

Disciplinary Procedure for Senior Staff

1. **Introduction**

1.1 This procedure applies to Senior Staff. Senior Staff includes:

1.1.1 the Vice-Chancellor and Chief Executive and any other Senior Post-Holders so designated by the Board of Governors (“Senior Post-Holders”); and

1.1.2 Senior Employees who are non-senior post-holders and are not within the Academic or Professional Services bargaining units (“Senior Employees”).

1.2 It is subject to the university’s Instrument and Articles of Government from time to time. Where there is any inconsistency between this procedure and the Articles, the Articles take precedence.

1.3 For the purpose of this policy the Clerk to the Board of Governors is also to be treated as a Senior Post-Holder. In circumstances where the Clerk is unavailable, the Board of Governors shall appoint an appropriate person to fulfil the tasks assigned to the Clerk to the Board of Governors under this procedure.

1.4 The purpose of the procedure is:

1.4.1 To set out the disciplinary framework for Senior Staff.

1.4.2 To help and encourage Senior Staff to achieve and maintain acceptable standards of conduct or performance.

1.4.3 To ensure that fair, consistent and reasonable action is taken where acceptable standards of conduct or performance are not maintained.

2. **General principles**

2.1 Every effort will be made to avoid the use of disciplinary action where alternatives are appropriate. This may include training, counselling or the use of alternative procedures eg existing performance capability procedures where performance concerns have been identified.

2.2 No disciplinary action shall be taken until the matter has been fully investigated.

2.3 Senior Staff members have the right to be accompanied by a representative of a trade union or colleague at formal disciplinary meetings. The companion should be allowed to address the meeting to put and sum up the case on behalf of the Senior Staff member, respond on his or her behalf to any views expressed at the meeting and confer with the Senior Staff member during the meeting. The companion does not, however, have the right to answer questions on the Senior Staff member’s behalf, address the meeting if the Senior Staff member does not wish it or prevent the university representative from explaining their case.

- 2.4 In the interest of ensuring that disciplinary matters are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for guidance. If it is not practicable to adhere to these time limits, they may be amended. The Senior Staff member will be kept informed of any changes to such time limits.
- 2.5 Senior Staff members will be provided with copies of any written evidence and any relevant witness statements in advance of a formal disciplinary meeting.
- 2.6 Normally, the formal disciplinary procedure will be followed in the order of the stages set out in Section 7 below. However, the university reserves the right to implement the procedure at any stage if the allegation is of a nature serious enough to warrant it.
- 2.7 At every stage of the procedure, the Senior Staff member will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- 2.8 No Senior Staff member will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty may be summary dismissal without notice.
- 2.9 A Senior Staff member will have the right to appeal against any formal disciplinary action.
- 2.10 Records will be kept of all meetings and correspondence.
- 2.11 Disciplinary matters will be dealt with sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with any part of this procedure.

3. **Informal procedure**

- 3.1 If appropriate, for example in cases of minor misconduct, reasonable effort will be made to resolve matters by informal discussions with the Senior Staff member. This will be dealt with by the Vice-Chancellor or his nominee or, in the case of the Vice-Chancellor, by the Chairman of the Board of Governors, or in his or her absence the Deputy Chairman of the Board of Governors.
- 3.2 If, despite informal discussions (or if informal discussions are not appropriate), the Senior Staff member's conduct or performance does not meet acceptable standards, the formal procedure below may be followed.

4. **Investigations**

- 4.1 No disciplinary action will be taken against a Senior Staff member until the matter has been fully investigated by an individual nominated by the Chairman, Deputy Chairman or Vice-Chancellor as may be appropriate. The investigating officer may be another Senior Staff member including the Vice-Chancellor, a member or members of the Board of

Governors or an independent external investigator.

- 4.2 Depending on the circumstances of the allegations, it may not always be necessary to conduct an investigation meeting with the Senior Staff member. An investigation meeting is not a formal disciplinary meeting. If an investigation meeting is held, the Senior Staff member will be given advance warning and reasonable time to prepare.

5. **Suspension**

- 5.1 There may be circumstances during an investigation where suspension from duty pending the holding of a formal disciplinary meeting may be appropriate.
- 5.2 The decision to suspend may be exercised by the Chairman or Deputy Chairman, or by the Vice-Chancellor in respect of Senior Post Holders or, in the case of Senior Employees, by the Vice-Chancellor or a senior member of management to whom the power has been delegated. Suspension shall be reported to the Board within 2 working days or as soon thereafter as practicable.
- 5.3 Suspension should only be imposed after careful consideration and it should be made clear to the Senior Staff member that it is not considered a disciplinary act.
- 5.4 Where a decision is made to suspend a Senior Staff member from duty, the Senior Staff member shall without unreasonable delay be provided by the suspending manager with written notification of:
- 5.4.1 the suspension; and
 - 5.4.2 the reasons for the suspension.
- 5.5 A period of suspension pending a disciplinary meeting should be kept as brief as possible and will be kept under regular review.
- 5.6 A Senior Staff member who is suspended from duty shall, throughout the period of suspension, continue to be entitled to his/her full pay.
- 5.7 A Senior Staff member who has been under suspension for 3 weeks or more may appeal to the Board of Governors by writing to the Clerk save where the Senior Staff member has been notified that the case for possible dismissal has been referred for investigation or hearing. Any such appeal will be considered on paper by a designated member of the board.

6. **Formal procedure**

- 6.1 If, upon completion of an investigation, there are reasonable grounds to believe that a Senior Staff member has committed an act of misconduct or that performance is not meeting required standards, the Chairman or Deputy Chairman, Vice-Chancellor or Senior

member of management as is appropriate will invite the Senior Staff member to attend a disciplinary meeting. The Senior Staff member will be advised in writing 5 working days before the meeting of the nature of the alleged misconduct or performance issue, the possible consequences of the meeting (including dismissal if that is a possible outcome of the meeting) and be provided with any relevant papers (such as written evidence and witness statements) to enable the Senior Staff member to prepare for the meeting. The written notification will detail the date and venue of the meeting and the Senior Staff member's right to be accompanied.

6.2 The disciplinary panel will normally be as follows:

6.2.1 In the case of the Vice-Chancellor:

6.2.1.1 The Board of Governors;

6.2.2 For all other Senior Post-Holders:

6.2.2.1 The Vice-Chancellor accompanied by a member of the HR team; or

6.2.2.2 where the Vice-Chancellor is unable to hear the case, a panel of not less than 2 people chaired by a member of the Board of Governors nominated by the Chair or Deputy Chair.

6.2.3 For all other Senior Employees:

6.2.3.1 The DVC, a PVC/Dean, the COO or another appropriate senior member of the management team in each case accompanied by a member of the HR team.

The disciplinary panel shall not include the investigating officer. Staff and student members of the Board of Governors may be excluded from any disciplinary panel. Where the power of dismissal has been delegated, the power will revert to the person or persons making the delegation where the person to whom the power has been delegated has been previously involved at an earlier stage of the procedure or otherwise has a conflict of interest.

6.3 If the Senior Staff member wishes to call relevant witnesses to the meeting, he/she should advise the Clerk to the Board of Governors of this in advance of the meeting. The Senior Staff member will be informed prior to the meeting if the disciplinary panel intends to call relevant witnesses.

6.4 Before the meeting takes place, the Senior Staff member should notify the Clerk to the Board of Governors if he or she is to be accompanied and provide the name and contact details of the companion. If the chosen companion of the Senior Staff member is unavailable on the date of the initial meeting, the Senior Staff member may delay the

date of that meeting once by up to five working days to enable the chosen companion to attend. The location and timing of any alternative meeting should be convenient to both the disciplinary panel and the Senior Staff member, but should not unduly delay the process. Reasonable requests by both parties for a postponement of the meeting will be considered.

- 6.5 At any disciplinary meeting, the Senior Staff member will be given an opportunity to state his or her case.
- 6.6 The individual who conducted the investigation may be required to attend the disciplinary meeting in order to present the findings of the investigation and any supporting material.
- 6.7 At the end of the meeting the Disciplinary Panel will adjourn to consider their decision. The outcome of the disciplinary meeting will be confirmed in writing to the Senior Staff member within 5 working days of the hearing. Where disciplinary action is the outcome, the Senior Staff member will be informed of the nature of the action and the right to appeal under this procedure.
- 6.8 If the Senior Staff member fails persistently, without good reason, to attend a disciplinary meeting the meeting may proceed, and a decision may be made, in his or her absence. In these circumstances the disciplinary panel may afford the Senior Staff member the opportunity to either submit written representations and/or be represented by a workplace colleague or trade union representative at the meeting.

7. **Disciplinary action**

7.1 **Stage 1: First written warning**

- 7.1.1 A first written warning will usually be given to the Senior Staff member by the disciplinary panel if the Senior Staff member commits an act of misconduct or his or her performance falls below the standard required.
- 7.1.2 The written warning will give details of the Senior Staff member's misconduct or poor performance, the improvement required and the time limit within which such improvement must be achieved (if appropriate). The warning will state that, if the Senior Staff member commits a further offence of misconduct or fails to improve performance during the period specified in the warning, action under Stage 2 will be considered. The written warning will also advise the Senior Staff member of the right of appeal in accordance with Section 9 below.
- 7.1.3 A copy of the written warning will be placed on the Senior Staff member's personnel file. The warning will be spent, and will be disregarded for disciplinary purposes after 12 months, subject to the Senior Staff member's conduct or

performance having been satisfactory throughout that period.

7.2 **Stage 2: Final written warning**

7.2.1 A final written warning will normally be given to the Senior Staff member if:

7.2.1.1 the Senior Staff member fails to comply with a first written warning given under Stage 1;

7.2.1.2 despite having been given, under Stage 1, a first written warning as the result of misconduct or poor performance, the Senior Staff member commits a further offence of misconduct or fails to meet with required performance standard; or

7.2.1.3 the Senior Staff member's misconduct or poor performance although not considered to be serious enough to justify summary dismissal, is sufficiently serious to warrant a final written warning.

7.2.2 The final written warning will give details of the Senior Staff member's misconduct or poor performance, the improvement required and the time limit within which such improvement must be achieved (if appropriate). The warning will state that, if the Senior Staff member commits a further offence of misconduct or fails to meet the required performance standard, during the period specified in the warning, his or her employment may be terminated. The final written warning will also advise the Senior Staff member of the right of appeal in accordance with Section 9 below.

7.2.3 A copy of the final written warning will be placed on the Senior Staff member's personnel file. The warning will be spent, and will be disregarded for disciplinary purposes after 12 months (although, in exceptional cases, the period may be longer), subject to the Senior Staff member's conduct or performance having been satisfactory throughout that period.

7.3 **Stage 3: Dismissal**

7.3.1 The Disciplinary Panel may, following a disciplinary meeting, give notice of dismissal to the Senior Staff member if:

7.3.1.1 the Senior Staff member fails to comply with a final written warning given under Stage 2; or

7.3.1.2 despite having been given, under Stage 2, a final written warning as the result of misconduct or poor performance, the Senior Staff member commits a further offence of misconduct or fails to meet the required performance standard.

7.3.2 The decision to dismiss will be communicated in writing to the Senior Staff member and will specify the reasons for dismissal and the date on which the employment will terminate. The communication must also notify the Senior Staff member of his/her right of appeal against the decision in accordance with Section 9 below.

7.3.3 Dismissal in these circumstances will normally be with notice.

8. **Gross misconduct / summary dismissal**

8.1 The Disciplinary Panel may summarily dismiss the Senior Staff member without notice if, on completion of an investigation and a disciplinary meeting, it is considered that the Senior Staff member has been guilty of gross misconduct.

8.2 The Disciplinary Panel shall, within 5 working days of the meeting, provide the Senior Staff member with a written statement of the alleged gross misconduct which has led to the dismissal and the reasons why the Disciplinary Panel considers that the Senior Staff member was guilty of such misconduct and notify the Senior Staff member of the right to appeal against the dismissal.

8.3 The following offences are examples of offences which are normally regarded as grounds for summary dismissal:

- Theft, fraud, unauthorised possession of, or use of property or facilities belonging to the university or to any employee, student or visitor.
- Threats or use of physical violence against any student or any other person.
- Serious, negligent or wilful damage to university property.
- Deliberate falsification of university registers, reports, accounts, expense claims, self-certification forms or other records.
- Violent, dangerous or intimidating conduct.
- Bribery or corruption.
- Refusal to carry out duties, reasonable instructions or to comply with university rules.
- Serious acts of insubordination.
- Being under the influence of alcohol, illegal drugs or other substances during working hours.
- Violation of the university's rules and procedures concerning health and safety at work.

- Harassment or discrimination against employees, students or members of the public on the grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age.
- Serious negligence or incompetence which causes loss, damage or injury.
- Irresponsible conduct of a type likely to endanger the health and safety of others.
- Serious disregard for the safety or wellbeing of any person during the course of university activities;
- Abuse of the university IT systems;
- Sexual misconduct during the course of university activities;
- Bringing the university into serious disrepute, and
- Conviction for a criminal offence that, in the university's opinion, may affect the university's reputation or its relationships with its staff, students or the public or otherwise affects the Senior Staff member's suitability to continue to work for the university.
- Serious breach of confidentiality (subject to the Public Interest Disclosure Act 1998).
- Misuse of e-mail, social media or of the internet (including downloading or transmission of material which is defamatory, offensive, obscene, malicious, discriminatory or protected copyright material) whether or not within normal working hours or over university IT systems.

The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure. Further information can also be found in the university's policies and procedures which are available on the [intranet](#).

9. **Appeal**

- 9.1 If the Senior Staff member wishes to appeal against the decision of a Disciplinary Hearing, he/she must write to the Clerk to the Board of Governors within 5 days of the date the outcome was communicated to him/her, stating the grounds for appeal.
- 9.2 The appeal will be heard by an appeal committee of the Board of Governors or the Vice-Chancellor (where the Vice-Chancellor has not previously made the decision to dismiss). Where the appeal is to a committee of the Board of Governors, it will not include any member of the Board of Governors who has been involved in the

disciplinary process in question so far or the Vice-Chancellor, staff or student members of the Board of Governors.

- 9.3 The appeal meeting will be held as soon as reasonably practicable after the notice to appeal has been received. The Senior Staff member will be given at least 5 working days notice of the meeting date to allow him or her to prepare for the meeting.
- 9.4 At the appeal meeting, the Senior Staff member will be given the opportunity to state his or her case and has the right to be accompanied by a representative of a trade union or fellow worker.
- 9.5 If the chosen companion of the Senior Staff member is unavailable on the date of the initial meeting, the Senior Staff member may delay the date of that meeting once by up to five working days to enable the chosen companion to attend. The location and timing of any alternative meeting should be convenient to both the appeal panel and the Senior Staff member, but should not unduly delay the process. Reasonable requests by both parties for a postponement of the meeting will be considered.
- 9.6 At the appeal, the disciplinary penalty imposed will be reviewed, but it cannot be increased. The appeal decision will be notified to the Senior Staff member and to the Board of Governors in writing without unreasonable delay following the appeal meeting. The appeal decision is final.
- 9.7 This section relating to Appeals does not apply to the Vice-Chancellor who will be subject to the requirements of the Instrument and Articles from time to time.