

# Disciplinary Procedure

## PART 1: INTRODUCTION, APPLICATION AND GENERAL PROVISIONS

### Purpose

1. The aims of this procedure are:
  - (i) to encourage improvements in the conduct or performance of staff and to this end the procedure should not be seen primarily as a means of imposing formal disciplinary sanctions;
  - (ii) to protect the interests of staff, so that in cases where disciplinary action is appropriate it should be considered and applied fairly and consistently;
  - (iii) to ensure that a member of staff will not be dismissed for a first disciplinary offence, unless it is a case of gross misconduct, in which case the misconduct is deemed sufficiently serious to destroy the employment contract and to make any further working relationship untenable. In such cases summary dismissal may be justifiable i.e. without the normal period of notice or payment in lieu of notice.

### Scope

2. This procedure applies to all employees of the University, except Staff within the Operations and Facilities Job Family, who have successfully completed any probationary period of employment. The conditions and mechanisms of any contractual probationary period will supersede this process, where they apply.
3. Where a summary of the Disciplinary Procedure appears in Conditions of Employment it is not intended to be a comprehensive statement or to cover all the circumstances that can arise. Employees are therefore referred to this Disciplinary Procedure. This procedure has been agreed by the recognised trade unions (at present UCU/Unison and Unite) under the Collective Bargaining process as described in the Recognition Agreements and Trade Union & Labour Relations (Consolidation) Act 1992 s178.
4. No member of staff shall be subject to a disciplinary sanction as a result of appropriately exercising their right to academic freedom, as defined within the University statutes.
5. The provisions of this procedure in relation to dismissal do not apply where dismissal arises out of:
  - the expiry of a fixed-term contract of employment;
  - the termination of casual or temporary contracts of employment;
  - redundancy;
  - the termination of a probationary contract under the rules of the relevant probation arrangements;
  - the termination of a training grade contract when failure to obtain the qualification required for transfer to a substantive grade occurs;
  - incapacity due to long term or chronic ill health.

### **Disciplinary Procedure Relating to the Dignity Policy**

6. Any case of alleged harassment will initially be dealt with under the University's Dignity Policy.

### **University Drug and Alcohol Policy**

7. In cases where the alleged failings in the conduct or performance of an employee are disclosed by that individual to be a result of an alcohol or drug related problem, the matter will initially be dealt with under the University's Drug and Alcohol Policy. Where the guidance and support provided by the Drug and Alcohol Policy do not result in the required improvements the matter will then be dealt with in accordance with Part 3 of this procedure.

### **Grievances raised during disciplinary proceedings**

8. If an employee raises a grievance during the disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary case are related it may be appropriate to deal with both issues concurrently. The application of this procedure may be modified as deemed appropriate by the Director of Human Resources to facilitate this. The purpose of this paragraph is to assist all parties by allowing both the substantive issues and any complaint or grievance from the employee to be considered expeditiously, avoiding multiplicity of procedures and associated delay.

### **Disciplinary action against a trade union representative or safety representative**

9. Where disciplinary action is being considered against an employee who is a trade union representative (or safety representative) the normal disciplinary procedure applies. However, the matter will be discussed at an early stage with a full-time official of the union concerned, after obtaining the individual's consent. Where misconduct is alleged against a trade union representative or safety representative, the Human Resources Department must be consulted and will discuss the case with the relevant trade union representative, and advise the manager as to when s/he can proceed with the planned disciplinary hearing.

### **Police Enquiries**

10. Where an employee is subject to an investigation by the police for alleged criminal offences (other than minor motoring offences except where a clean driving licence is a requirement of the job), the University is entitled to pursue its own or complementary confidential enquiries, but these will not hinder the police enquiry. Investigation and disciplinary action under this procedure will not necessarily await or be dependent upon the outcome of police enquiries or legal proceedings. Each such case will be considered on its individual merits without necessarily setting precedents. Where during the course of an investigation under this Disciplinary Procedure alleged criminal offences are suspected the matter will be referred to the Police by the Registrar.

### **Human Resources Department**

11. The role of Human Resources is solely to provide advice and assistance on the use of the Informal and Formal Disciplinary Procedure and to ensure that the principles of natural justice and equity are adhered to.
12. The manager seeking to instigate a formal disciplinary process must consult with the Human Resources Department prior to a hearing being held under the Formal Disciplinary Procedure. A member of the Human Resources department will be present at the hearing.

### **Right to be accompanied**

13. At all stages of the disciplinary procedure employees may wish to seek advice from their unions or companions. The employee may be accompanied at all stages of the Formal Disciplinary Procedure, including any investigation meeting, by a Trade Union representative or official (certified by the

relevant trade union to act in the capacity of 'companion' under Section 10 (3) of the Employment Relations Act 1999) or a work colleague of his or her choice.

14. The chosen companion will be allowed to address the hearing or meeting in order to put the employee's case, sum up the employee's case, and respond on behalf of the employee to any view expressed at the meeting. The companion does not have a right to answer questions on the employee's behalf.
15. Members of staff are requested to give notice of the name and relevant details of any companion to the Human Resources representative responsible for the case at least three working days prior to the meeting, so that relevant details can be forwarded to this individual. Where such notice is not given, it is the employee's responsibility to notify his/her representative of the arrangements for the meeting, and to ensure that s/he has all of the relevant paperwork.
16. If the chosen companion cannot attend on the date proposed (and a suitable alternative companion cannot be found) an alternative date will be arranged. All parties will make every reasonable effort to make themselves available for the meeting at the earliest date possible and make attendance at the meeting their highest priority. The new date should be, wherever possible, within 5 working days of the original date proposed.
17. If the employee is disabled, it may be appropriate to allow him/her to be accompanied by a suitable person because of his/her disability, in addition to any chosen companion.
18. If the employee's first language is not English, it may be appropriate to allow him/her to be accompanied by someone who can provide support with communication in English, in addition to any chosen companion.

#### **Data Protection Act**

19. All written documentation in relation to any part of this procedure should be considered within the Universities Code relating to Data Protection.
20. Information that is not current or relevant should not be held on a line-manager's file.

#### **PART 2: INFORMAL DISCIPLINARY PROCEDURE**

21. Cases of minor misconduct are usually best dealt with by a manager informally, and without delay. The manager should speak to the employee in private, and advise him/her of the problem and what is required of the employee to rectify it. The disciplinary procedure should only be used where informal action has failed or the misconduct is considered sufficiently serious to warrant formal action.
22. For issues of poor conduct or performance, which are of a minor nature, the immediate line manager or supervisor may give informal advice or guidance to the employee concerned. This is not action under the formal disciplinary procedure and will normally be dealt with in an informal interview on a one to one basis.
23. Managers are encouraged to consider the benefits of informal advice or guidance to staff to improve their conduct or performance where necessary. In the first instance it will not normally be necessary to retain a note, but where a note is kept the employee should be informed of its existence and content, and it must be kept in accordance with the principles of the Data Protection Act.

## **PART 3: FORMAL DISCIPLINARY PROCEDURE**

### **Allegations**

24. Where there are allegations of misconduct which are not minor, or a position of consistent failure to perform to the required standard or where there are persistent aspects of misconduct which have not responded to informal advice or counselling, these allegations of misconduct should be referred to the appropriate line manager/the Head of Department/School for initial consideration.
25. Where the manager is able to conclude that there is no substance to the allegations, no formal action will be taken. In all other cases, the manager will consult with the Human Resources Department and make arrangements to investigate the case. Suspension may be considered, in line with paragraph 26.

### **Suspension**

26. A senior member of the Department/School acting on behalf of the Head of Department/School may suspend from duty, with pay, any employee to whom this procedure applies, for alleged gross misconduct or other good and urgent cause. Where suspension takes place it should be without undue delay. Such suspension is a serious act but does not constitute disciplinary action and shall be without prejudice to the outcome of the proceedings. Examples of circumstances in which suspension may be necessary are where:
  - the allegation may constitute gross misconduct;
  - the employee's presence at work may hinder the investigation;
  - there are health and safety concerns or other risks about the continued presence of the employee at work, e.g. risks to University property or to other individuals or the individual him/herself.
27. Written notification of the suspension will be provided setting out the grounds on which the decision to suspend has taken place. The Director of Human Resources or nominee should be informed of any suspension as soon as possible and, where practicable, should be consulted prior to suspension being decided upon.
28. Employees who are suspended may not for the period of suspension enter any building or premises occupied by the University or contact any member of staff without the express permission of the Director of HR or nominated deputy. Permission to enter the premises in order to contact or consult their companion will not be unreasonably withheld.
29. All suspensions will be subject to review every three weeks while the suspension remains in force.

### **Investigation**

30. Before any disciplinary hearing is convened, there will be an investigation into the circumstances undertaken by an appropriate manager/investigating officer, in liaison with a member of the Human Resources Department. The investigation process will consider the facts of the allegations, interview all relevant people and present a report of the findings.
31. The investigation process will depend on the nature of the alleged misconduct, the initial evidence against the employee, and whether the individual has admitted to the misconduct. In cases where the facts are very clear and not in dispute, the investigation will be very short and it may be appropriate for it to be undertaken by the manager who receives the allegations.
32. Where a more detailed investigation is required, the manager should appoint an investigating officer to conduct the investigation and provide the manager with a report. The investigating officer should normally be someone who does not work closely with either the individual under investigation, the individual(s) making the complaint (if appropriate), or the manager, and should not have had any previous involvement in the case. The investigating officer will receive advice and guidance from a

member of Human Resources. If the employee under investigation believes that the investigating officer is not appropriate (i.e. that they do normally work closely with the individual, manager or complainant or has had previous involvement in the case) they must raise this with the member of Human Resources in writing at the earliest opportunity and where possible prior to any investigatory interview having taken place. The Director of Human Resources will decide upon the appropriate course of action.

33. An employee who is the subject of an investigation will be informed as soon as is practicable and appropriate that the investigation is going to take place and why. This information will be confirmed in writing as soon as possible. The investigation will be concluded as quickly as possible.
34. An employee who is the subject of an investigation will normally be required to attend an investigatory interview. Normally 5 days' notice will be given of the interview. However, in situations where time is of the essence to establish the facts of a particular incident, this may be reduced, so that the employee will receive at least one working day's notice of the initial interview. This will not be a disciplinary hearing, but will be part of the process for assessing whether disciplinary action is warranted. Although there is no statutory right to be accompanied at this interview, a request to be accompanied in line with the provisions under paragraph 13 of this procedure will not be unreasonably refused. The employee should inform the investigating officer of any witnesses that s/he feels are relevant to the case.
35. The investigating officer will normally be accompanied by a member of Human Resources who will take a formal note of the interview (this will be a summary rather than verbatim notes). This note should be agreed, signed and dated by the employee and included as an appendix to the investigation report. Where agreement cannot be reached, the individual should be invited to give reasons for his/her disagreement, and this should be reflected in the investigation report.
36. The investigating officer will obtain signed witness statements at the earliest opportunity where witnesses have been identified by: the investigating officer; the person under investigation or the person(s) making the allegations. In addition to or as an alternative to obtaining a witness statement, the investigating officer should interview relevant witnesses as part of the investigation. The investigating officer will normally be accompanied by a member of Human Resources or another colleague who will take a formal note of the interview (this will be a summary rather than verbatim notes). This note should be signed and dated by the witness and included as an appendix to the investigation report, together with any witness statements. Any disagreement about the interview note should be reflected in the investigation report.
37. Witnesses will be informed that their statements and interview notes may be used in the disciplinary hearing, in which case they would normally be made available to the employee under investigation. In extreme situations, for example, serious allegations of harassment or violence, witnesses will be offered the opportunity to provide evidence in a protected environment. This shall be arranged by Human Resources in such a way as to balance the need to give vulnerable individuals confidence to provide information to the investigation and the right to natural justice and a fair process for all parties.
38. Following the investigation, the investigating officer will assess the case and recommend any further action to the manager/Head of Department/School who initiated the investigation. Possible outcomes to the investigation are:
  - i. to resolve the issue without the need to take further action - a letter confirming that there is considered to be no case to answer will be sent to the individual who has been the subject of the investigation;
  - ii. to arrange advice, support and/or training in an attempt to resolve the problem without recourse to the disciplinary procedure;
  - iii. to arrange a disciplinary hearing without undue delay.

Employees should be advised of the outcome as soon as is practicable.

### **Convening a disciplinary hearing**

39. Where a decision is taken by the manager/Head of Department/School to proceed to a disciplinary hearing the employee will receive, at least 5 working days in advance of the hearing, written notification of: the reason for the hearing; the date, time and venue of the hearing and a reminder of his/her right to be accompanied. Two copies of the investigating officer's report, any other relevant documents and these procedures will be attached to the letter. The letter will give notice of any witnesses that are to be called to give evidence in support of the complaint at the hearing. If the employee is unable to attend at the stated time, they must communicate this as soon as possible to the person arranging the hearing, stating their reasons. Where it is reasonable to do so, an alternative date will be provided.
40. The employee shall provide the names of their companion and any witnesses they wish to call at least three working days before the hearing, and any additional documentation they wish to be considered at the hearing. In very exceptional scenarios the Disciplinary Manager may reasonably determine that certain witnesses may not be called (either by the employee or the University) where to do so would not materially add to the evidence and to allow the witness would prevent the timely or appropriate conduct of the Hearing.
41. Should the employee wish to be accompanied or to call witnesses, it will be his/her responsibility to provide his companion and any witnesses with all the appropriate details, including the date, time and location of the hearing, as well as the details and documentation related to his/her case.

### **Postponing the hearing**

42. Notwithstanding paragraph 39, an alternative date will be arranged where an employee requests that the hearing is postponed due to circumstances outside his/her control and not foreseeable at the time the details of the hearing were communicated to the employee. Where a postponement is agreed, this should be confirmed in writing with the new date for the hearing. Any further request for postponement may be refused unless there are exceptional circumstances.
43. If the employee is absent due to sickness prior to the hearing, the individual may be required to see the University's Occupational Health Adviser to assess his/her fitness to attend a hearing, and to give advice on any special requirements or adjustments for the hearing. Human Resources will make the necessary arrangements.
44. It is possible to proceed with the hearing in the absence of the employee (for example, where the employee is remanded in custody, on long-term sick leave). A hearing in absence will only be used in extreme circumstances and normally following more than one postponement, in which case all details that will be considered at the hearing should be made available to the employee in advance of the hearing, and the individual should be invited to make a written submission. Alternatively, the hearing may be conducted with a representative nominated by the employee, after careful consideration and the full agreement of the employee and his/her chosen representative.

### **Disciplinary Hearing**

45. The Hearing will be convened as per Appendix 2 of this procedure.
46. The Hearing will be attended by the employee and his or her companion, and the investigating officer, who shall be the parties to the proceedings. A member of the Human Resources Department will also be present.
47. As an introduction to the hearing, the Disciplinary Manager will:
  - i. introduce everyone present at the hearing
  - ii. confirm that the hearing represents a formal disciplinary hearing in line with the university's disciplinary procedure and check that those present are familiar with this document;

- iii. confirm that the details of the discussion should remain confidential between those present until a decision is made;
- iv. explain the nature of the alleged breach of discipline and make sure that the employee understands the complaints(s) made against him/her;
- v. explain that the investigating officer will be present throughout the hearing, and additional individuals will be called into the hearing as required;
- vi. offer the employee the opportunity to request reasonable time to confer with his/her representative at any time during the hearing.

48. The procedure for the hearing shall be as follows:

- i. the investigating officer shall present the case against the employee, by reference to the investigation report and by calling witnesses as relevant;
- ii. the employee and/or his or her companion will be given an opportunity to reply to the allegations, to call witnesses if desired, and to make a statement of mitigation where appropriate;
- iii. a witness may be asked questions by the Disciplinary Manager or by either party to the proceedings. The witness will withdraw at the conclusion of the questioning;
- iv. the Disciplinary Manager may ask questions of any party;
- v. before concluding the Hearing the employee and/or his or her companion and the investigating manager will be given the opportunity to offer a summarising statement or final comments;
- vi. at any stage of the proceedings, either party may request an adjournment to confer, or to seek further information, which the Disciplinary Manager will not unreasonably refuse. Having heard the evidence of both parties the Disciplinary Manager will ask the parties to withdraw. The Disciplinary Manager will make findings of a reasonable belief of the facts of the case and will decide what disciplinary action, if any, will be taken in the light of those findings, having regard to the sanctions specified in paragraphs [51-56].

49. Any decision which is given on the day of the hearing will be confirmed in writing within five working days, with a copy sent to the employee's representative. Where it is not possible to make a decision on the same day as the hearing, this fact will be confirmed in writing to the employee within 2 working days of the hearing and will confirm the date by which the decision will be made. Normally this will be within 10 working days of the hearing, but if for any reason it is not possible to communicate the decision within the stated timescale, the Disciplinary manager will write as soon as possible to the employee to inform them of this and giving the reason for the delay. Where a sanction has been applied, the letter detailing the outcome will include the right to appeal.

#### **Disciplinary action - sanctions**

50. When a decision has been made to take disciplinary action the Disciplinary Manager will take into account all the relevant circumstances including the employee's previous record, position, general performance, awareness of the standards required, and any mitigating circumstances. Sanctions available are:

51. **Formal Oral Warning** - normally used in the first instance for breaches of the University's Disciplinary Rules (see Appendix 1 below) or similar offences which are deemed more serious than those for which the informal procedure is appropriate, or for poor performance. A record will be kept on the employee's personal file for a maximum period of 26 weeks. The employee will be informed by the HR Department when the record is removed from the employee's personal file.

52. **Formal Written Warning** - normally used either for repeated or subsequent minor breaches of the University's Disciplinary Rules or for similar offences, or for poor performance deemed to require action in excess of a Formal Oral Warning, or in first instances of more serious offences. A record will be kept on the employee's personal file for a maximum period of 52 weeks. The employee will be informed by the HR Department when the record is removed from the employee's personal file.
53. **Formal Final Written Warning** - normally used when a Written Warning has not resulted in the required standard of conduct or performance being achieved or maintained, or in serious cases where a Formal Oral Warning or Formal Written Warning would be inappropriate but the offence does not warrant dismissal. A Formal Final Written Warning will remain on the record for 104 weeks, and will clearly state that any continued failure to improve performance or a further act of misconduct may result in dismissal. The employee will be informed by the HR Department when the record is removed from the employee's personal file.
54. **Dismissal** - normally used in sequence to Formal Warnings, or may be appropriate in the first instance of an offence amounting to gross misconduct. If at the conclusion of the Hearing a decision is reached that the matter constitutes gross misconduct, whether or not a previous warning has been given, the normal penalty (in the absence of special or substantive mitigating circumstances which justify the application of a lesser penalty) will be summary dismissal with immediate effect, without prior notice or payment in lieu of that period. In cases of dismissal other than for gross misconduct (including dismissal on the grounds of performance or capability) the employee will be entitled to the period of notice, or payment in lieu of that period specified in his/her contract of employment.
55. **Supplementary Disciplinary Sanctions** - In conjunction with any Formal Warning the Disciplinary Manager may impose supplementary sanctions which may include the withholding of a salary increment, a period of disciplinary suspension from duties with loss of pay, a period of non-entitlement to the University Sick Pay Scheme where appropriate, transfer to another department/post/grade with or without loss of earnings.

## Appeals

56. An employee who does not agree with the outcome of a disciplinary procedure, to which they have been subject, shall have a right of appeal. Appeals will be heard as per Appendix 2 of this procedure.
- The appeal decision will be final.
57. An appeal is not a re-hearing of the case, but is a mechanism to address procedural irregularity in the previous stages of the case. Procedural irregularity includes, but is not necessarily limited to:
1. A failure to follow procedure which thereby led to an unjust outcome.
  2. The imposition of an inappropriate penalty considering the facts of the misconduct and mitigating circumstances.
  3. A perverse finding by the disciplinary manager, taking into consideration the totality of the evidence and the manager's normal discretion to make a reasonable decision based on the balance of probabilities.
  4. Where new, significant, relevant evidence has come to light, which could not have been presented at the Hearing, this may form the basis or part of the basis of an appeal.
58. In light of 58 above, witnesses other than the Appellant and the Disciplinary manager will not normally be called. If the Appellant wishes to propose that evidence is heard at the appeal hearing from any person other than the Appellant themselves and the Disciplinary Manager, they should name such proposed witnesses in their grounds of appeal and explain, by reference to the ground of appeal, why their evidence is required.
59. The Human Resources Department will arrange for an Appeal Hearing to take place, normally within four weeks or as soon as possible thereafter.
60. The Human Resources Department will request the Appellant to submit a written statement of the full reasons for the appeal, together with statements of any possible witnesses to be called by the Appellant, any relevant documents or records, any new evidence to be presented, together with any



mitigating circumstances, which must be received at least five working days prior to the Appeal Hearing.

61. The Human Resources Department will arrange for an Appeal Hearing to take place, normally within four weeks or as soon as possible thereafter. Where an Appellant requests that the hearing is postponed due to circumstances outside their control and not foreseeable at the time the hearing was arranged, an alternative date will be arranged. Where a postponement is agreed, this should be confirmed in writing with the new date for the hearing. Any further request for postponement may be refused unless there are exceptional circumstances.
62. The Human Resources Department will circulate the submitted cases to the Registrar (or nominee), PVC or Appeal Panel as appropriate and to both parties before the Appeal Hearing at least 3 days prior to the hearing.
63. A member of the Human Resources Department will be present throughout the Appeal Hearing.

### **Conduct of the Appeal Hearing**

64. The Appeal will be heard by the relevant party under Appendix 2, in accordance with the procedure set out below, with appropriate adjustment.
65. The University's representative will normally be the Disciplinary Manager.
66. The Appellant, their companion and the University representative will attend at the start of the meeting.
67. The Chair (where applicable) will introduce Panel members, the Appellant, the Appellant's companion and the University's representative, and explain the background to the case. The Chair will draw the attention of members to the written documentation.

The Appeal Chair will:

- i. introduce everyone present at the hearing
  - ii. confirm that the hearing represents a formal appeal in line with the university's disciplinary procedure and check that those present are familiar with this document;
  - iii. confirm that the details of the discussion should remain confidential between those present until a decision is made;
  - iv. explain the order of the proceedings;
  - v. offer the Appellant the opportunity to request reasonable time to confer with his/her representative at any time during the hearing.
68. The Chair will invite the Appellant's companion to present the Appellant's grounds of appeal. If new evidence is being relied upon, and/or witnesses, the Appellant/or companion, will present the new evidence and/or call witnesses.
69. Only one witness may appear before the Panel at any one time. Witnesses may make a statement, and may be questioned by the University's representative, by members of the Panel, and by the Appellant or Appellant's companion. The witness will withdraw at the conclusion of the questioning.
70. The Chair will invite the University's representative to respond to the grounds of appeal. Witnesses may be called with permission of the Chair and questioned by the University's representative, the Appellant and his/her companion and by members of the Panel. The witness will withdraw at the conclusion of the questioning.
71. The Chair will invite the Appellant to make a brief response and sum up his/her case and will then ask the Appellant's companion to sum up on response.
72. The Chair will ensure that members of the Panel have no further questions, before asking the Appellant, their companion and the University's representative to withdraw.

73. The Panel will discuss the case in private, and reach a decision of a reasonable belief of the facts of the appeal and will decide what action, if any, will be taken as permitted under the policy.
74. The Chair will convey the Panel's decision verbally, and this will be confirmed in writing.
75. The appeal decision is final.

### **Appeal Decision**

76. The Appeal Manager or Appeal Panel must uphold or dismiss the disciplinary sanction, or substitute a less serious sanction and give the reason for their decision. Where an appeal against a disciplinary warning is upheld, and a lesser disciplinary warning issued, this will be confirmed to the employee in writing and a copy placed on the personal file.
77. Employees appealing against dismissal will not be paid pending or during this appeal. When an appeal against dismissal has been unequivocally allowed, the employee's pay and service will be restored so that there is no break in them.

### **Procedure Agreement**

78. This procedure has been agreed by UCU and Unite (as recognised trade unions) under the Collective Bargaining process as described in the Recognition Agreements and Trade Union and Labour Relations (Consolidation) Act 1992 s178.

## **APPENDIX 1**

### **DISCIPLINARY RULES**

#### **General Disciplinary Rules**

1. These general Disciplinary Rules cannot cover all circumstances or be exhaustive or exclusive, but together with further rules found within individual departments and on University Notice Boards provide guidance on the standard of conduct and performance required. Breaches of general Disciplinary Rules are likely to lead to disciplinary action.
2. All staff are expected to:
  - (i) meet acceptable standards of work performance either or both in terms of quality and/or quantity, and acceptable standards of professional competence;
  - (ii) attend work on a regular and continuous basis including maintaining good time-keeping in accordance with their contract of employment;
  - (iii) comply with Health and Safety at Work Rules and Regulations including both University and Departmental Safety Rules, and the Health and Safety Executive Reporting of Injuries, Diseases and Dangerous Occurrences Regulations;
  - (iv) comply with the University's Equal Opportunities and Dignity Policies and practices;
  - (v) comply with the University's Financial Regulations;
  - (vi) comply with the University's rules on reporting sickness absence as set out in the Conditions of Employment;
  - (vii) comply with all reasonable instructions given with proper authority;
  - (viii) report to the Head of Department/School police investigations and convictions for criminal offences other than minor motoring offences, except where a clean driving license is a requirement of the job.

#### **Breaches of Disciplinary Rules Amounting to Gross Misconduct**

79. It is not possible to define each and every instance of behaviour, which might be classed as gross misconduct. The following list, which is not exhaustive or exclusive, sets out examples which are likely to be regarded as gross misconduct:
  - (i) any act of theft or attempted theft from the University, fellow employees, students or any person on University property or premises;
  - (ii) unauthorised use of University property or facilities for private purposes or personal gain;
  - (iii) any deliberate attempt to defraud the University, including abuse of official time or false claims for payment whether in the form of pay, expenses or any benefit derived under Conditions of Employment;
  - (iv) any physical aggression or assault whilst on duty, whether or not this takes place on University property or premises;
  - (v) grossly anti-social behaviour, using foul or abusive language or indecent acts;
  - (vi) negligence or any deliberate act which causes or could cause a substantial safety hazard;

- (vii) malicious, deliberate or reckless damage to University property or premises or to property of members of staff or others on University premises;
- (viii) deliberate or wilful disregard of reasonable instructions given with proper authority;
- (ix) being unfit to work whilst on duty through abuse of alcohol or illegal drugs;
- (x) being in possession of or supplying illegal drugs whilst at work;
- (xi) breaching confidentiality of information gained, whether directly or indirectly in the course of University employment, except where this has otherwise come into the public domain;
- (xii) discrimination or harassment at work;
- (xiii) breaching any Professional Codes of Conduct or statutory requirements, taking into account the agreement on Academic Freedom.

## APPENDIX 2

### Illustrative levels of authority to take disciplinary action

The following table is illustrative and not exhaustive. The principles are that the manager where sufficiently senior can deal with disciplinary action, up to and including dismissal. The principles of independence and having not previously been involved in the case or managing others involved in the case should apply.

<b>Level of disciplinary action</b>	<b>R&amp;T</b>	<b>Other Job Families</b>
Suspension  <b>Note:</b> The Director of Human Resources or nominee should, where practicable, be consulted prior to suspension being decided upon and must be informed of any suspension as soon as possible	PVC with oversight for faculties	A senior member of Department/School acting on behalf of Head of Department/School
Formal oral warning	Head of School	Head of School/Department/Section or nominee, who will be a senior member of the Department/Section, directly responsible to the Head of Department/Section
Formal written warning	Dean	Head of School/Department/Section or nominee, who will be a senior member of the Department/Section, directly responsible to the Head of Department/Section
For matters of gross misconduct, for which a final written warning or dismissal may be appropriate	Pro-Vice-Chancellor  <b>Note:</b> Where, in the opinion of the Disciplinary Manager, the employee warrants dismissal, <b>the Disciplinary Manager will make a formal recommendation to the Vice-Chancellor</b> , who will make the final decision as to whether the dismissal or a lesser sanction will be imposed	Head of School/Department
Appeals: Formal Oral Warning  Formal Written Warning  Final Written Warning or Dismissal	Dean  Pro-Vice-Chancellor  Appeal Panel*	Registrar  Registrar  Appeal Panel*

\*The Appeal Panel will be nominated by the Registrar and consist of:

- The Chair, who will be a professorial member of staff from a different Department to that of the Appellant
- A lay member of Council
- A third member, who will be selected from staff of professorial status from a different Department to that of the Chairperson and the Appellant.