

<b>Investigation Panel:</b>	Convener: Hamish Wilson, Convener of Audit Committee  Roger Ramshaw, Governor  Tricia Walker, Governor  Katy Gifford, External Member
<b>Supported by:</b>	██████████, University Solicitor
<b>Employees subject to Investigation:</b>	Prof Ferdinand von Prondzynski, Principal and Vice Chancellor  Prof Gordon McConnell, Vice Principal for Commercial and Regional Innovation
<b>Note taker</b>	██████████, HR Adviser  ██████████, Senior HR Adviser
<b>Background to Investigation</b>	<p>An undated, anonymous, disclosure in the public interest was made to members of the Board of Governors in mid-May 2018. A copy of this is attached as Appendix A.</p> <p>This disclosure alleges that Ferdinand von Prondzynski and Gordon McConnell are both directors of an Irish registered company called Knockdrin Estates Limited. Further it is alleged that this fact was not declared by either of them at the time of Gordon McConnell's appointment to the role of Vice Principal for Commercial and Regional Innovation.</p> <p>The disclosure was notified to all members of the Board by the Chair on 14<sup>th</sup> May 2018.</p>
<b>Prima Facie case and Scope of Investigation</b>	<p>The Panel met for the first time on 31<sup>st</sup> May 2018. The Panel agreed that the allegations contained within the disclosure were sufficient to establish a prima facie case. That being the case the Panel would begin to investigate in accordance with the University's policy and procedure.</p> <p>The Panel agreed that the scope of the investigation would be:</p> <ol style="list-style-type: none"> <li>a. The recruitment process for the Vice Principal for Commercial and Regional Innovation starting from (and including) the decision of the previous role holder to step down in the Summer of 2017;</li> <li>b. Whether the relevant joint Directorship had been declared by either the Principal or the current Vice Principal for</li> </ol>

	<p>Commercial and Regional Innovation during the latter's recruitment process.</p> <p>The Panel noted that the scope of the investigation could be widened during the investigation process should it become apparent that this would be required.</p>
<b>Suspension pending Investigation</b>	<p>The Panel agreed that, given the nature of the allegation, it was not seen as in any way appropriate to make any recommendation to the Board to consider suspension of the Principal pending the outcome of the investigation.</p>
<b>Process of investigation – documents considered</b>	<p>The Panel considered the following documents:</p> <ol style="list-style-type: none"> <li>a. RGU Ethics Policy version 1 in place up to 5 October 2017</li> <li>b. RGU Ethics Policy version 2 (current) in place from 5 October 2017 onwards</li> <li>c. RGU Conflict of Interest Policy</li> <li>d. RGU Conflict of Interest Policy Guidance Notes</li> <li>e. Company Information re Knockdrin Estates Limited</li> <li>f. Disclosure and Declaration of Interest (2017) – Principal &amp; Vice Chancellor</li> <li>g. Disclosure and Declaration of Interest (2017) – Vice Principal for Commercial and Regional Innovation</li> <li>h. RGU Recruitment &amp; Selection Policy and Procedure</li> <li>i. Interview Itinerary</li> <li>j. Extract of RGU Board Minutes relating to the appointment of the Vice Principal for Commercial and Regional Innovation</li> <li>k. Letter from the Scottish Funding Council regarding the Disclosure and holding response from the Chair of the Board</li> <li>l. RGU Disciplinary Policy</li> </ol> <p>The Panel requested copies of relevant documentation (including emails) held by the University in relation to the following issues:</p> <ol style="list-style-type: none"> <li>a. The interviews for the Role of Vice Principal for Commercial and Regional Engagement which took place in August 2016;</li> <li>b. The decision of ██████████ to step down from the role of Vice Principal for Commercial and Regional Engagement to the role of Director of Marketing in summer 2017;</li> <li>c. The decision not to re-advertise the Vice Principal role prior to a candidate being interviewed in September 2017;</li> <li>d. The recruitment, interview and appointment of the current Vice Principal for Commercial and Regional Innovation;</li> <li>e. Any declaration made by the Principal, during the recruitment and appointment process for the Vice Principal role, about his relationship with the candidate;</li> <li>f. Any declaration made by the Vice Principal for Commercial and Regional Innovation during the recruitment and appointment process about his relationship with the Principal</li> <li>g. The induction process for the Vice Principal for Commercial and Regional Innovation;</li> <li>h. Any information relating to the ethics policy, conflict of interest policy, or completion of the conflict of interest</li> </ol>

	<p>declaration which was given to the Vice Principal for Commercial and Regional Innovation.</p> <p>It should be noted that due to the passage of time some documents had been destroyed in accordance with the University's retention policy.</p>
<b>Process of Investigation - Witness Evidence</b>	<p>The Panel interviewed a number of witnesses. Each interview was undertaken by the Panel Convener, Hamish Wilson and one other Panel member.</p> <p>The University Solicitor was in attendance at each interview together with a note-taker from the HR department.</p> <p>The Panel interviewed the following witnesses:</p> <p>■■■■■■■■■■, former Vice Principal for Commercial and Regional Engagement and current Director of Marketing, on 11<sup>th</sup> June 2018</p> <p>■■■■■■■■■■, Director of HR, on 13<sup>th</sup> June 2018</p> <p>Mike Fleming, Chair of the Board of Governors, on 20<sup>th</sup> June 2018</p> <p>Paul Hagan, Vice Principal for Research, on 20<sup>th</sup> June 2018</p> <p>John Harper, Deputy Principal and Chief Academic Officer, on 20<sup>th</sup> June 2018</p> <p>Gordon McConnell, Vice Principal for Commercial and Regional Innovation, on 26<sup>th</sup> June 2018</p> <p>Ferdinand von Prondzynski, Principal and Vice Chancellor, on 26<sup>th</sup> June 2018</p> <p>Some witnesses provided additional documentation such as emails, diary entries and notes to the Panel during the interviews and these were also considered by the Panel.</p>
<b>Summary of main findings of Investigation</b>	<ol style="list-style-type: none"> <li>1. During the course of the investigation the Panel became aware that Gordon McConnell had visited RGU in order to give a talk and speak with some staff in September 2015. On the basis of the evidence heard the Panel concluded that this had no relevance to the subsequent events.</li> <li>2. The Panel is completely satisfied that the decision by ■■■■■■■■■■ to step down from the role of Vice Principal for Commercial and Regional Engagement and to take on the role of Director of Marketing in June 2017 was entirely separate from the appointment of Gordon McConnell. There is no improper or inappropriate link between the two issues.</li> <li>3. The Panel is satisfied that there were no candidates from the 2016 round of Vice Principal interviews that it would have been appropriate to approach in relation to the 2017 Vice Principal</li> </ol>

	<p>recruitment. [Roger Ramshaw declared an interest in relation to this matter as he had been a member of the interview panel for the 2016 round of Vice Principal interviews].</p> <ol style="list-style-type: none"><li>4. In 2016 Gordon McConnell had been asked by Ferdinand von Prondzynski if he would like to apply for the Vice Principal role. He declined to do so at that time. However, at the time when [REDACTED] stepped down from the Vice Principal role in 2017, Ferdinand von Prondzynski became aware of a change in Gordon McConnell's circumstances and he therefore enquired, again, whether Gordon McConnell might be interested in the role.</li><li>5. In relation to the 2017 interview of Gordon McConnell the Panel found that undertaking a single candidate interview process was not contrary to RGU recruitment policy; that the interview panel which appointed Gordon McConnell was appropriate and convened in accordance with the usual guidelines; and that there was no dissent from the decision to appoint Gordon McConnell.</li><li>6. The professional relationship between Ferdinand von Prondzynski and Gordon McConnell, in relation to them having worked together in the past at Dublin City University and having stayed in contact subsequently was declared to all appropriate people at all stages of the appointment process. This fact was verbally declared to all of those sitting on Gordon McConnell's interview panel.</li><li>7. From 2006 – 2018 Ferdinand von Prondzynski and Gordon McConnell were both the sole Directors of Knockdrin Estates Limited (an Irish registered limited company which owned the von Prondzynski family estate in Ireland).</li><li>8. Ferdinand von Prondzynski had declared, in his 2017 annual declaration of interest form, that he was a director of Knockdrin Estates Limited. He had not however made any declaration in relation to Francmine Limited – this is an Isle of Man registered company that is a shareholder of Knockdrin Estates Limited and of which he is also a Director [REDACTED]</li><li>9. Gordon McConnell did not declare in his declaration of interest form (completed in September 2017, following his appointment) that he was a director of Knockdrin Estates Limited. This form was signed by both Gordon McConnell and Ferdinand von Prondzynski, as his line manager.</li><li>10. The co-directorship between Ferdinand von Prondzynski and Gordon McConnell was not specifically declared, either verbally or in writing, to anyone. The interview panel first knew of this at the time that they became aware that a whistleblowing disclosure had been received.</li></ol>
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	<p>11. The Panel is satisfied that there is no other relationship or connection between Gordon McConnell and Ferdinand von Prondzynski that has not been declared. It was clear that there was a history of a close professional relationship (which was fully declared). It was stated that their relationship was not one which could be considered to be a close personal friendship.</p> <p>12. Other than what was disclosed in their declaration of interest forms and Knockdrin Estates Limited both Ferdinand von Prondzynski and Gordon McConnell had no additional interests to disclose. Checks were undertaken to confirm this and the Panel found no evidence to suggest that this is untrue.</p> <p>13. It appears from the evidence that Gordon McConnell's actual involvement in the affairs of Knockdrin Estates Limited was minimal. Whilst the Panel members [REDACTED] [REDACTED] [REDACTED] they have no reason to doubt the validity of the statements about his minimal involvement in Knockdrin Estates and believe them to be true. Gordon McConnell was not paid relative to his Directorship of Knockdrin Estates Limited and was not involved in the day-to-day running of it.</p> <p>14. Given both the close professional working relationship between Ferdinand von Prondzynski and Gordon McConnell (that was openly disclosed in a timely manner during Gordon's appointment process), and the minimal nature of the involvement of Gordon McConnell in Knockdrin Estates Limited, it was clear to the Panel that from both Ferdinand von Prondzynski's and Gordon McConnell's perspectives, the co-directorship of Knockdrin Estates Limited was viewed by them both as a relatively insignificant part of their much larger professional relationship history.</p> <p>15. The Panel concluded that the evidence points to a genuine omission or oversight on the part of Ferdinand von Prondzynski and Gordon McConnell to declare the co-directorship of Knockdrin Estates Limited. The Panel is satisfied that there is no evidence of any malicious motive.</p> <p>16. Whilst accepting it is only speculation, the Panel is of the view that, had the co-directorship of Knockdrin Estates Limited been declared at the outset then the actual outcome of the recruitment process would, in all likelihood, have remained the same. Gordon was upset at the thought of anyone forming the impression that he had not been appointed on merit. The Panel found no evidence that Gordon McConnell had been appointed on anything other than his suitability for the role.</p> <p>17. The Panel recognises that the non-disclosure of the directorship has caused disruption and reputational damage to some individuals personally and to the University more generally.</p>
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<p><b>Mitigation</b></p>	<p>Ferdinand von Prondzynski admitted that (1) he should have mentioned the co-directorship specifically when declaring his past working relationship and ongoing professional relationship with Gordon McConnell, (2) he should have noticed that the directorship of Knockdrin Estates Limited was missing from Gordon McConnell's declaration of interest form and (3) he should have declared his directorship of Francmine Limited on his own declaration of interest form.</p> <p>He recognised and accepted that these issues should all have been handled differently and expressed his regret at the collateral damage that this had caused both to some people individually and to the University as an institution.</p> <p>It was accepted by the Panel that Gordon McConnell misunderstood his own disclosure obligation at the time of completing the declaration form and, as a consequence, Gordon wrongly believed that Ferdinand von Prondzynski was dealing with the entire potential declaration of interest issue/disclosure on his behalf, including the co-directorship. Notwithstanding this, on reflection, Gordon admitted that he himself should have declared his role as Director of Knockdrin Estates Limited when declaring his past working relationship and ongoing professional relationship with Ferdinand von Prondzynski and on his own declaration of interest form. Gordon recognised and acknowledged that he ought to have filled in the declaration of interest form differently. At the time of completing the declaration of interest form Gordon was under stress due to changes in his own personal circumstances [REDACTED]. He filled in the form without giving it the attention it required, for which he expressed deep regret.</p>
<p><b>Conclusions</b></p>	<p>The Public Interest Disclosure is upheld only in so far as it has been established that the fact that Ferdinand von Prondzynski and Gordon McConnell were co-directors of Knockdrin Estates Limited was not disclosed during Gordon McConnell's appointment process.</p> <p>Ferdinand von Prondzynski has breached the RGU Ethics Policy and RGU Conflict of Interest policy by not specifically mentioning Gordon McConnell's role in Knockdrin Estates Limited when declaring their wider professional relationship, though the Panel are satisfied that there was no ill motive in that regard nor evidence to suggest a deliberate intention to conceal any information.</p> <p>Ferdinand von Prondzynski also omitted to disclose on his declaration of interest form his involvement in Francmine Limited, another family company. However, again, there was not found to be any deliberate intention to conceal that information. Francmine Limited has no link or connection with Gordon McConnell.</p> <p>Gordon McConnell has breached the RGU Ethics Policy and RGU Conflict of Interest policy by not specifically declaring his directorship of Knockdrin Estates Limited, though similarly the Panel</p>

	was satisfied that there was no deliberate intention to conceal this. The failure to complete the declaration of interest form properly was an unintentional oversight/error.
	<b>Dr Hamish Wilson, Convener of the Panel, on behalf of all Panel members</b>  <b>Date:</b> 4 <sup>th</sup> July 2018
<b>Supporting documents</b>	Appendix A – copy of the disclosure in the public interest