

**CONDITIONS OF EMPLOYMENT GOVERNING ADMINISTRATIVE AND OTHER
ACADEMIC RELATED STAFF**

APPENDIX 7A: DISCIPLINE, APPEALS AND GRIEVANCES

Disciplinary Procedure

1. This procedure applies to Administrative and Other Academic Related Staff. It is designed to ensure consistent and fair treatment. In a case where a professorial equivalent member of staff is the subject of disciplinary proceedings hereunder, the role of the Head of Budget Centre will be assumed by the Registrar and Secretary.
2. In the case of a minor disciplinary matter, before the procedure is invoked, the Head of Budget Centre (or nominee) shall counsel the member of staff concerned in an attempt to deal with the matter informally and give the member of staff the opportunity to improve.
3. At every stage in the formal disciplinary procedure an investigation of the circumstances of the complaint will be carried out; the member of staff will be advised of the nature of the complaint, be given a copy of these procedures and be given the opportunity of making representations in writing and in person; will have the right to be accompanied at a disciplinary interview by a friend who is a member of the University or a representative of a trade union; and will have the right to appeal against any disciplinary penalty imposed.
4. The formal disciplinary procedure set out below provides a graduated series of warnings: an oral warning and a first written warning, to be issued by the Head of Budget Centre after consultation with the Director of Human Resources; and a final written warning to be issued by the Director of Human Resources. However, depending on the seriousness of the case, the formal procedure may omit the oral warning and begin with a written warning; or may exceptionally proceed directly to a final written warning; or dispense with warnings altogether. In certain circumstances it may be appropriate to repeat a warning at the same level.
5. At each stage of the warning procedure, if it is found that the grounds for the complaint are justified, a warning will be issued to the member of staff. The member of staff will be advised (in writing in the case of a written warning) of the reason for the warning, the nature and extent of any improvement required, the possibility of further disciplinary action being taken if the misconduct is continued or repeated, the period after which the warning will be disregarded (see paragraph 7 below), and the right of appeal.
6. Where a member of staff wishes to appeal against a decision to issue a formal warning, the case shall be reported to the Provost and Vice-Principal or the Pro-Vice-Chancellor with responsibility for staffing, whose decision will be final but who may not increase the level of warning imposed.
7. In a case where a warning is not contested under paragraph 6 above, or is contested but confirmed by the Provost and Vice-Principal or the Pro-Vice-Chancellor with responsibility for staffing, it will be disregarded, after the expiry of a maximum period of one year for an oral warning or two years for a written warning.
8. In a case where a final written warning has failed to secure improvement, the case shall be reported to the Vice-Chancellor (or nominee) who may, having sought the comments of the member of staff in writing and after an investigation, either
 - a. dismiss the case against the member of staff; or
 - b. resolve the case informally with the written agreement of the member of staff; or
 - c. refer the case to an enquiry committee, and
 - d. suspend the member of staff normally on full pay pending a final decision.

9. Notwithstanding paragraph 8 above, in the case of an offence which may be regarded as gross misconduct (as defined in the ACAS guide entitled 'Discipline and Grievances at Work'), the Vice-Chancellor (or nominee) may suspend the member of staff, normally with pay, pending an investigation and any hearing.
10. The composition of an enquiry committee shall be as follows:
 - a. an independent chairperson acceptable to the Council and to the recognised trade union;
 - b. a nominee of the Council;
 - c. a nominee of the recognised trade union.
11. The Director of Human Resources (or nominee) shall make the necessary administrative arrangements, including the time and date of the hearing, the written notification to the enquiry committee and to the member of staff of the nature of the case and any charges made, the production and disclosure of documents, the summoning of witnesses and acting as secretary of the committee. The Vice-Chancellor shall appoint a person to present the case to the committee on behalf of the University.
12. The member of staff shall be given 20 working days written notice of the hearing or such other period as may be mutually agreed and shall have the right to be present at the hearing and to be accompanied both by a friend who is a member of the University and also by either a representative of a trade union or a legally qualified adviser. The member of staff may question witnesses either directly or through an adviser and may call witnesses who will be liable to cross examination.
13. It shall be the duty of the Chairperson of the committee to ensure that the hearing of the case is conducted as expeditiously as is reasonably practical but, at the discretion of the Chairperson, the hearing may be postponed or adjourned for a limited period for good reason.
14. The committee will make a report and a recommendation to the Council, which may be by a majority. It shall be within the competence of the committee to recommend:
 - a. that the case against the member of staff be dismissed; or
 - b. that the member of staff be advised about his/her future conduct; or
 - c. that the member of staff be reprimanded; or
 - d. that an increment of salary be withheld; or
 - e. that the member of staff be dismissed with notice of six months or salary in lieu of notice; or
 - f. that, in cases of gross misconduct (refer to paragraph 9 above) the member of staff be summarily dismissed - that is without notice or payment in lieu of notice; or
 - g. any combination of the above as appropriate in the circumstances of the case
provided that e) and f) can only be recommended if good cause, as defined in University Statutes, has, where relevant, been established.
15. The Council* shall, on the basis of the report and recommendation of the committee, determine the action to be taken and its decision shall be communicated in writing to each of the parties, stating the reasons for the decision. The member of staff shall be informed of the right of appeal, except where the case against the member of staff has been dismissed. [*Note: the Council has delegated its authority to the Vice-Chancellor or the Vice-Chancellor's nominee.]

Grievances

16. Members of staff wishing to raise a grievance affecting their employment in the University should where possible do so informally with the Head of Budget Centre in the first instance. If the matter cannot be resolved informally, the member of staff may write to the Head of College or Registrar and Secretary, as appropriate, who will seek to resolve the matter either personally or via a nominee.
17. If the matter remains unresolved, the member of staff has a statutory right to submit a grievance in writing to the Director of Human Resources of the University for the consideration of the Council in accordance with the Statutes.

Appeals to Council

18. The following procedure applies to Administrative and Other Academic Related Staff who may wish to appeal to the Council against a disciplinary decision imposed under the Disciplinary Procedure (other than the issue of formal warning); or otherwise pursue an appeal to the Council relating to the member of staff's employment in the University.
19. A notice of appeal shall be sent in writing by the member of staff to the Director of Human Resources who shall inform the Council. An appeal must be submitted within 20 working days of the written notification to the member of staff of the decision which is the subject of the appeal or such longer period as may be mutually agreed.
20. The parties to an appeal shall be the member of staff concerned and the University, which shall be represented by a person nominated by the Vice-Chancellor.
21. An appeal panel shall be constituted as follows:
 - a. an independent chairperson acceptable to the Council and to the recognised trade union
 - b. a nominee of the Council
 - c. a nominee of the recognised trade union.

A member of the appeal panel must not have been involved in any consideration of the case at an earlier stage; and the nominee of the Council may not be a member of the Council.

22. The appeal will not be determined without an oral hearing in the presence of the member of staff, who shall be entitled to be accompanied by another person, whether a representative of a trade union, a legally qualified adviser or any other person chosen by the member of staff. Either party may call witnesses who may be liable to be questioned by either party and by the panel.
23. It shall be the duty of the Chairperson of the panel to ensure that the hearing of the case is conducted as expeditiously as is reasonably practical but, at the discretion of the Chairperson, the hearing may be postponed or adjourned for a limited period for good reason.
24. The panel may:
 - a. allow or dismiss the appeal which may be by majority verdict; or
 - b. reduce but not increase any penalty imposed; or
 - c. take any other action it may consider appropriate in the circumstances of the case, provided that the severity of the total penalty is not increased.

The panel will submit a report to the Council and notify the parties in writing of its decision and the reasons for its decision. The decision of the panel represents the University's final decision in the matter but this does not preclude the member of staff from taking action at law.

Approved by Council, 27 June 2012