

# UNIVERSITY OF LEICESTER ORDINANCE

## DISCIPLINE (Ordinance Procedure)

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| For use in:  | All Divisions/Schools/Departments/Colleges of the University |
| For use by:  | All University employees                                     |
| Owner  | Staffing Policy Committee                                    |
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## DISCIPLINE ORDINANCE: PROCEDURE

### 1. Introduction

- 1.1. The Discipline Ordinance is made up of a policy and procedure that takes account of the ACAS code of practice. The Discipline Ordinance Policy and Procedure should be read together.
- 1.2. The Discipline Ordinance (Procedure) is intended to operate in cases where it is alleged that the conduct or behaviour of a member of staff falls below acceptable standards.
- 1.3. The distinction between capability and conduct may be blurred in some cases. It is important to distinguish between them and ensure that the correct procedure is used. The fundamental distinction between capability and conduct is that the latter implies some degree of control, deliberation or choice i.e. there is a behavioural element involved in misconduct cases.
- 1.4. The purpose of a disciplinary hearing is to review the facts of a case. Notification to attend a disciplinary hearing is not disciplinary action. Disciplinary action is a management response to unacceptable behaviour or conduct, which is normally decided after a disciplinary hearing has taken place. Disciplinary action may be informal or formal. Examples of formal disciplinary action include the issue of written warnings or dismissal.
- 1.5. The Discipline Ordinance (Procedure) will not be used to deal with issues of capability, except where a member of staff is alleged to have committed gross misconduct. Capability issues will either be considered under the Performance Management Ordinance or the Ill Health Capability Ordinance, as appropriate.
- 1.6. The University will maintain the right of academic staff to exercise their Academic Freedom. This ordinance procedure includes appropriate procedural modifications to ensure the protection of Academic Freedom.

### 2. Scope

- 2.1. The Discipline Ordinance (Policy and Procedure) applies to all University employees.

### 3. Definitions of Misconduct

- 3.1. For the purpose of the Discipline Ordinance, misconduct is defined as conduct or behaviour of a member of staff that falls below acceptable standards.
- 3.2. Gross misconduct is defined as a serious act (or acts) of misconduct. The ACAS code of practice outlines **examples** of the kind of behaviour which could constitute gross misconduct (listed below). They include, **but are not limited to:**

- theft, misappropriation, misuse or unauthorised use of University premises or property;
- fraud, deceit, deception or dishonesty including falsification of records;
- a serious breach of agreed University policy or procedures;
- violent, offensive or other intimidating conduct or language;
- sexual, racial or other unlawful harassment;
- incapacity at work through the misuse of alcohol or drugs;
- conduct that constitutes a criminal offence, whether committed on University premises or elsewhere;
- inappropriate use of the internet, telephone or email;
- action likely to cause injury or impair safety;
- failure to respect confidentiality of information;
- undertaking work detrimental to or in conflict with University interests;
- failure to comply with a reasonable management instruction;
- misconduct so incompatible with the duties or responsibilities of the role that their continued presence within the University is insupportable.

#### **4. Special Cases**

- 4.1. Where disciplinary action is being considered against a member of staff who is engaged as a Trade Union representative, the Discipline Ordinance will apply. The case should be discussed with an official employed by the Trade Union at before formal action is taken (with the staff member's consent).
- 4.2. Where it is alleged that a member of staff has committed an act of misconduct or criminal act outside of work, the line manager must discuss the case with HR as soon as he/she becomes aware of it. The Discipline Ordinance must not be invoked until a meeting with HR has taken place.
- 4.3. There is no automatic dismissal for cases that fall into this category.
- 4.4. Disciplinary action may be deferred where the decision is influenced by the outcome of an external process involving a third party (e.g. the police, the criminal justice system or regulatory body). The normal expectation is that the University will await the outcome of the external process before disciplinary proceedings are concluded, unless it is possible for the chair of the disciplinary hearing to make a fair and reasoned judgement.
- 4.5. Where a member of staff is awaiting the outcome of an external process, the disciplinary case will be reviewed on a regular basis by the appointed chair of the disciplinary hearing.
- 4.6. The staff member will be informed of the outcome of each review by the chair of the disciplinary hearing.

## **5. Informal Resolution**

- 5.1. Before the formal disciplinary procedure is invoked, a member of staff will normally have been informed that their conduct or behaviour is considered unacceptable by his/her line manager.
- 5.2. Informal advice, coaching or guidance is not part of the formal disciplinary procedure. A member of staff to whom this type of assistance is being given is not entitled to accompaniment or representation at meetings.
- 5.3. An example of informal disciplinary action could include a written record of an informal meeting in which a line manager outlines the areas of concern and the improvement required.
- 5.4. Where the allegation(s) amounts to more than minor misconduct, the formal disciplinary procedure can be invoked without the need for informal action.
- 5.5. It is the normal expectation that all cases of alleged gross misconduct will be considered under the formal disciplinary procedure. Informal resolution of a gross misconduct case is not normally appropriate due to the seriousness of the alleged misconduct.

## **THE FORMAL DISCIPLINARY PROCEDURE**

### **6. Invoking the formal procedure**

- 6.1. The formal disciplinary procedure may be invoked where a line manager (in consultation with HR) considers that:
  - previous informal support or advice regarding conduct has been ineffective or disregarded;
  - informal action is inappropriate;
  - current formal warnings have been ineffective or disregarded;
  - a number of minor issues, which taken together, constitute misconduct; or
  - a serious act (or acts) of misconduct is alleged i.e. gross misconduct.
- 6.2. The steps of the formal procedure are: Formal Investigation, Disciplinary Hearing and, should the member of staff wish, an Appeal.

### **7. Suspension**

- 7.1. Where a suspension is required, the chair of the disciplinary hearing (on the advice of HR) will notify the member of staff, in writing.
- 7.2. Suspension is not disciplinary action. It is a neutral act. A member of staff on suspension will continue to be paid.
- 7.3. The duration of a period of suspension will be as brief as possible and subject to regular review. The review will be undertaken by the PVC Resources (for academic staff) and the Registrar and Secretary (for all other staff), every three weeks.

- 7.4. The outcome of each review (including reasons for the continued suspension) will be communicated, in writing, to the member of staff.

## **8. Levels of Management Involved**

- 8.1. Appendix 2 provides guidance on the levels of management normally involved in the formal disciplinary procedure. However, the levels of management involved will be modified where a case potentially involves Academic Freedom.
- 8.2. For Grades 7 and below, the immediate line manager with supervisory responsibility for the relevant member of staff will normally be the chair of the disciplinary hearing.
- 8.3. For Grades 8, 9, 10 and Professorial level, the relevant panel will normally conduct the disciplinary hearing (see Appendix 2 for guidance).
- 8.4. For all other levels of staff, please refer to Appendix 2 for guidance.

## **9. Formal Investigation**

- 9.1. The purpose of a formal investigation meeting is to gather facts and information which may support or disprove the disciplinary allegation(s).
- 9.2. The non-contractual procedure for the “Investigation of Misconduct in Research”, published by the UK Research Integrity Office as best practice, will normally be used to investigate cases of alleged misconduct in research. However, where there is a potential or actual issue of academic freedom, the procedural modifications (regarding a panel) set out in this Ordinance will be applied to the best-practice code.
- 9.3. A member of staff will be informed if they are the subject of a formal investigation, in writing, by the chair of the disciplinary hearing. The letter will inform the member of staff that where he/she believes that the disciplinary allegation(s) involve the issue of Academic Freedom, the member of staff must notify the chair of the disciplinary hearing, in writing, within 5 working days of the date of the formal investigation letter, to request the use of the modified disciplinary procedure.
- 9.4. Upon receipt of a staff member’s request to use the modified disciplinary procedure, a panel will be convened, within a reasonable timescale, to make an initial assessment as to whether the allegation(s) potentially involve Academic Freedom.
- 9.5. The panel will comprise the Chair of Staffing Policy Committee (as chair) and two academic peers drawn from members of Senate, 1 from the same college and 1 from a different college, who have not previously been involved, nominated by the chair.
- 9.6. In cases where it is not possible to appoint a panel member internal to the University with the required expertise and/or independence, the chair may decide to appoint an external panel member instead.

- 9.7. Once the panel has made their decision about whether the allegation(s) potentially involve Academic Freedom (or not), the outcome will be confirmed by the chair to the member of staff, in writing, within a reasonable timescale. The letter will state whether the modified procedure will be used (or not).
- 9.8. An investigation must commence immediately, or, where this is not possible, without unreasonable delay. An investigation will be conducted as swiftly and as thoroughly as possible.
- 9.9. The chair of the disciplinary hearing will normally be responsible for appointing an investigating officer to conduct the investigation.
- 9.10. In cases relating to Academic Freedom, the Chair of Staffing Policy Committee (as the chair of the disciplinary hearing) will appoint the investigating officer.
- 9.11. The investigating officer and the chair of the disciplinary hearing must not be the same person.

## **10. Investigation Meetings**

- 10.1. The investigating officer will be responsible for interviewing relevant parties or witnesses to gather facts and information.
- 10.2. The investigating officer (and a member of HR) will normally meet with the member of staff under investigation first, to gather facts and information, before witnesses are interviewed or the case proceeds to a disciplinary hearing. The member of staff under investigation has the right to be accompanied, if they choose, by a Trade Union representative or work colleague.
- 10.3. The member of staff under investigation is expected to cooperate with the investigation and produce all evidence in a timely way.
- 10.4. Witnesses and the relevant individual(s) involved in a disciplinary case will normally be interviewed as part of the formal investigative process. For further details, please see the 'Witnesses' section in the Discipline Ordinance Policy.
- 10.5. The attendees at a witness investigation meeting will normally include:
  - The investigating officer;
  - a member of HR;
  - the witness;
  - the witness' staff companion (where they have elected to be accompanied); and
  - a note-taker.
- 10.6. The investigating officer does not have the authority to take disciplinary action i.e. give a warning or dismiss a member of staff during an investigation meeting. Disciplinary action is normally decided after a disciplinary hearing has taken place.

## **11. Investigation Report**

- 11.1. Once the investigation is complete, the investigating officer will write an investigation report and forward it to the chair of the disciplinary hearing. The report will include all relevant documentation, findings and a recommendation of whether or not there should be a disciplinary hearing. The decision to progress (or not) to a disciplinary hearing will be taken by the chair.
- 11.2. Where the investigation report does not recommend a disciplinary hearing (e.g. because no evidence can be found to support any disciplinary allegations), the chair of the disciplinary hearing will inform the member of staff in writing if they are required to attend a disciplinary hearing, or whether any further action will be taken.

## **12. Notification of the Disciplinary Hearing**

- 12.1. Once the investigation is complete and the chair decides to proceed to a hearing, the chair will notify the member of staff, in writing, that he/she is required to attend a disciplinary hearing. A member of staff will be given a minimum of 5 working days' notice of the hearing. In cases where the allegation(s) involve Academic Freedom, the Chair of Staffing Policy Committee (as the chair of the disciplinary hearing) will send the letter. HR must be consulted for advice in drafting the letter, which must include:
  - the allegation(s) which might warrant disciplinary action (i.e. the reason(s) for the disciplinary hearing);
  - the date, time, location and chair of the hearing;
  - the right of the member of staff to be accompanied by a Trade Union representative or work colleague;
  - notification that the hearing may be adjourned if further investigation is required;
  - a copy of the investigation report and all relevant paperwork;
  - notification that the member of staff will have the opportunity to fully state their case and respond to the allegation(s);
  - notification that the hearing may be held in their absence if they do not attend or offer a reasonable explanation for non-attendance;
  - the possible consequences and outcome of the disciplinary hearing i.e. that a disciplinary sanction may be applied on the grounds of misconduct.

## **13. The Disciplinary Hearing**

- 13.1. The purpose of a disciplinary hearing is to review the facts of a case. Notification of a disciplinary hearing is not disciplinary action. Disciplinary action is a management response to unacceptable behaviour or conduct, which is normally decided after a disciplinary hearing has taken place. Disciplinary action may be informal or formal. Examples of formal disciplinary action include the issue of written warnings or dismissal.

- 13.2. A disciplinary hearing will not normally take place until an investigation has been completed, unless there are exceptional circumstances and the chair (having consulted HR) considers it appropriate.
- 13.3. The disciplinary hearing should be held in a timely manner and will normally be chaired by the relevant manager (see Appendix 2 for guidance).
- 13.4. In cases where the allegation(s) involve Academic Freedom, a panel will conduct the Disciplinary Hearing. The panel will normally comprise the Chair of Staffing Policy Committee (as Chair) and the two academic peers drawn from members of Senate, 1 from the same college and 1 from a different college, nominated by the chair, who made the initial assessment that the issue(s) involve Academic Freedom.
- 13.5. The panel members will normally be the same panel members who undertook the initial assessment of the case, to ensure continuity.
- 13.6. Attendees will normally include:
- the member of staff to whom the disciplinary allegation(s) relate;
  - the Trade Union representative or work colleague of the member of staff;
  - a member of HR;
  - the investigating officer;
  - witnesses or the individual(s) involved in the disciplinary case, and their staff companion (where they have elected to be accompanied); and
  - a note-taker.
- 13.7. During the disciplinary hearing, the chair will:
- inform all parties at the hearing of the confidential nature of the matter;
  - state the names, roles and responsibilities of all parties present;
  - state the reason for the hearing and how it will be conducted;
  - ask the investigating officer to present their report;
  - give the member of staff the opportunity to fully state their case and respond to the allegation(s).
  - ask the member of staff to provide details of any mitigating factors;
  - give all parties the opportunity to ask questions;
  - explain what will happen next.
- 13.8. During the disciplinary hearing, the chair (or in cases involving Academic Freedom, the panel) will consider the investigation report and relevant additional information.
- 13.9. The investigating officer is required to be in attendance throughout the disciplinary hearing to present the investigation report and answer questions.
- 13.10. The member of staff has the right to call witnesses to the hearing. Where the member of staff wishes to call witnesses, the request must be made to the chair at least 72 hours in advance of the hearing. Please refer to the Witnesses section in the Discipline Ordinance Policy.
- 13.11. The disciplinary hearing can be adjourned at any time, at the discretion of the chair.

## **14. Disciplinary Outcome**

- 14.1. The chair (or in cases involving Academic Freedom, the panel) will decide the outcome of the disciplinary hearing, which may be to:
- take no action;
  - refer the matter for informal resolution (e.g. mediation etc);
  - apply one of four disciplinary sanctions proportionate to the offence:
    - first written warning;
    - final written warning;
    - dismissal;
    - summary dismissal (without notice).
- 14.2. The chair of the disciplinary hearing will normally communicate the outcome to the member of staff in writing, within 10 working days of the hearing. However in more complex cases the timescale may be extended with the agreement of the member of staff.
- 14.3. All relevant parties will receive a copy of the decision, where appropriate.
- 14.4. The member of staff will be informed that they have the right of appeal.

## **15. Disciplinary Sanctions**

- 15.1. A disciplinary sanction will only be applied where the chair of the disciplinary hearing (or the panel in cases involving Academic Freedom) has reasonable belief and the balance of evidence suggests that misconduct has been committed.
- 15.2. The normal expectation is that a first offence would warrant a first written warning, followed by a final written warning and dismissal for subsequent offences. However, the formal disciplinary procedure is designed to be flexible and a formal disciplinary sanction will be proportionate to the offence.
- 15.3. It is not necessary to work through the formal disciplinary sanctions (listed above). For example, in cases of gross misconduct, summary dismissal may be appropriate disciplinary action without any prior written warnings.
- 15.4. Where a member of staff has a “live” written warning on their file, the chair of the Disciplinary Hearing will take this into account when determining an appropriate sanction.

### **a) Warnings**

- 15.5. Where a member of staff has committed their first act of misconduct and it is sufficiently serious, it may be appropriate to move directly to a final written warning.
- 15.6. Where misconduct is confirmed, it is usual to give the member of staff a written warning. A further act of misconduct within a set period i.e. while the warning is “live”, will normally result in a final written warning.

- 15.7. A first written warning will remain “live” on a staff member’s personnel file for a period of 12 months, after which it will be removed by HR.
- 15.8. A final written warning will remain “live” on a staff member’s personnel file for a period of 12 months, after which it will be removed by HR.
- 15.9. Written warnings must state:
  - the nature of the misconduct;
  - the change in behaviour or improvement required;
  - the consequences of further misconduct or failure to improve during the period of warning.

**b) Dismissal**

- 15.10. Employment may be terminated if a member of staff fails to achieve the expected standard of behaviour or conduct for their grade or role. This will be subject to notice or pay in lieu of notice.
- 15.11. Dismissal will not normally be considered for a first breach of conduct.
- 15.12. Where a member of staff commits an act of misconduct when a final written warning is “live”, dismissal will normally occur.
- 15.13. In cases of gross misconduct, summary dismissal will normally occur.

**16. Dismissal Procedure**

- 16.1. In dismissal cases, the chair of the disciplinary hearing will compile a dismissal report to include the investigation report, any supplementary evidence (e.g. witness statements) and a summary of the salient points from the disciplinary hearing and the recommendation to terminate employment. The report must be sent to HR.
- 16.2. HR will forward a copy of the dismissal report to the ratifying manager (see Appendix 2 for guidance) to consider the final outcome and if appropriate, to ratify the termination of employment. In cases involving Academic Freedom, the Vice-Chancellor will be the ratifying manager.
- 16.3. The ratifying manager will contact HR to confirm his/her decision after consideration of the dismissal report.
- 16.4. The ratifying manager may choose:
  - To ratify the proposed dismissal;
  - Not to ratify the proposed dismissal;
  - Remit the case back to the original chair (or panel) of the disciplinary hearing for further consideration;
  - Confirm a lesser penalty that would have been open to the chair (or panel) of the disciplinary hearing.

- 16.5. Where a ratifying manager has concerns about the proposal to dismiss, a meeting will be arranged with the ratifying manager, the chair of the disciplinary hearing and a member of HR to decide a way forward.
- 16.6. On ratification of dismissal, the chair of the disciplinary hearing will write to the member of staff at the earliest possible convenience. The letter must be drafted on the advice of HR and include:
  - the reason for the dismissal;
  - the date on which employment will end;
  - details of the period of notice or details of payment in lieu; and
  - confirmation of the right to appeal.

## **17. Summary Dismissal (without notice)**

- 17.1. Following a disciplinary hearing, the University has the right to dismiss a member of staff who has been found guilty of gross misconduct, without notice.
- 17.2. The procedure for summary dismissal is the same as the dismissal procedure, except that summary dismissal is made without notice or pay in lieu of notice.

## **18. Right of Appeal**

- 18.1. There is no right of appeal against the outcome of informal resolution.
- 18.2. A member of staff has the right to appeal against any disciplinary sanction which could include any of the following grounds:
  - failure to follow the Discipline Ordinance;
  - disproportionate sanction;
  - new evidence;
  - relevant evidence which was not taken into account.

### **Notification of Appeal**

- 18.3. A letter stating the grounds of the appeal must be submitted, in writing to the Director of HR, within 10 working days of the date of the written confirmation of the decision.
- 18.4. The Director of HR will notify the relevant person who will hear the appeal (see Appendix 2 for guidance).

### **Constitution of the Appeal Hearing**

- 18.5. An appeal will normally be heard by the relevant person (see Appendix 2 for guidance).
- 18.6. In cases where the allegation(s) involve Academic Freedom, a panel will conduct the Appeal Hearing. The panel will normally comprise the Chair of Council or nominee (as Chair) and two academic peers drawn from members of Senate, 1 from the same college and 1 from a different college, who have not previously been involved, nominated by the chair.

- 18.7. In cases where it is not possible to appoint a panel member internal to the University with the required expertise and/or independence, the chair may decide to appoint an external panel member instead.
- 18.8. An appeal will normally be chaired by a person who is more senior than the person who chaired the disciplinary hearing. To ensure independence and objectivity, the person(s) hearing the appeal should not have been involved in the matter, previously.
- 18.9. Attendees will normally include:
- the relevant member of staff;
  - the Trade Union representative or work colleague of the staff member;
  - a member of HR (not previously involved); and
  - a note-taker.

### **The Appeal Hearing**

- 18.10. An appeal hearing will normally be held within 15 working days of the appeal being lodged.
- 18.11. An appeal hearing is not normally a re-hearing of the case. It is a review of the case by a person (or panel) tasked with hearing the appeal.
- 18.12. Where a member of staff appeals on the grounds of new evidence, they may call witnesses to an appeal hearing, where agreed with the person (or panel) hearing the appeal.
- 18.13. The person (or the chair of the panel) who heard the appeal will confirm the outcome to the member of staff, normally within 10 working days, in writing. Where further investigation is required, he/she will confirm the outcome to the member of staff as soon as reasonably practicable.
- 18.14. There is no further right of appeal.

### **Remit of person (or panel) hearing the Appeal**

- 18.15. A person (or panel) hearing an appeal may interview key individuals (such as the chair of the disciplinary hearing or investigating officer) involved in the case to clarify information, where required, as part of the appeal process.
- 18.16. Where required and HR deem it appropriate, key individuals (such as the chair of the disciplinary hearing) may choose to be accompanied to an appeal meeting by the relevant member of HR who supported them prior to appeal.
- 18.17. The person (or panel) hearing an appeal may:
- allow it (in whole or in part);
  - dismiss it (in whole or in part);
  - substitute any lesser alternative penalty that would have been open to the chair of the Disciplinary Hearing who heard/pronounced the original decision.
- 18.18. The decision made by the person (or panel) who hears an appeal is final.

## APPENDIX 1

### **Discipline Ordinance Roles & Responsibilities**

All parties involved in the operation of the Discipline Ordinance must conduct their behaviour in an appropriate and professional manner - treating all parties with respect and dignity.

#### **1. Line Manager:**

The line manager is responsible for:

- 1.1. Understanding and adhering to the University's Discipline Ordinance.
- 1.2. Seeking guidance from HR immediately on disciplinary cases. This includes discussing all "special cases" with a member of HR, before taking action.
- 1.3. Ensuring that informal disciplinary cases are managed in a sensitive, fair and consistent manner whilst maintaining confidentiality.
- 1.4. Attempting informal resolution of misconduct issues, where appropriate.

#### **2. Chair of a Disciplinary Hearing:**

- 2.1. Appointing an investigating officer to undertake a formal investigation (on the advice of HR), in formal disciplinary cases.
- 2.2. Writing and issuing letters to members of staff, (seeking guidance from HR).
- 2.3. Preparing for disciplinary hearings, including setting dates for hearings, writing letters and formulating questions to ask of all the relevant parties.
- 2.4. Chairing disciplinary hearings (including asking questions of all the relevant parties).
- 2.5. Deciding the outcome of a disciplinary hearing, which may be to:
  - take no action;
  - refer the matter for informal resolution;
  - apply a disciplinary sanction (i.e. a first written warning; final written warning, dismissal or summary dismissal, as appropriate).
- 2.6. Writing and sending dismissal reports (where required) to HR.
- 2.7. Confirming the outcome of the disciplinary hearing, in writing, to the member of staff (on the advice of HR). In cases of dismissals, this must first be ratified by the relevant person (see Appendix 2 for guidance).
- 2.8. Attending appeal meetings, if required, to give evidence.

### **3. Investigating Officer**

The investigating officer is responsible for:

- 3.1. Undertaking a thorough, objective and timely investigation of the disciplinary allegation(s).
- 3.2. Interviewing all relevant parties, ensuring that witness statements are accurate, complete and signed by the witness.
- 3.3. Producing a written report with relevant documentation attached for the chair of the disciplinary hearing.
- 3.4. Attending a disciplinary hearing and presenting the findings of an investigation to the chair of the disciplinary hearing, in an impartial manner.
- 3.5. Proposing a list of witnesses, required to attend a hearing, to the chair.
- 3.6. Answering questions from the chair or member of staff during the disciplinary hearing, where appropriate.
- 3.7. Attending appeal meetings, if required, to give evidence.

### **4. Panel Members at Disciplinary/Appeal Hearings**

The panel member is responsible for:

- 4.1. Attending a disciplinary/appeal hearing in the role of a panel member (not advocate) in cases concerning Academic Freedom.
- 4.2. Asking questions during a disciplinary/appeal hearing, where appropriate.
- 4.3. Providing comments, where requested, by the chair of a disciplinary/appeal hearing.
- 4.4. Reaching a decision on the disciplinary allegation(s) with the chair.

### **5. Ratifying Manager**

The ratifying manager is responsible for:

- 5.1. Reviewing and considering the dismissal report to ensure fairness and consistency in decision making prior to termination of employment.
- 5.2. Meeting with the chair (or panel) of the disciplinary hearing and a member of HR to discuss the case further where he/she has any concerns about the decision to terminate employment.

- 5.3. Deciding on the appropriateness of termination of employment where this has been proposed by the chair (or panel) of the disciplinary hearing, or otherwise to consider alternative action as follows:
  - Remit the case back to the original chair (or panel) of the disciplinary hearing for further consideration.
  - Choose not to ratify dismissal.
  - Confirm an alternative outcome that would have been open to the chair (or panel) of the disciplinary hearing.
- 5.4. Communicating his/her decision, in writing, to HR.

## **6. Member of staff**

The member of staff is responsible for:

- 6.1. Understanding and complying with the University's Discipline Ordinance (Policy & Procedure).
- 6.2. Asking questions of his/her line manager or HR if he/she is unsure about any aspect of the Discipline Ordinance (Policy & Procedure).
- 6.3. Responding positively to informal attempts to resolve disciplinary issues by his/her line manager.
- 6.4. Cooperating fully during the formal disciplinary procedure.
- 6.5. Willingly engaging in training or development to correct or improve behaviour or conduct.
- 6.6. Assisting to obtain or provide medical reports, if required.
- 6.7. Identifying, requesting and organising the support or attendance of a Trade Union representative or work colleague at formal disciplinary meetings.

## **7. Staff Companion (Trade Union Representative or Work Colleague)**

The role of the member of staff's companion is as follows:

- 7.1. The companion has the right to:
  - attend formal disciplinary meetings, in the role of companion;
  - address meetings at the outset (to put forward a case);
  - address meetings at the end (to sum up a case);
  - respond to any views expressed at meetings;
  - confer with the member of staff during meetings;
  - ask questions during meetings.

7.2. The companion **does not** have the right to:

- answer questions on behalf of the member of staff (i.e. where a question is directed at the member of staff);
- address meetings if the member of staff does not wish it;
- prevent any party from explaining their case.

## **8. Division of Human Resources**

The Division of Human Resources is responsible for:

- 8.1. Ensuring that formal proceedings comply with employment law and the University's policies and procedures.
- 8.2. Advocating on the part of the institution by acting as an independent, advisory guardian and regulator of the process. Members of HR will not be an "advocate" for a manager or a member staff.
- 8.3. Pointing out any issues in respect of employment law or the University's policies and procedures during formal meetings.
- 8.4. Providing advice to managers and staff, in accordance with employment law and the University's policies and procedures.
- 8.5. Attending and recording formal meetings. Members of HR are not permitted to chair formal meetings or undertake the role of decision maker on individual cases. Any questions from HR must be asked through the chair of a formal hearing/meeting.
- 8.6. Advising managers on the content of informal and formal letters to members of staff.
- 8.7. Accompanying managers who attend appeal meetings in a management capacity, where requested or as appropriate.
- 8.8. Collating all relevant documentation from all relevant parties involved in disciplinary cases and filing it appropriately.
- 8.9. Removing written warnings from personnel files after 12 months.
- 8.10. Monitoring the outcome and impact of the Discipline Ordinance on protected groups of staff as per the University's equal opportunities obligations.

## APPENDIX 2

### Levels of Management normally involved in operating the Discipline Ordinance

This table is for “Guidance” purposes only. The University may use its discretion to depart from the table below, where appropriate. For cases involving Academic Freedom, procedural modifications will be made as detailed within the text of the Discipline Ordinance Procedure.

| <b>Grade of staff member</b>                         | <b>Chair of Disciplinary Hearing</b>                                   | <b>Ratification to Dismiss</b>                      | <b>Appeal</b>   |
|--|--|---|---|
| Grade 7 & below<br>(in Colleges)                     | Line manager or manager of an equivalent grade from another department | PVC or Director of College Administration.          | A PVC or Director of College Administration, not previously involved, or the Registrar      |
| Grade 7 & below<br>(in Corporate Services & Library) | Line manager or manager of an equivalent grade from another department | Head of Division, University Librarian or Registrar | Registrar or University Librarian, if not previously involved, or any PVC                   |
| Grade 8 & 9s<br>(in Colleges)                        | Relevant panel*  | Vice-Chancellor                                     | A panel comprising 3 Lay Members of Council, nominated by the Chair of Council              |
| Grade 8 & 9<br>(in Corporate Services & Library)     | Relevant panel*  | Vice-Chancellor                                     | A panel comprising 3 Lay Members of Council, nominated by the Chair of Council              |
| Professorial   | Relevant panel*  | Vice-Chancellor                                     | A panel comprising 3 Lay Members of Council, nominated by the Chair of Council              |
| Grade 10<br>(in Corporate Services & Library)        | Relevant panel*  | Vice-Chancellor                                     | A panel comprising 3 Lay Members of Council, nominated by the Chair of Council              |
| Grade 10<br>(in Colleges)                            | Relevant panel*  | Vice-Chancellor                                     | A panel comprising 3 Lay Members of Council, nominated by the Chair of Council              |
| University Librarian & Pro-Vice-Chancellor           | Vice-Chancellor  | Chair of Council                                    | A panel comprising 3 Lay Members of Council (not previously involved), nominated by Council |
| Registrar & Secretary                                | Chair of Council   | Council   | An External Body to be determined by Council.   |
| Vice-Chancellor                                      | Chair of Council   | Council   | An External Body to be determined by Council.   |

\* For Academic staff the relevant panel will be the Chair of Staffing Policy Committee (as Chair) and 2 members of Senate. For all other staff, the relevant panel will be the Registrar and 2 senior members of staff.