

## Disciplinary Procedure

The University ensures that through the correct and consistent use of a disciplinary procedure, all instances of misconduct are treated fairly and dealt with under a recognised procedure. This University will not tolerate inappropriate behaviour or persistent breaches of rules and regulations.

In all but the most serious of cases, it will be your line manager that is responsible for correctly operating the relevant disciplinary procedure. Human Resources will provide advice as required, and can be consulted at any time for guidance.

At any time during the use of the disciplinary procedure you have the right to be accompanied or represented by a colleague of your choice, or your Trade Union representative. Minor matters will be dealt with on an informal basis though more formal action may follow if you fail to achieve improvement in your behaviour or if further instances occur.

### Academic and Academic Related staff (Normally Grades 6 and above)

The disciplinary procedure applicable to Academic and Academic Related staff (these are normally staff on Grades 6 and above) is contained in Statute 26.

### Administrative and Operational Staff (Normally Grades 1-5)

1. The following procedure will apply if you are employed on Grades 1-5 of the University's pay scales;
2. It will not apply in the following circumstances:
  - (a) on the expiry of a fixed-term or task-related contract;
  - (b) in the event of redundancy;
  - (c) when you are still in your probationary period after joining the University (not a probation arising from an internal staff transfer), and **during the first year of your employment**, and dismissal arises from unsuitability for confirmation of employment.In these cases separate arrangements will apply.
3. The formal disciplinary procedure is a four-stage process. These four stages are:
  - (a) oral warning;
  - (b) written warning;
  - (c) final written warning;
  - (d) disciplinary action.

Before the above procedure is invoked you will normally have been warned orally by your supervisor or line manager of the unsatisfactory nature of your work or related conduct.

4. The first stage of the formal procedure is an oral warning given to you by your line manager or, in his/her absence, their line manager. At this meeting you have the right to be

accompanied by a colleague of your choice or your Trade Union representative. After the meeting you will be advised in writing within five working days

- (a) that an oral warning has been given;
  - (b) that this fact will be entered to your personal file, and will remain there for twelve months, and
  - (c) of the consequences of continuing unsatisfactory work or related conduct. You may, within 14 days give notice of your objection to the warning, but no action need be taken
5. If a further instance of a similar act, or of a subsequent but different offence occurs, a written warning may be given. Such a warning will give:
- (a) the nature of the complaint and any resulting implications;
  - (b) the fact that you have been warned;
  - (c) that this fact will be entered in your personal file and will remain there for twelve months. You or your full-time Trade Union Official may within 14 days appeal to your line manager about this warning.
6. If your work or conduct continues to be unsatisfactory then a final written warning will be given. Your attention will be drawn to the fact that this is a final warning and that you may ask your nominated representative, including a Trade Union representative, to be formally advised. The final warning will be confirmed in writing, normally within 5 working days.
- You or your full time Trade Union Official may within fourteen days appeal to the Vice Chancellor about this warning.
7. Your line manager may instigate disciplinary action against you in cases where previous warnings have been ineffective. Where the possibility of serious disciplinary action arises (e.g. demotion or dismissal), such action will be dealt with by the Vice Chancellor, and you will be given adequate opportunity to explain or defend yourself. In particular, you have the right to be accompanied during the interview by your Trade Union representative or a representative of your choice.
8. As an employee, you will not be dismissed simply because a criminal charge against you is pending, or because you are absent through having been remanded in custody. Where you are convicted of a criminal offence, consideration will be given to whether the offence is one that makes you unsuitable to conduct the type of work which you are employed to perform. If this is the case, then suitable alternative work, if available, will be considered.
9. Dismissal or serious disciplinary action will be confirmed by letter by the Vice Chancellor. This letter will state the reasons for the action taken, confirm the date on which the action will take effect and confirm the subsequent appeal arrangements available to you.
10. If you do wish to submit and appeal, within 14 days of receipt of such a letter you may formally notify the Vice Chancellor, either individually or through your Trade Union, of an appeal to the a Disciplinary Appeals Committee. You have the right of appearing at the Committee with or without a representative of your choice.
11. In the course of this procedure, if any disciplinary action is subsequently reconsidered and effectively withdrawn, any written reference will be removed from your personal file and given to you to dispose of as you wish.
12. Gross misconduct may lead to instant suspension pending further investigation. This suspension will be with full basic pay. If the results of the investigation show that you are

not to blame you will be re-instated and all other monies which you would have received during your period of suspension will be paid to you.

The following list gives examples of gross misconduct though it is not meant to be exhaustive:

theft, fraud, deliberate falsification of records, fighting, assault on another person, deliberate damage to company property, serious negligence which causes unacceptable loss, damage or injury, serious incapability through alcohol or use of illegal drugs, serious insubordination, bullying, harassment etc.

13. If the result of the investigation shows that you have a case to answer to the University, the Vice Chancellor has the right to instigate disciplinary action against you without recourse to the earlier stages of the disciplinary procedures. You will have the same rights as other employees facing disciplinary action and shall be issued with a copy of the findings of the investigation carried out in 12 above.

In the event of gross misconduct or serious breach of contract, the University has the right to dismiss summarily without notice or payment in lieu of notice. However, it is recommended that in these circumstances before a decision is taken the University may where reasonable, suspend you for three working days on full pay pending an investigation.

14. Where details of an oral warning or written warnings are entered into your personal file, details concerning minor offences should be deleted after a period of 12 months, and for more serious offences, after a period of 4 years. You will have the right to examine details of oral or written warnings which are contained on your personal file.

### **Disciplinary Appeals Committee of the University Council**

A Disciplinary Appeals Committee shall be drawn from a Panel consisting of:-

Pro-Chancellor and Vice-Chancellor of the University;  
Chairman of the Human Resources Committee of Council;  
Three Members of Council, from which three or more Members who are in no way connected with the case are to be selected by the Pro-Chancellor.

The function of the Disciplinary Appeals Committee shall be the hearing and deciding of appeals by University employees (normally on Grades 1-5), against proposed disciplinary action.

## **Procedure for the Disciplinary Appeals Panel for the hearing of appeals (normally Staff on Grades 1-5) against Dismissal or other Serious Disciplinary Actions**

1. Human Resources shall be responsible for convening meetings of the Appeals Committee.
2. The employee shall be given notice in writing by Human Resources at least seven calendar days in advance of the time and place of the hearing, together with a written statement of the allegation made against them and shall be permitted to be accompanied by his/her Trade Union representative, and shall be enabled to call witnesses and produce documents relevant to his/her defence at the hearing.
3. The Vice Chancellor shall arrange for the University's case to be presented in the presence of the appellant, and his/her representative and may call witnesses.
4. The appellant (or his/her representative) shall have the opportunity to ask questions of the University's representative on the evidence given by him/her and any witnesses whom he/she may call.
5. The Committee may ask questions of the University's representative and witnesses.
6. The appellant (or his/her representative) shall put his/her case in the presence of the University's representative, and shall call such witnesses as he/she wishes.
7. The University's representative shall have the opportunity to ask questions of the appellant and his/her witnesses.
8. The Committee shall ask questions of the appellant and his/her witnesses.
9. The University's representative and the appellant (or his/her representative) shall have an opportunity to sum up their case if they so wish.
10. The University's representative and the appellant and his/her representative and witness shall withdraw.
11. The Committee shall deliberate in private, only recalling the University representative and the appellant to clear points of uncertainty or evidence already given. If recall is necessary, both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.
12. The Committee shall announce the decision to the parties personally and subsequently in writing within three working days of the hearing.

Staff attending disciplinary hearings and appeals shall be reimbursed for out-of-pocket expenses and shall continue to be paid normal salary.