

**SUBJECT: GUIDELINE FOR THE CONDUCT OF A BOARD HEARING INTO THE
PRESIDENT’S RECOMMENDATION THAT A MANAGEMENT/EXEMPT
EMPLOYEE BE DISMISSED**

1. General Principles

The Board of Governors of the University of Northern British Columbia (“Board”) is a body established by statute which is granted certain statutory powers of decision. These powers must and will be exercised in conformity with the principles of natural justice and administrative fairness. When the Board is making a decision about the status of an employee, the law requires that the employee who will be affected by the decision knows the case against him/her and has a fair and full opportunity to respond to that case before the Board reaches a decision.

2. Dismissal of a Management/Exempt Employee

This procedure will regulate the decision to dismiss certain management/exempt employees (“Employee”) at the University. The Employees to whom this procedure applies are identified by classification in Appendix A to this Guideline. This Guideline does not apply to the dismissal of an Employee who holds a term appointment of less than one year in duration always provided the President has first approved the dismissal of the Employee. In addition, this Guideline does not apply to the dismissal of an Employee whose position has been eliminated either because of a reorganization or financial constraint always provided the President has first approved elimination of the position. In addition, this Guideline does not apply to the dismissal of an Employee during his/her probationary period always provided that the President has first approved the dismissal of the Employee.

The decision to dismiss an Employee will be made by the Board acting on a recommendation from the President of the University of Northern British Columbia (“President”). An Employee to whom this Guideline applies is entitled, at the Employee’s request, to be heard by the Board before it Board decides whether to accept the President’s recommendation. The Board will act to conduct such a hearing expeditiously.

3. Procedure for Requesting and Conducting a Hearing

3.1 If the President concludes that an Employee should be dismissed, whether with or without cause, the President will make that conclusion known in writing to the Employee and to the Chair of the Board (“Chair”) and the Secretary of the Board (“Secretary”). The President will express his/her conclusion as a recommendation to the Board (“Recommendation”). At the time the President notifies the Employee of his/her Recommendation, he/she will also provide the Employee with a copy of this Guideline. An Employee who wishes to be heard by the Board before it acts on the Recommendation must notify the Secretary in writing (“Notice”) of his/her desire for a hearing. The Employee must issue the Notice within ten working days of receipt of the Recommendation.

3.2 The Secretary, having received the Notice, will inform both the Chair and the President that the Employee wishes to be heard and provide each with a copy of the Notice. The Secretary will also acknowledge receipt of the Notice. The Chair will thereafter require the President to state in writing the grounds for the Recommendation (“Formal Statement”). The President will prepare and deliver the Formal Statement within ten (10) working days following the Chair’s request for the Formal Statement. The Formal Statement will

include a detailed description of the factual basis for the Recommendation including copies of such documents as are necessary to inform the Employee fully and fairly of the case for the Recommendation. A copy of the Formal Statement will be delivered by courier to the Employee, and by any reasonable means to both the Chair and the Secretary.

3.3 The Employee will prepare a written response (“Response”) to the Formal Statement. The Employee will deliver the Response within ten (10) working days of his/her receipt of the Formal Statement. The Response will include a detailed description of any factual dispute between the Employee and the President and will refer to and, where possible, include copies of any documents on which the Employee relies to support his/her version of the facts. The Employee will deliver the Response by any reasonable means to the President, the Chair, and the Secretary.

3.4 The Board will meet to hear the President’s case for and the Employee’s case against the Recommendation. A copy of both the Formal Statement and the Response will be provided to each Board member at the time the agenda for the meeting is distributed. Both the President and the Employee, in that order, will be invited to make oral submissions to the Board based on the Formal Statement and the Response. The purpose of these submissions is to ensure that both the President and the Employee have a full opportunity to present their respective cases.

3.5 In making their decision about the Recommendation, Board members will receive and consider only that information and those submissions which are provided to them in conformity with this Guideline. However, should Board members decide that they need to obtain further information in order to make a fair and fully informed decision about the Recommendation, the information required and the process for obtaining that information will be reviewed with the Employee and the President before any steps are taken to obtain the information. The process used for obtaining such information must comply with the principles set out in this Guideline.

3.6 Once submissions have been made by the President and the Employee, Board members may ask any questions they have of the President and the Employee. The President and the Employee, in that order, will then be asked to make any supplementary submissions they may have as a result of the Board members’ questions. The Board will then recess to review the information provided and submissions made by the President and the Employee, to conduct its deliberations, and to make its decision.

3.7 Although the President is a member of the Board *ex officio*, he/she will neither participate in the Board’s deliberations, nor communicate with Board members, about the Recommendation except by using the procedures established by this Guideline.

3.8 The Employee will communicate with Board members about the Recommendation only by using the procedures established by this Guideline.

3.9 All procedures related to the Recommendation will take place *in camera*.

3.10 The Board, the President, and the Employee may be represented during these procedures by counsel. If the Employee chooses to use counsel, he/she will be solely responsible for his/her legal costs.

3.11 The Chair, or his/her delegate, has the unfettered discretion:

3.11.1 to extend the time limits established by this Guideline where, in his/her opinion, such an extension is required in order to ensure that the general principles set out above are satisfied;

3.11.2 to approve a means of delivery for both the Formal Statement and any communications from the Board to the employee in circumstances where delivery by courier is not practical; and

3.11.3 to provide directions concerning the disclosure of documents by the President or the Employee if such disclosure is required to ensure that the general principles set out above are satisfied.

Appendix A

The provisions of the Guideline will apply to persons holding a position falling within one of the following classifications:

Vice-President

Associate Vice President

Dean

Director (including the University Librarian and the Controller)

Exempt Employee

In those cases where the person who is subject to the President's recommendation that he/she be dismissed holds a faculty appointment, the recommendation will be made by the President pursuant to those provisions of the University Act which govern the dismissal of a faculty member.