

[GU correspondence B]

From: David Newall (Secretary of Court) [<mailto:David.Newall@glasgow.ac.uk>]

Sent: 29 March 2016 17:06

To: Simon Pook

Subject: FW: Professor David Smythe

Dear Simon.

The Senior Vice-Principal has reviewed my decision regarding Professor Smythe's access to a University email account. Here are his conclusions.

Best wishes

David

-----Original Message-----

From: Neal Juster


Sent: 29 March 2016 11:17

To: David Newall (Secretary of Court)


Subject: RE: Professor David Smythe

David

I have reviewed the compromise agreement signed by David Smythe and the University in 1998 in order to come to a view on your decision to uphold the withdrawal of his Glasgow University email address.

The Agreement is silent on the use of University email addresses.  Clause 9.3 gives the right for Professor Smythe to access facilities in perpetuity on the same basis as any other Honorary Research Fellow. I would interpret facilities as physical infrastructure such as the Library and Sports Hall - two of the listed examples. Clause 9.3 explicitly states that the "Dial-up Service" should be considered separately from access to the Facilities by referring to Clause 13.1. The right to this Dial-up Service ceases at Normal Retirement Date. I believe we are now past this date. Given the age of the agreement (1998), and the progress of technology since that date, I would interpret email as being nearer a dial up service than a physical facility.

In addition Clauses 7.1 - 7.7 state that University only had an obligation to provide software until the Transfer Date (now well past). Again I would interpret email as being nearer to software than a physical facility.

The School of Geography and Earth Sciences state that Professor Smyth is not contributing to research or the other activities of the School and therefore has no need of a University email address to function as an Honorary Rese Fellow.

I note that in an objection to a Planning Application (dated November 2015) Professor Smyth states he has no wish to be part of a research group of the University.

The University does not have a published list of what services and facilities should be provided to an Honorary Research Fellow and common practice is that these facilities and services are agreed at the local (School) level.

Given the above I do not believe that the University has an obligation to provide Professor Smythe

with an email address and therefore I find no reason to disagree with your decision to uphold the withdrawal of his Glasgow University email address.



Finally I note that Professor Smythe has breached the terms of Clause 9.4 on at least on occasion (the objection to a Planning Application). I also note that the Agreement is silent on the remedies if either party breaches its terms.

Regards

Neal

Professor Neal Juster

BSc PhD CEng FIMechE FRSA

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From: Simon Pook
Sent: 03 May 2016 16:02
To: 'David.Newall@glasgow.ac.uk'
Subject: FW: FW: Professor David Smythe
Importance: High

Hi David

Many thanks for your reply. I note that the people responding are not solicitors or legally qualified. I intend no disrespect to either of you when I say that.

It might be prudent to seek legal advice before the matter is formally considered closed by the University. This is a matter for you both to decide upon.

Whilst the University is considering this Mr Smyth request the University reactivate his GUID at least for the meantime while this dispute is going on.

I understand he needs the GUID for his research. He is at a crucial stage in revising a research paper. He has recently needed to download 6-8 journal articles, but was unable to do so as a private individual because that would have cost was £150-200. In addition he needed access to the EDINA digital map database for the UK, held at Edinburgh University. There is no way of accessing this other than by a university pass. It costs Glasgow University nothing, therefore it would be reasonable to reactivate the GUID as soon as possible.

This appears to be reasonable taking into account the agreement.

Regards

Simon

From: David Newall (Secretary of Court) [mailto:David.Newall@glasgow.ac.uk]
Sent: 05 May 2016 21:39
To: Simon Pook

Subject: Professor David Smythe

Importance: High

Dear Simon



Thank you for the message.

I have advised you of the University's position regarding Professor Smythe's access to a university email account.

With regard to his request for a GUID, my position is the same. In terms of Professor Smythe's agreement with the University, I do not believe he has a continuing entitlement to a GUID. Given that, and the fact that Professor Smythe has no continuing association with the University's research activities, I do not think it appropriate to allow him to have a GUID.

Yours sincerely

David Newall
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