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# DISCIPLINARY POLICY & GUIDANCE FOR MANAGERS

## 1. POLICY STATEMENT

The University expects all its employees to behave and interact appropriately in the course of their work and to treat all colleagues, students and contacts with dignity and respect in line with our values and associated behaviours. Should your behaviour fall short of the standards expected of you or you are in breach of University policy, we will take action to help you to achieve and maintain the required standards and/or to protect the safety and wellbeing of others.

This policy explains the action we will take to investigate and address any concerns regarding your conduct. This might be your behaviour at work.

The University has a zero-tolerance stance on bullying and harassment. This means we will never ignore any allegations which could amount to bullying and harassment.

## 2. SCOPE

This policy applies to all employees of the University of Suffolk who have completed their probationary period and relates to conduct in all work- and work-related settings. It covers one-off incidents if sufficiently serious and repeated inappropriate/unacceptable behaviour.

probationary period will be managed in line with the Guidance for Managing Probation. Issues relating to absence at work will be managed in line with the Absence Management Policy. Issues relating to performance will be managed in line with the Managing Capability Policy.



## **Gross Misconduct**

Gross misconduct is behaviour that is considered unacceptable or inappropriate or is a breach of University policy and has a serious and/or harmful impact. Such acts cause damage to the University, harm to others or result in a break down in trust. Examples of misconduct and gross misconduct can be found in **Appendix I**.

The report will include written statements, interview notes, and any other relevant documentary evidence.

This should be submitted to the Line Manager or Head of Department who will decide whether there is a case to answer and if this should be addressed through a formal disciplinary hearing

The purpose of a disciplinary investigation is to establish the relevant facts where there is an allegation of misconduct. The investigation is not a hearing to decide about a disciplinary sanction.

### **Informal Disciplinary Action**

Informal disciplinary action may be taken in appropriate cases. This involves informally discussing the matter with the employee, ensuring they understand the reason for the meeting, clearly defining the conduct that is unacceptable and identifying any remedial action. Meetings of this kind are usually conducted on a one-to-one basis. T

Possible consequences up to and including dismissal, will be outlined in the letter. The letter will also advise the employee of their right to be accompanied by a work colleague or Trade Union representative.

Employees who are unsure of their representation rights are encouraged to contact either their line manager or POD in advance of a hearing.

Only one representative may attend a hearing. Employees accompanying colleagues during disciplinary interviews and/or hearings, will be given reasonable paid time away from their work to fulfil that responsibility.

### **The Meeting**

Disciplinary meetings to hear cases will normally be convened by the manager of the member of staff under investigation. For more complex cases an additional manager will join the chair to form a panel. The meeting should be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case. The disciplinary manager will write to you normally with 48 hours' notice, to confirm the date for the meeting.

At the meeting the Hearing manager will explain the allegations against the employee and go through the evidence that has been gathered. The employee will be allowed to set out their case and answer any allegations that have been made. They will also be given the opportunity to ask questions and present evidence.

It may be appropriate for relevant witnesses to attend the disciplinary meeting and the employee will be given the opportunity to raise points at the meeting about any information provided by witnesses. Where an employee or the University intends to call a witness, they should notify the other party of this in writing in advance of the meeting and ensure that they attend at the appropriate time. No individual can be compelled to attend a disciplinary meeting as a witness.

The manager convening the disciplinary meeting will decide on the outcome, where appropriate, seeking advice from the relevant POD representative. You will find guidance for holding investigation & disciplinary meetings, at the end of this policy.

After the meeting, the University will notify the employee of its decision in writing. This will normally be done within 5 working days of the meeting. If disciplinary action is taken the employee will be advised of the right to appeal.

### **Disciplinary Outcomes**

The University has discretion to determine the appropriate disciplinary outcome to apply to an employee who it concluded has committed an act of misconduct. These outcomes (or sanctions) include:

#### **Formal Verbal Warning**

This will usually be appropriate for a first act of misconduct where conduct falls below an acceptable level, or a minor offence has been committed and there are no live written warnings. This warning will normally apply for 6 months.

#### **Written Warning**

This will usually be appropriate for misconduct where there is already a live formal oral warning on the employee's record considered sufficiently serious to warrant a written warning even although the employee has no live warnings. A written warning will normally apply for 12 months after which time it will be disregarded.

#### **Final Written Warning**

record or where the misconduct is considered sufficiently serious to warrant a final written warning even

although the employee has no live warnings. A final written warning will usually apply for no longer than 24 months after which time it will be disregarded.

### **Dismissal**

Dismissal will usually be appropriate in respect of the following:

- Repeated or serious misconduct during the first 12
- Further misconduct where there is a live written warning.
- Any gross misconduct regardless of whether there are live warnings.

Gross misconduct will usually result in dismissal with payment in lieu of notice.

In extreme cases of gross misconduct, the University reserves the right to summarily dismiss an employee without a prior investigation and without recourse to a formal hearing.

## The Appeal Meeting

The date of the Hearing will be given. The employee may be accompanied by a Trade Union representative or work colleague.

Appeals will be heard by an independent and normally more senior manager who will consider the hearing outcome with an open mind.

If the employee or their Trade Union representative is unable to attend the appeal meeting, steps will be taken to rearrange this within 5 working days of the original date. However, if the employee is persistently unable or unwilling to attend a meeting, the Appeal Manager may review the available materials and reach an outcome based on the information available to them. A decision to proceed in this way will be communicated in writing to the employee in advance.

Appropriate training/guidance will be provided to Appeal Managers and members of Appeal Panels by POD. Further information and guidance on the appeal process is contained in the University of Procedure.

## The Appeal Outcome

Once the Appeal Manager has considered all the points raised, they will normally provide a response, in writing, within 10 working days.

The decision of the Appeal Manager is final and there is no further right of Appeal.

## 8. OTHER CONSIDERATIONS

### PROTECTION OF CHILDREN

Allegations concerning the possible abuse of children by University staff must be reported immediately to the Director of POD and to the Academic Registrar, who is the designated Safeguarding Officer.

## **APPENDIX 1: Definitions of Gross Misconduct**

**The list is not exhaustive and should only be used as a guide.**

The following are examples of matters that are normally regarded as gross misconduct:

- Theft or fraud.
- Physical violence (actual or threatened).
- Deliberate and serious damage to property.



## **APPENDIX 2: Guidance for managers conducting disciplinary investigations & meetings**

When undertaking a disciplinary investigation, it is important that you keep an open mind regarding the outcome and ensure impartiality, fairness and confidentiality throughout the process.

It is also important to ensure that you stay focussed on investigating the specific allegations of misconduct.

follow is important. Giving the employee an indication on timescale of when they are likely to hear about next steps is helpful, along with supporting them with any concerns and where to access help.

### **1. Planning an informal meeting to discuss conduct or behaviour causing concern**

Start by bringing this to their attention at the earliest opportunity.

Arrange a one-to-one meeting to:

- Explain the nature of the concern to the employee.
- Allow the employee to respond.
- Set out clear standards of behaviour required.
- Set a follow-up date to review the matter with the employee.
- Inform the employee what will happen if they do not achieve the required standard.
- Write a brief note of the meeting and give a copy to the employee.

### **2. Planning an Investigation**

Start by deciding what evidence you will require to establish the facts.

- Think about whom you need to interview, what questions you want to ask them and in what order you wish to see individuals. Also consider what other evidence or documentation you might require.
- Try to see people as quickly as reasonably possible before their recollection of events fade.
- You should ensure that interviews take place in a venue that provides appropriate privacy and allows them to take place without interruptions.

## **Opening**

Explain who you are and the other people in the room.  
Outline the format of the meeting.  
Advise that adjournments may be requested if required.  
Highlight an expectation of honesty and confidentiality.  
Explain why you are carrying out the investigation.  
Clarify that your role is to establish what happened and not to make a judgement about what to do.  
Advise that a note of the meeting will be provided, and the interviewee will be asked to confirm that they are accurate.  
For witnesses - advise that the notes of the meeting will normally be shared with the employee accused of misconduct.

## **Questioning**

Ask the interviewee to tell you what happened in their own words.  
Let the individual speak even if they are not describing things in order.  
Focus questioning on the allegations and the facts relating to these.  
Only explore issues in more detail that are relevant to the case.  
Do not make assumptions and interpret what they are saying.

## **Rounding Up**

Summarise back to the witness what you have understood / written.  
Ask if there is anything else relevant that they wish to add or any additional witnesses that may be relevant  
Explain what will happen next.  
Confirm if the employee is aware of any other witnesses to the incident and any other relevant documents that may be relevant.

## **5. Investigation Outcome**

After completing the investigation, the evidence should be collated together, to form the basis of a report. It is important consider all the evidence and to take care to view the matter objectively. The relevance and validity of information collected should also be considered. The report would normally provide a summary of your investigation findings and a recommendation on whether the case should proceed to a disciplinary hearing. You should not recommend what level of penalty is warranted.

Decisions should be based on the principle of the balance of probabilities rather than beyond reasonable doubt. Your recommendations can include:

No further action is appropriate.

**Planning a Hearing**

All parties will be informed of the arrangement for the Hearing, consideration will be given to secure a date that is convenient to the parties. In the event of the first date not being convenient for the employee, or their companion, an alternative date will normally be offered within 5 working days of the original date (unless otherwise agreed by all parties).

**Written Evidence**

The Investigation Report shall form part of the case file, together with all associated statements and other

**APPENDIX 3: Investigation Meeting Template**

**INVESTIGATION REPORT**