

Keele University Students' Union

Disciplinary and Appeal Procedure

1. Purpose and Scope

- a) Keele University Students' Union's aim is to encourage improvement in individual conduct and to address poor conduct and behaviour. This procedure sets out the procedure to be followed when acceptable standards of conduct or behaviour are breached.
- b) The procedure covers all employees (not student workers or casual workers) employed by Keele University Students' Union.
- c) If a grievance is raised by a member of staff which is material to a disciplinary case it will normally be considered in the context of the disciplinary investigation.

2. Principles & Procedure

- a) Informal action will be considered where appropriate to resolve problems with conduct or performance:

Informal Guidance:

- 1) Where an individual's conduct or performance is considered to be problematic or unsatisfactory but the issues are considered to be minor, informal guidance may be given by their immediate Line Manager or Head of Department.
- 2) Reasons for the behaviour/ lack of performance will be sought and wherever possible guidance will be given in overcoming difficulties.
- 3) The Line Manager or Head of Department will record the details in their own records.
- 4) These notes are not disciplinary warnings.
- 5) If during informal discussions it appears that the matter may be more serious the Line Manager/Department Manager involved should adjourn the discussion and inform the individual that the matter will be dealt with under the formal disciplinary procedure.

- b) The disciplinary procedure is designed to establish the facts as fully and quickly as possible and to deal consistently and fairly with disciplinary and performance issues.
- c) All employees are expected to be aware of their conditions of employment and accepted standards of behaviour and conduct within the Union (see Staff Handbook and individual statement of Terms and Conditions, policies on behaviour in the building). Human Resources and Remuneration Committee is responsible for defining and explaining Union rules, conditions of employment and standard of conduct expected of employees.
- d) All disciplinary matters referred to in this procedure are carried out with authority delegated from the Human Resources and Remuneration Committee.
- e) The procedure may be implemented at any level if the alleged misconduct warrants this.
- f) There is a right to appeal against any formal disciplinary penalty.
- g) Staff will not usually be dismissed for a first offence except in the case of Gross Misconduct.
- h) No disciplinary action shall be taken until the matter has been fully investigated and a hearing has taken place.
- i) **Investigation:**
 - 1) Any investigation will normally be carried out by the immediate line manager unless s/he is materially involved in the issue, in which case the next senior Manager/Director will conduct the investigation or assign an appropriate alternative Manager/Director. (They are known as the investigating officer.)
 - 2) The investigating officer will usually be supported by a University Human Resources Manager/Advisor or another appropriate KeeleSU Manager.
 - 3) The investigating officer will look into all available information, this may include gathering evidence, interviewing the employee, interviewing other witnesses, etc. and then they will then produce a report.
 - 4) The report will then be passed to the next senior Manager/Director or an alternative Manager /Director who will decide whether there is a prima facie case to answer, and so whether a formal disciplinary hearing is necessary.
- j) **Decision regarding whether formal disciplinary action will follow:**

If it is decided that no formal disciplinary action is required the employee will be informed in writing.

Where it is decided after investigation, that formal disciplinary action is required, the first step will be to inform the employee in writing of the allegation(s). This letter will also invite the employee to attend a formal hearing at which the matter will be discussed. There will be a reasonable amount of time between the letter being issued and the date of the hearing. Usually not less than 7 days. The employee will be advised of who the decision making manager is, and they will chair the disciplinary hearing.

- k) **Disciplinary Hearing.** A University Human Resources Advisor/Manager may be present at disciplinary hearing to advise the Chair and another to advise the investigating officer. The investigating officer will present the case against the employee.
- l) **Right to state your case:** The employee will be given the opportunity to state his or her case and points of mitigation at the investigative meeting(s), and at any subsequent disciplinary hearing before a decision is reached. The employee will be able to ask questions of the investigating officer, and of any witnesses called.
- m) **Right to be accompanied:** With the exception of the informal guidance stage, the employee has the right to be accompanied or represented by an accredited Trade Union official/Representative or by a fellow employee of KeeleSU at all formal meetings, hearings and appeals.
- n) The employee will be provided with written copies of any investigation report, statement of case, evidence and witness statements in advance of the disciplinary hearing (usually five working days before). The employee will be given the names of any witnesses who may be called to the meeting, unless there is a need to maintain their anonymity.
- o) The employee will be required to notify the Chair, of the name of their Trade Union representative or supporting colleague and the names of any witnesses they intend to call at least three working days before the meeting. The employee will be required to provide copies of any documents or evidence that they intend to rely on in the hearing, to the Chair, at least three working days before the hearing.
- p) If the employee fails to attend the disciplinary hearing without justification and without notifying the Chair, if it is not feasible, possible or appropriate to rearrange, the meeting may go ahead in the employee's absence.
- q) At the disciplinary hearing, during an adjournment, the Chair will carefully consider all the information made available before making a decision. Wherever possible the Chair will inform the employee of the decision at the reconvened hearing. If this is not possible, the Chair may advise the employee that they will be informed of the decision by letter. In all cases the decision will be confirmed to the employee in writing.

3. The Levels of Disciplinary Sanction

a) Level 1- Warning

If conduct does not meet acceptable standards and there has been no improvement in conduct after informal guidance or if the facts of the case appear to call for immediate formal disciplinary action, a Level 1 warning will be issued. This will be in writing and will set out the nature of the misconduct and the right of appeal. A record of the warning will be kept on the employee's file for six months and then removed.

b) Level 2: Warning

If poor conduct persists or if the offence may be serious enough to justify a higher sanction a Level 2 warning will be issued. This will be in writing and will set out the nature of the misconduct and will include the right of appeal. A record of the warning will be kept on the employee's file for 12 months and then removed.

c) Level 3: Final Warning

Where poor conduct or behaviour persists or where there is a live Level 2 warning on the employee's file or where more serious misconduct has taken place a Level 3 Final warning shall be issued. The warning will include details of the employees the right of appeal. A final written warning will be placed on the employee's file for 18 months and then removed.

d) Level 4: Dismissal or Other Sanction

If there is no satisfactory improvement in behaviour or if further misconduct occurs, or if Gross Misconduct is alleged, the final step in the procedure is to consider dismissal or some other actions short of dismissal. (At this stage if it is deemed appropriate other disciplinary sanctions may be considered for example, redeployment to another possibly less senior position)

The decision to dismiss or issue another Level 4 sanction will be taken by an appropriate KeeleSU Senior Manager, usually no less than a Director or full time elected officer, who has not been previously or materially involved in the investigation or case.

Following the hearing the employee will be informed in writing of the reasons for the dismissal, the effective of termination of and the period of notice or arrangements for Pay In Lieu of Notice (PILON), if appropriate. The employee will be provided with a written account of the disciplinary hearing and decision to dismiss. The letter will also outline the employee's right of appeal.

If some action short of dismissal is decided upon, the employee will be made aware that they could still be dismissed if the action proves unsuitable or

ineffective, or if misconduct re-occurs. The employee will also be notified of their right of appeal.

4. Suspension

It may be necessary and appropriate to suspend an employee from duty, to enable a full and fair investigation to be carried out where a serious disciplinary offence is alleged. The employee will be informed of their suspension, by their Line Manager or an appropriate senior manager with responsibility for the employee at the time. There will usually be a member of University Human Resources present at the time of the suspension.

Suspension itself is not a disciplinary sanction. During the period of suspension the employee will be paid normal pay. Any conditions of the suspension, such as not entering KeeleSU premises, etc. will be notified to the employee and will confirmed in the suspension letter. The employee will have written confirmation of the suspension, usually within three working days.

All periods of suspension will be kept to a minimum, and if longer than four weeks, will be reviewed regularly and communicated with the employee.

5. Misconduct

Alleged Misconduct will be fully investigated. The following list provides some examples of Misconduct, although the list is not exhaustive.

- Refusing or neglecting to comply with reasonable and legitimate management instructions
- Breach of any legal requirements placed upon a member of staff by virtue of his or her employment with Keele University Students' Union
- Refusing or neglecting to comply with Keele University Students' Union policies, procedures, rules and regulations
- Rude, offensive, or unacceptable behaviour towards colleagues, students or others
- Bullying, harassment or offensive behaviour, of either a physical, verbal or psychological nature
- Negligence
- Failure to disclose any situation which may be a potential conflict of interest, for example, professional, personal, financial or employment related
- Insubordination (i.e. engaging in activities that could undermine the confidence in, or authority of, management);
- Being an accessory to a disciplinary offence
- Negligent damage to property of Keele University Students' Union
- Unauthorised absence, or poor timekeeping
- Failing to take reasonable care of Keele University Students' Union property
- Unauthorised use of or unauthorised removal from Keele University Students' Union of the property of Keele University Students' Union

- Failure to report any incident whilst driving Keele University Students' Union vehicles, whether or not personal injury or vehicle damage occurs
Obstruction or attempted obstruction of others in the performance of their duties to Keele University Students' Union
- Abuse of any statutory or other leave, including for example parental leave or sick leave
- Failure to comply with the University's IT Conditions of Use

Any misconduct of a sufficiently serious nature may be deemed to be gross misconduct and dealt with accordingly.

6. Gross Misconduct

Alleged Gross Misconduct will be fully investigated. To allow a full and fair investigation to take place it may be necessary to suspend the employee from duty (see suspension). The following list provides some examples of Gross Misconduct offences, although the list is not exhaustive.

- Theft, Fraud and/or deliberate falsification of records
- Physically or verbally abusive or threatening behaviour
- Bullying and/or harassment
- Deliberate or significant damage to Keele University Students' Union property
- Deliberately accessing inappropriate or illegal internet sites which contain, for example, pornographic, offensive or obscene material
- Serious insubordination
- Misuse of Keele University Students' Union's or Keele University's property or name
- Incapacity for work due to being, or being believed to be, under the influence of alcohol or illegal drugs
- Bringing Keele University Students' Union in to disrepute
- Acts of Discrimination or harassment
- Serious negligence which causes or might cause unacceptable loss, damage or injury
- Serious breach of Health and Safety rules
- Breach of related legislation e.g Licensing law, Premises Licence
- Serious breach of the employer's trust and confidence

If on completion of an investigation and the full disciplinary procedure, the organisation justifiably believes that Gross Misconduct has occurred, the employee will be summarily dismissed (i.e. without notice or Payment In Lieu Of Notice PILON).

7. Minimum Levels of Authority for Formal Disciplinary Meetings

Level One/ Level Two	Line Manager/Department Managers
Level Three - Final Warning	Senior Manager/Directors
Dismissal and other Level Four	Senior Manager/Directors
Appeal at Level One or Two	Directors
Appeal at Level Three Final Warning	Human Resources and Remuneration Committee/ Trustee Board
Appeal Dismissal/Level Four	Human Resources and Remuneration Committee/ Trustee Board

If disciplinary action is being considered against one of the Directors, the minimum level of authority to investigate will be a member of Human Resources and Remuneration Committee advised by a member of the University Human Resources. Three other members of the Human Resources and Remuneration Committee should then form the panel for any formal disciplinary hearing advised by another member of the University Human Resources.

An appeal against any level of sanction on a Director would be considered by the Trustee Board (any Trustee involved in the disciplinary decision could not consider the Appeal). The Appeal panel must consist of three members and must include at least two members who are either Alumni Trustees or External Trustees.

8. Right of Appeal

- a) An employee who has received a disciplinary sanction, including dismissal has the right of appeal against the sanction.
- b) Any appeal must be made in writing, clearly laying out the grounds of appeal, to one of the Directors, within seven days of receiving the disciplinary hearing outcome letter. (Appeals against sanctions against a Director shall be made in writing to the Chair of the Trustee Board)
- c) A manager or trustee who has been involved in a disciplinary investigation or decision will not be allowed to hear an appeal against that decision.
- d) Appeals against Level one and two warnings shall be heard/ considered by one of the Directors (this will be a different Director to the one involved in the issue of the warning). A member of University Human Resources may be present to advise the Director.
- e) Appeals against final warnings or dismissals shall be heard by panel of three members of the Human Resources and Remuneration Committee. A member of University Human Resources may be present to advise the panel.
- f) Appeals by a Director will be heard by Trustee Board (minimum 3 voting members must include two either External Trustees or Alumni Trustees). A member of University Human Resources may be present to advise the panel.
- g) The employee will be notified of the date of the appeal meeting within ten working days of the receipt of the appeal (the meeting itself will not normally

take place within this timescale although every effort will be made to hold the meeting as soon as possible). This timescale may be extended by mutual agreement.

- h) The employee will normally be given at least seven working days' written notice of the date of an appeal meeting.
- i) The Chair of the original disciplinary hearing will present the case and outline the reasons for the decision. (They will be known as the presenting officer.)
- j) The employee must provide, copies of any documents on which he or she intends to rely on before the appeal meeting, no later than five working days prior to the appeal meeting.
- k) The employee will be provided with any documentation on which the presenting officer intends to rely in advance of the appeal meeting, no later than five working days prior to the appeal meeting.
- l) If at any point during the appeal meeting new evidence arises either party (the employee or the presenting officer) may request an adjournment in order to investigate or consider. If such an adjournment takes place the meeting will be reconvened as soon as is reasonably practicable at a time acceptable to both parties.
- m) If either the employee or the presenting officer wishes to call any new witnesses they will be required to notify the Chair or panel of the names, no later than five working days prior to the appeal meeting.
- n) The employee will be required to notify the Chair or panel of any change of accredited Trade Union representative or supporting colleague from the original disciplinary hearing, at least three working days before the appeal meeting.
- o) The Chair or panel of the appeal meeting will adjourn to consider all of the information made available at the meeting before making a decision. Wherever possible the Chair or panel will inform the employee of the decision at the reconvened meeting. If this is not possible, the employee will be advised that they will be informed of the decision by letter. In all cases the decision will be confirmed in writing.

9. General

All formal disciplinary action taken shall be reported to Human Resources and Remuneration Committee.

2013