

Disciplinary Procedure

1.0 Introduction

- 1.1 This procedure applies to all members of staff employed by Staffordshire University (the “University”) other than “holders of senior posts” as determined from time to time by the Board of Governors in accordance with the University’s Articles and Instruments of Government.
- 1.2 The procedure has been adopted after consultation with the recognised Trade Unions, UCU and UNISON and informed by the recommendations from the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice.
- 1.3 The University may amend the policy from time to time subject to consultation with the recognised trades unions.
- 1.4 The purpose of the procedure is to help and encourage employees to achieve and maintain acceptable standards of conduct at work and to provide a framework to ensure consistent and fair treatment for all employees and to protect the interests of the University.
- 1.5 The University expects all staff to conduct themselves in a reasonable and responsible manner when undertaking their duties and responsibilities and also when involved in professional and social activities during the course of University business. The University has a Code of Conduct which states clearly standards of behaviour that are required by employees of the University. It is not possible to definitively categorise conduct which could result in disciplinary action being instigated, as each case needs to be judged within the context of the particular circumstances.

2.0 General Principles

- 2.1 Efforts will be made to avoid the use of disciplinary action where alternatives are appropriate. Issues of capability and competence will be dealt with through the University’s Performance Improvement Procedure. Before formal action is taken under these procedures, and where deemed appropriate by the relevant senior manager following consultation with Human Resources and Organisational Development (“HR & OD”), attempts should initially be made to resolve difficulties on an informal basis by discussing the situation with the employee. As discussions would take place on an informal basis, this early stage would not involve the presence of a union representative, workplace colleague and/or member of HR & OD.
- 2.2 An employee has the right to be accompanied by an accredited representative of a Trade Union or workplace colleague at any formal stage of this procedure. The trade union representative or workplace colleague may speak and confer with the employee during meetings/interviews under this procedure, but may not answer

questions on behalf of the employee. A member of HR & OD will be involved at each formal stage of the procedure, together with any other internal University specialist/technical expert if this would assist the University management in consideration of the issues. The composition of each panel is explained in the relevant section of the procedure.

- 2.3 In the interest of ensuring that disciplinary matters are resolved as speedily as possible indicative time limits are given for the various stages in this procedure. Where management is unable to meet the prescribed deadlines in terms of working days for responses detailed in this procedure, the employee shall be entitled to receive an explanation from management as to the reasons for the delay. Due regard will be given to the personal circumstances of all parties involved in the procedure.
- 2.4 Normal disciplinary standards of conduct will apply to employee Trade Union Officers, although no disciplinary action beyond the informal stage should be taken until the circumstances of the case have been notified to a Trade Union Regional Official.
- 2.5 Any manager contemplating the use of this procedure must seek advice from HR & OD at each stage in the process. Employees are also encouraged to seek procedural advice from HR & OD or their Trade Union at each stage of the process.
- 2.6 No Disciplinary Hearing will be initiated against an employee until the matter has been properly investigated.
- 2.7 No disciplinary penalty will be imposed without a Disciplinary Hearing. The University has the discretion to impose a disciplinary penalty which it considers appropriate. Other than in cases of gross misconduct or gross negligence, when the penalty may be dismissal without notice or payment in lieu of notice, no employee will be dismissed for a first offence.
- 2.8 The University has the right to begin disciplinary proceedings at any stage of this policy depending on the seriousness of the alleged offence.
- 2.9 An employee will have the right to Appeal against any disciplinary penalty imposed in accordance with Section 7.0.
- 2.10 Disciplinary penalties will not necessarily be issued at each of the stages set out in Section 6.0, but will be assessed according to the detail and seriousness of the offence. For example, there may be occasions when misconduct is considered to be serious enough to warrant only one written warning which will be a final written warning in line with Stage 3 of the procedure (further explained in Section 6.6 of this procedure).
- 2.11 Where appropriate and in accordance with any relevant statutory reporting regulations, the University will liaise with the appropriate relevant professional or regulatory body.

- 2.12 All correspondence relating to disciplinary matters will be treated as confidential and shall be held centrally by HR & OD, who shall also be responsible for ensuring the deletion of disciplinary warnings from records once expired. Further information on the duration of disciplinary penalties are outlined within Section 6.7 of this procedure. This will be in accordance with all relevant Data Protection legislation. It should be noted that, whilst the penalty remains current, appropriate members of management will be made aware of disciplinary matters, including new managers who may not have been involved in the original proceedings. In addition, formal current disciplinary records may be used as criteria for redundancy selection and may be referred to in employee references and documents relating to disciplinary proceedings which may be discoverable in court or tribunal cases. These examples are not intended to be exhaustive.

3.0 Informal Resolution

- 3.1 Before pursuing any formal disciplinary action, effort will be made by the line manager to resolve the matter by informal discussions with the employee, where appropriate.
- 3.2 Minor lapses from acceptable standards of conduct will usually be dealt with by the employee's line manager, highlighting the unacceptable standard of conduct and providing clear instruction on the improvements in conduct required immediately.
- 3.3 As part of this process the line manager will consider and if necessary investigate the matter and if he/she decides an informal meeting is appropriate, invite the employee to a meeting to discuss this further. The line manager will give the employee adequate notice of any meeting, and provide him/her with a copy of this procedure ahead of the meeting taking place. The line manager will state that the standard of conduct is not acceptable, with the objective of encouraging and assisting the employee to improve. The employee should be informed that failure to meet the established reasonable standards expected within the agreed timescale could lead, in the future, to more formal disciplinary action, as laid out in this procedure.
- 3.4 The line manager will be responsible for confirming to the individual the decision and actions to be taken where appropriate.
- 3.5 Notes of this meeting are to be taken by the line manager to record the discussion. These notes should be provided to the employee as a record of the meeting as soon as is practicable following the meeting.
- 3.6 If during the meeting it becomes evident that the matter is more serious than first assessed, the discussion should be adjourned and it should be made clear that it is possible that the matter may need to be pursued formally under this procedure.
- 3.7 Informal resolution is not part of the formal disciplinary procedure. Any action undertaken on an informal basis will not prejudice any disciplinary investigation which may subsequently be undertaken.

- 3.8 If, despite informal discussions (or if informal discussions are not appropriate) the employee's conduct does not meet acceptable standards, the formal procedure should be used.
- 3.9 It is in the interest of all parties to resolve matters in the informal stage as speedily as possible. Whilst every case will be different it is anticipated that informal matters could normally be dealt with within a month.

4.0 Investigation

- 4.1 All matters considered under the formal part of this procedure will require an appropriate investigation and this should be conducted at the earliest possible opportunity, to establish the facts promptly before recollections fade.
- 4.2 An Investigating Officer will be appointed. The Dean/Director of Faculty/Service will determine the Investigating Officer.
- 4.3 The Investigating Officer will normally be the line manager of the area where the issue has arisen. However, it may be appropriate to appoint an Investigating Officer external to the immediate team, Faculty/Service, e.g. someone who may have specialist expertise in the area concerned. It is essential that the Investigating Officer has not been involved in the incident, for example as a witness. If this is the case, then the Investigating Officer would normally be the line manager's/specialist expert's manager or other manager appointed in accordance with Section 4.2.
- 4.4 A member of HR & OD will advise and support the Investigating Officer at all stages of the investigation and in any subsequent Disciplinary Hearing.
- 4.5 The Investigating Officer will write to the relevant individuals inviting them to an investigatory meeting. This written communication will confirm the subject of the investigation. At the meeting the Investigating Officer will advise any employees concerned of the subject matter of the investigation, the allegations against them and share any supporting evidence. In certain circumstances it may be possible to circulate pertinent information prior to the event. In circumstances where allegations are made against an employee from an informant who wishes to remain anonymous, the University will, where reasonably practicable, obtain a written statement from the informant giving details of time/place/date as appropriate. Where practicable, an anonymised version of the statement will be made available to the accused employee and, in addition, the Investigating Officer will assess the credibility and weight to be attached to the evidence.
- 4.6 At the investigatory interview the employee may be accompanied by an accredited Trade Union Representative or employee colleague.
- 4.7 The Investigating Officer will be responsible for obtaining statements from the individual(s). Where possible, individual(s) will be given the opportunity to review statements taken and sign them. The statement contents should not be discussed with other employees. The individual(s) should be advised that they may be required to attend any subsequent Disciplinary Hearing and that the information supplied in statements would be disclosed at a Disciplinary Hearing.

- 4.8 No disciplinary action will be taken against an employee until the Investigating Officer has fully investigated the circumstances of the complaint, having regard to the employee's response to the allegations.
- 4.9 If appropriate, the University may suspend the employee, in accordance with Section 5.0 of this procedure, whilst the investigation is carried out.
- 4.10 Having investigated the facts, the Investigating Officer will determine whether or not the matter should progress to a Disciplinary Hearing. If it is determined that disciplinary action is not appropriate the Investigating Officer and a member of HR & OD will meet with the employee to confirm that this is the case and implement next steps with the line manager as appropriate.
- 4.11 The Investigating Officer, when considering the evidence to determine whether to proceed or not to a Disciplinary Hearing, must make a judgement on whether the issues concerned relate to areas that may be considered as gross misconduct or gross negligence, or whether the employee has a current disciplinary record at Stage Three. If this is the case a Senior Postholder will be asked to Chair the Disciplinary Hearing.
- 4.12 If a Disciplinary hearing relating to the issue is to be held, the employee will be advised of the allegations(s)/complaint(s) against him/her together with supporting evidence as soon as is reasonably practicable and normally at least ten working days before the Hearing.

5.0 Suspension

- 5.1 If the relevant Dean/Director, in consultation with HR & OD, has reasonable justification to believe that an employee may have been responsible for an act of gross misconduct or gross negligence, or for some other reasonable cause, the Dean/Director may suspend the employee from duty pending an investigation and the possible holding of a formal Disciplinary Hearing. In addition, suspension may also be considered in circumstances in which the employee remaining at work during the Investigatory Stage may compromise the investigation.
- 5.2 Where practical, the University will try to avoid suspension, for example, by moving the employee to another base temporarily or a temporary change of work duties.
- 5.3 Suspension should only be imposed after careful consideration and it should be made clear to the employee that it is not a disciplinary act, and is not a predetermination of guilt on the employee's part.
- 5.4 If the Dean/Director, in consultation with HR & OD, decides to suspend an employee from duty, he/she shall:
- Meet with the employee and explain the circumstances of the suspension
 - Confirm the suspension and the reasons for it and likely duration in writing to the employee as soon as is reasonably practicable and ordinarily within five working days

- Confirm that the suspension is not a disciplinary sanction and does not suggest a pre-determination of guilt on the employee's part.
- 5.5 An employee who is suspended from duty shall, throughout the period of suspension, continue to be entitled to his/her full pay and benefits etc.
- 5.6 The suspension will be reviewed on a regular basis and the employee will be kept informed by HR & OD of the progress of the investigation and probable timescales before conclusion of the matter.
- 5.7 If during the period of suspension an employee becomes sick, the suspension on full pay will override sick pay entitlements for the period of the suspension.

6.0 Disciplinary Hearing

- 6.1 Once the matter has been fully investigated and the Investigating Officer has decided that there is a case to answer, a Disciplinary Hearing will be arranged.
- 6.2 A Disciplinary Panel will hear the disciplinary case and will normally comprise the relevant Dean/Director of the Faculty/Service as the Chair and a representative from HR & OD who has had no direct involvement with the case. In some circumstances it may be more appropriate for a different manager to chair the Disciplinary Panel other than the Dean/Director of Faculty/Service.
- 6.3 The HR & OD representative who sits on the Disciplinary Panel will also act as Secretary to the Hearing and will be responsible for arranging the Disciplinary Hearing and for ensuring the exchange of documentation between the parties, outlined below.

6.4 Prior to the Disciplinary Hearing

- 6.4.1 The employee will be notified of the date and time of the hearing in writing. The employee will also receive the details of the allegation(s) and the management case in writing as soon as is reasonably practicable. This will normally be at least ten working days prior to the Disciplinary Hearing.
- 6.4.2 The employee must provide the Secretary of the Disciplinary Hearing with a response to the Management Case together with any relevant documents to be used at the Disciplinary Hearing at least five working days before such a Disciplinary Hearing. At this time the employee should provide the name of his/her union representative or employee colleague together with the names of any witnesses who will attend.
- 6.4.3 If, under exceptional circumstances, the management case cannot be provided to the employee more than ten working days prior to the Disciplinary Hearing, and the employee is therefore unable to provide a response in five working days as provided for in paragraph 6.4.2, he/she will provide a response together with any relevant documents as soon as is reasonably practicable prior to the Disciplinary Hearing, under the guidance of the Secretary to the Hearing.

6.5 At the Disciplinary Hearing

- 6.5.1 At any Disciplinary Hearing, the employee will be given an opportunity to state his/her case and will have the right to be accompanied by an employee colleague or accredited Trade Union representative. The colleague or Trade Union representative may speak and confer with the employee during the Hearing but may not answer questions on behalf of the employee. If the employee's colleague or Trade Union representative is unavailable to attend the employee may request to reschedule the hearing on one occasion. The University will delay the Hearing, for up to five days to enable the colleague or Trade Union representative to be present.
- 6.5.2 If the employee fails, without good reason, to attend a Disciplinary Hearing, the Disciplinary Hearing will take place, and a decision will be made, in his/her absence. If the Chair of the Disciplinary Panel determines that the employee has good reason for non-attendance the Disciplinary Hearing will be rescheduled.
- 6.5.3 The employee will have the right to call witness(es) in the proceedings to support his/her case. It is the responsibility of the employee to ensure that all necessary arrangements are made for his/her witness(es) to attend at the Disciplinary Hearing. Should a witness require time away from his/her normal work to attend the Disciplinary Hearing, University management will grant appropriate paid time to attend upon receipt of a request.
- 6.5.4 Disciplinary Hearings will follow the format as outlined in Appendix One. The format is intended as a guide and in particular circumstances the Chair of the Disciplinary Panel can apply reasonable discretion to vary the format to suit the particular circumstances.
- 6.5.5 During the Disciplinary Hearing, adjournments may be requested by either party and these will not be refused unreasonably. Where such a request is denied, the Chair of the Disciplinary Panel will provide an explanation. The Chair of the Disciplinary Panel may also adjourn the proceedings to request further information, relating to either party's case.
- 6.5.6 The Chair of the Disciplinary Panel will ask at the beginning of the Disciplinary Hearing whether any new evidence has been made available that could not be circulated previously and will make a judgement as to whether an adjournment is necessary to allow consideration of such evidence by either party.
- 6.5.7 If the allegation is upheld as a result of the Disciplinary Hearing, the following will be taken into account by the Disciplinary Panel before deciding upon an appropriate disciplinary sanction:
- Nature of the offence
 - Evidence produced by either party at the Disciplinary Hearing
 - Statements and answers provided by witness(es)
 - Current disciplinary record of the employee
 - Any mitigating factors, e.g. health, domestic, bereavement
 - Length of service at the University
 - Any sanctions imposed for similar offences

It may be appropriate that consideration is given to other penalties that may be imposed including disciplinary transfer and/or demotion.

6.6 Following the Disciplinary Hearing

6.6.1 The Chair of the Disciplinary Panel will advise both parties of the outcome of the Disciplinary Hearing and confirm this in writing as soon as possible after the Hearing. The letter will include:

- The penalty imposed
- The nature of the misconduct and the improvement required
- The account taken of any mitigating factors presented by the employee
- The result of failure to meet the required standard
- The means of support and opportunity that will be provided to enable the required improvement (if appropriate)
- The date and time of the review that will take place (if appropriate)
- The fact that the warning constitutes a formal stage of the University's Disciplinary Procedure
- The duration that the penalty will remain current
- The employee's right of any appeal against the decision (see section 7.0)

6.7 Penalties that may be imposed following a Disciplinary Hearing

6.7.1 Stage 1 – Formal Oral Warning

6.7.1.1 If conduct does not meet acceptable standards, the employee will normally be given a formal oral warning.

6.7.1.2 The warning will be deleted from the employee's records after a period of six months provided that the offence is of a non-recurrent nature and that no other formal disciplinary action is taken in the intervening period.

6.7.1.3 The warning will state that, if the employee commits a further offence of misconduct during the period specified in the warning, action under Stage 2 will be considered.

6.7.1.4 A copy of the letter will be placed on the employee's personal file and will be removed once it has expired.

6.7.2 Stage 2 – Written Warning

6.7.2.1 A written warning will be given if:-

- The employee has committed a serious offence of misconduct
- The employee has failed to comply with a formal oral warning previously given under Stage 1
- Despite having been given a formal oral warning under Stage 1 as the result of misconduct, the employee commits a further offence of misconduct, or conduct continues to be unsatisfactory

- 6.7.2.2 The warning will be spent and deleted from the employee's records after a period of twelve months subject to the employee's conduct having been satisfactory throughout that period.
- 6.7.2.3 The warning will state that, if the employee commits a further offence of misconduct during the period specified in the warning, action under Stage 3 will be considered.
- 6.7.2.4 A copy of the letter will be placed on the employee's personal file will be removed once it has expired.

6.7.3 Stage 3 – Final Written Warning

- 6.7.3.1 A Final Written Warning will be given if:
- The employee has failed to comply with a written warning given under Stage 2
 - Despite having been given, under Stage 2, a written warning as the result of misconduct, the employee commits a further offence of misconduct, or his/her conduct continues to be unsatisfactory
 - The employee's misconduct although not considered to be serious enough to justify summary dismissal, is sufficiently serious to warrant only one written warning (in effect both the first and a final written warning)
- 6.7.3.2 The warning will be spent and deleted from the employee's records after a period of twenty-four months subject to the employee's conduct having been satisfactory throughout that period.
- 6.7.3.3 In exceptional cases, and at the discretion of the Disciplinary Panel, the period of the penalty may be longer.
- 6.7.3.4 The warning will state that, if the employee commits a further offence of misconduct during the period specified in the warning, action under Stage 4 will be considered.
- 6.7.3.3 In certain circumstances other sanctions short of dismissal may be considered. These could include:
- Demotion
 - Restriction of duties and an associated change to terms of employment
 - Transfer
 - Withholding incremental progression for a specified period.

6.7.4 Stage 4 – Dismissal

- 6.7.4.1 The Chair of the Disciplinary Panel who must be a 'Senior Postholder' may dismiss the employee if one of the following applies:

- The employee has failed to comply with a final written warning given under Stage 3
- Despite having been given, under Stage 3, a final written warning as the result of misconduct, the employee commits a further offence of misconduct or his/her conduct continues to be unsatisfactory
- The allegation of gross misconduct or gross negligence has been upheld

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

- Theft or unauthorised possession of any property or facilities belonging to the University, or to any employee or student
- Serious damage deliberately sustained to University property
- Deliberate falsification of University records, e.g. registers, reports, accounts, expense claims or self-certification forms
- Bribery or corruption
- Refusal to carry out duties or reasonable instructions or to comply with University rules and regulations
- Serious acts of insubordination
- Competing with the University in business
- Gross negligence or incompetence which causes unacceptable loss, damage or injury
- Serious incapability as a result of being intoxicated by reason of alcohol or illegal drugs
- Violent, dangerous or intimidatory conduct
- Violation of the University's rules and procedures concerning health and safety at work
- Harassment or bullying of another
- Misuse of University property (including e-mail and internet) or name
- Improper use of social media
- Serious breach of confidence (subject to the Public Interest Disclosure Act 1998)
- A criminal offence, which may (whether it is committed during or outside the employee's hours of work for the University) adversely affect the University's reputation, the employee's suitability for the type of work he/she is employed by the University to perform or his/her acceptability to other employees or to students

6.7.4.3 The above examples are not exhaustive and offences of a similar nature will be dealt with under this procedure and may be considered as constituting gross misconduct.

6.7.4.4 The Senior Postholder may summarily dismiss the employee if, on completion of the investigation and a Disciplinary Hearing, the allegation of gross misconduct or gross negligence is upheld. Such dismissal will be without notice or payment in lieu of notice and will be confirmed to the employee in writing, specifying the reasons for the dismissal and the right of appeal against the decision in accordance with Section 7.0.

- 6.7.4.5 If the employee appeals against the notice of dismissal, the dismissal shall not take effect until the outcome of the Appeal has been determined.
- 6.7.4.6 Unless the employee is being dismissed for reasons of gross negligence or gross misconduct, he/she should receive the appropriate period of notice.

7.0 Appeals Against Disciplinary Penalties

- 7.1 An employee who wishes to appeal against a formal oral warning, a written warning, a final written warning, or dismissal, should write to the Executive Director of Corporate Services, within five working days of the date of the letter containing the decision, which forms the subject of the Appeal.
- 7.2 The Appeal against a disciplinary penalty will be heard by a senior postholder who has had no involvement with the case to date. Appeals against dismissal will be heard by a member of the Board of Governors (not a staff or student member) appointed by the Chair of the Board.
- 7.3 An appeal against a disciplinary decision may be lodged on the following basis:
- Perceived unfairness of the judgement
 - Severity of the penalty
 - New evidence coming to light
 - Procedural irregularity
- 7.4 In the letter of appeal against the disciplinary decision the employee must outline in detail his/her reasons for the Appeal based on the above criteria. The Chair of the Appeal Panel will conduct the Hearing as soon as is practicable.
- 7.5 The Appeal Hearing will not ordinarily be a re-hearing of the Disciplinary Hearing but a review of that decision. However, it is acknowledged that in the case of an appeal based on new evidence coming to light or procedural irregularity, a re-hearing may be required if the appeal is upheld.
- 7.6 The Appeal Hearing will involve the management representatives (the Chair of the Disciplinary Hearing, and the member of HR & OD who sat on the panel to the Disciplinary Hearing), and the employee and his/her representative. Witness(es) may be called as appropriate by either side. A Secretary to the Appeal Hearing, not involved in the case thus far, will support the Chair of the Appeal Hearing throughout the process.
- 7.7 At the Appeal Hearing, the employee will be given an opportunity to state his/her case and will be entitled to be accompanied by an accredited Trade Union representative or work place colleague. However, if the employee's representative is unavailable on the date of the initial Appeal, the employee may delay the date of the Appeal Hearing, once, for up to five working days to enable the chosen representative to attend.

- 7.8 Documentation to be used at the Appeal Hearing should be exchanged by the management side and the employee at least five working days before the Appeal Hearing. The Secretary to the Appeal Panel will be responsible for ensuring that all parties are aware of the date, time, location and format of the Appeals Hearing. In addition, he/she will be responsible for ensuring that any documentation submitted by either party is exchanged on the due date.
- 7.9 Appeal Hearings will follow the format as outlined in Appendix Two. The format is intended as a guide for the conduct of the Appeal Hearing. In particular circumstances, the Chair can apply reasonable discretion to vary the format depending on the nature of the case being deliberated and the grounds of appeal.
- 7.10 During the Appeal Hearing, adjournments may be requested by either party and will not be refused unreasonably. In exceptional circumstances, where such a request is denied, the Chair will give an explanation to the Appeal Hearing. The Chair may also adjourn the proceedings to request further information, relating to either party's case.
- 7.11 The Chair will ask whether any new evidence has been made available that could not be circulated prior to the Appeal Hearing and will make a judgement as to whether an adjournment is necessary to allow consideration of such evidence by either party.
- 7.12 At the Appeal, the disciplinary penalty imposed will be reviewed, but it cannot be increased. The decision of the Chair of the Appeal Panel will be notified to the employee and his/her Trade Union representative or work colleague in writing within five working days of the Appeal Hearing. This decision will be final and binding.
- 7.13 The non-attendance of the employee does not invalidate the proceedings.

8.0 Criminal Offences

- 8.1 An employee should not be dismissed or otherwise disciplined, merely because he/she has been charged with or convicted of a criminal offence. The main consideration should be whether the offence is one that makes the employee unsuitable for his/her type of work and/or whether the facts leading to the conviction would, of themselves, constitute misconduct on the part of the employee. Having considered the facts, the Executive Director of Corporate Services will consider whether the conduct is sufficiently serious to warrant instituting the Disciplinary Procedure, having investigated the facts.
- 8.2 Where it is thought that the conduct warrants disciplinary action the Investigating Officer, in conjunction with HR & OD should investigate the facts as far as is possible. Consideration must then be given to whether the conduct is sufficiently serious to warrant instituting the Disciplinary Procedure.
- 8.3 Where the conduct requires prompt attention, the Executive Director of Corporate Services need not await the outcome of the prosecution before taking fair and reasonable action. Where the Police are involved they should not be asked to conduct any investigation on behalf of the University, nor should they be present at any Disciplinary Hearing or investigatory interview process.

- 8.4 If the employee is not available for work because he/she is in custody or on remand the Executive Director of Corporate Services will decide whether the employee's position may be kept open, with due regard to the exigencies of the service. Where criminal conviction leads to continued employment being illegal, i.e. the loss of a licence then alternative employment opportunities would be sought in line with the University's Redeployment process.
- 8.5 Where an employee is charged with or convicted of a criminal offence and refuses to co-operate with the disciplinary investigations and proceedings, the University will advise the employee that unless further information is provided, a disciplinary decision will be made on the basis of the information available which may lead to dismissal.

9.0 Operative Date

This procedure was approved at the meeting of the Board of Governors' Employment and Finance Committee held on 24th November 2015. This revised policy will take immediate effect.

Appendix One

FORMAT FOR THE DISCIPLINARY HEARING

The Chair of the Disciplinary Panel will introduce all those present.

The Chair will ask whether any new evidence has been made available that could not be circulated prior to the hearing and will make a judgement as to whether an adjournment is necessary to allow consideration of such evidence by either party.

The Chair of the Panel will ensure that summary notes of the meeting are taken during the Hearing in order to assist the Panel in its deliberations and in reaching a conclusion.

Management Case

1. The Investigating Officer will present the details of the allegation and a report on the investigation undertaken.
2. The employee and his/her representative may question the Investigating Officer.
3. The Chair of the Disciplinary Panel or Panel members may question the Investigating Officer.
4. The Investigating Officer may call witness(es) and ask questions of them.
5. The employee and his/her representative may question the witness(es).
6. The Chair of the Disciplinary Panel or Panel member may question the witness(es).

The witness(es) should only attend the Hearing to answer questions and should withdraw once they have fulfilled their role at the Hearing

Employee's Case

7. The employee and/or representative will present the case against the allegations and explain any special circumstances which may exist.
8. The Investigating Officer may question the Employee.
9. The Chair of the Disciplinary Panel or Panel member may question the employee.
10. The employee and his/her representative may call any witness.
11. The Investigating Officer may question the witness.
12. The Chair of the Panel or Panel member may question the witness(es).

The witness(es) should only attend the Hearing to answer questions and should withdraw once they have fulfilled their role at the Hearing.

Questions from the Chair of the Panel or Panel Member

13. Should the Chair or a panel member wish to clarify any issue with either the employee or the Investigating Officer, or the witness(es), he/she will have another opportunity to do so at this point.

Conclusions

14. The Investigating Officer will summarise the case against the employee without introducing any new factors.

15. The employee and his/her representative will summarise the response against the allegation, without introducing any new factors.

The employee, his/her representative, the Investigating Officer and any other management representative will withdraw and the Chair of the Hearing and Panel members will deliberate. The Panel shall deliberate in private only recalling both parties to clear points of uncertainty on evidence already given. If recall is necessary both parties shall return, even in circumstances where the Panel only needs to consult with one party regarding a point of clarification.

During the Hearing, adjournments may be requested by either party and these will not be refused unreasonably. Where such a request is denied, an explanation will be given.

The format is intended as a guide for the conduct of the Hearing. In particular circumstances the Chair of the Disciplinary Panel can apply reasonable discretion to vary the format to suit the individual nature of the case being deliberated.

Announcement of the Panel's Decision

16. Once the decision is made, the parties will be advised of the decision in writing as soon as is reasonably practicable, and normally within five working days of the Hearing.
17. The employee will be advised of his/her right to Appeal against the decision and informed who that appeal should be lodged with and in what timescale.

Appendix Two

FORMAT FOR THE APPEAL HEARING

The Chair of the Appeal will introduce all those present.

The Chair of the Appeal will ensure that summary notes of the meeting are taken during the Hearing in order to assist the Appeal in his/her deliberations and in reaching a conclusion.

Introduction

1. The management representative will give a short resume of the Appellant's post within the University and place in the organisational structure.

Appellant's Case

2. The Appellant and/or his/her representative will state his/her case and explain any special circumstances which may exist.
3. The Appellant and/or his/her representative may call witness(es) and ask questions of them.
4. The management representatives may question the witness(es) and Appellant as appropriate.
5. The Chair of the Appeal may question the witness(es) and the Appellant as appropriate.

The witness(es) should only attend the Hearing to answer questions and should withdraw once they have fulfilled their role at the Hearing.

Management Case

6. The management representative will state the management case.
7. The management representative may call witness(es) and ask questions of them.
8. The Appellant and his/her representative may question the witness(es) and management representative as appropriate.
9. The Chair of the Appeal may question the witness(es) and the management representative as appropriate.

The witness(es) should only attend the Hearing to answer questions and should withdraw once they have fulfilled their role at the Hearing.

Conclusions

10. The management representative will summarise the University's case, no new factors to be introduced.
11. The Appellant and/or his/her representative will summarise the appeal, no new factors to be introduced.

Announcement of the Panel's Decision

12. Once the decision is made, the parties will be advised of the decision in writing as soon as is reasonably practicable, and normally within five working days of the Hearing.

During the Hearing, adjournments may be requested by either party and these will not be refused unreasonably. Where such a request is denied, an explanation will be given.

The format is intended as a guide for the conduct of the Hearing. In particular circumstances the Chair can apply reasonable discretion to vary the format to suit the individual nature of the case being deliberated.