate to the Appeal Committee the power that, in the event of any of the Appeal Committee having to withdraw from the Appeal Committee on any basis, to appoint an additional external person to the Appeal Committee.
- (xi) The external individual on the appeal committee shall chair the Appeal Committee, however they will not have a vote on any decision arising as a result of any appeal.

It was recognised that the individuals who could take part in the disciplinary committee or the appeal committee were as follows:-

- Richard Leggett
- Ken McKie
- Elaine Proudfoot
- Aileen Ponton
- Gordon Reid
- Angela Clocherty

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The Board decided that as Les Jacobs had reviewed the investigation and decided that there was a *prima facie* case for it to proceed to a disciplinary hearing, that he should not take part in any disciplinary committee or appeal committee.

As it is likely that a disciplinary hearing will take in the region of three days, and that board members have other diary commitments, it was decided to leave it until after the meeting to ascertain diary commitments before agreeing on which individual board members will sit on either committee.

