DISCIPLINARY AND APPEALS PROCEDURE (Staff)

1. INTRODUCTION

1.1 Purpose

The primary purpose of this procedure is to ensure acceptable standards of conduct are met and maintained.

1.2 Scope

1.2.1 This procedure is applicable to all Keele University staff, except those whose employment is governed by the University Statute 31[1].

1.2.2 If a grievance is raised which is material to a disciplinary case, it will normally be considered within the context of the disciplinary investigation and this procedure.

1.2.3 All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the University.

2. PROCEDURE

2.1 Levels of Misconduct

2.1.1 There is no code automatically assigning particular sanctions to particular offences. Managers will take full account of the specific circumstances of each case in deciding what the sanction should be.

2.1.2 The list below is not exhaustive and is illustrative only of the types of matters which may be reviewed in accordance with these disciplinary procedures. Each disciplinary offence, if considered to be sufficiently serious, could be regarded as gross misconduct.

Examples of misconduct might include:

[1] Staff whose employment is governed by the University Statue 31 should refer to the Disciplinary and Appeals Procedure for Academic Staff.

a) refusing or neglecting to comply with reasonable and legitimate management instructions;

b) breach of any legal requirements placed upon a member of staff by virtue of their employment with the University;

c) refusing or neglecting to comply with University policies, procedures, rules and regulations;

d) rude, offensive, or unacceptable behaviour towards colleagues, students, or others;

e) bullying, harassment or offensive behaviour, of either a physical, verbal, written or psychological nature towards colleagues, students or others;

f) negligence;

g) failure to disclose any situation which may be a potential conflict of interest, for example, professional, personal, financial or employment related;

h) negligent infringement of Health and Safety policies, rules, or procedures;

i) negligent infringement of data protection policies, rules, or procedures;

j) insubordination (i.e. engaging in activities that could undermine the confidence in, or authority of, management);

k) being an accessory to a disciplinary offence;

l) negligent damage to property of the University;

m) incapacity or unacceptable behaviour due to alcohol or the misuse of drugs;

n) unauthorised absence, or poor timekeeping;

o) unauthorised use of or unauthorised removal from the University of the property of the University;

p) smoking in a University building or other designated no smoking area;

q) breach of any academic or professional standards, including, inter alia, plagiarism;

r) research misconduct (see Research Misconduct Procedure);

s) obstruction or attempted obstruction of others in the performance of their duties to the University;

t) abuse of any statutory or other leave, including for example parental leave or sick leave;

u) failure to comply with the University's IT Conditions of Use;

v) failure to comply with the University's Never OK Hub (Condition of Registration E6: Harassment and Sexual Misconduct single comprehensive source of information).

x) breach of any University employment policies or procedures;

y) any form of unlawful discrimination;

z) gross misconduct as defined below.

2.1.3 The following is a list of actions which, in addition to being included in the disciplinary offences above, could be regarded as gross misconduct and could lead to summary dismissal.

This list is purely illustrative and is not exhaustive of the type of action which could amount to gross misconduct:

a) inappropriate disclosure of confidential information relating to examinations or any other form of assessment;

b) plagiarism;

c) gross negligence in the performance of duties or responsibilities which may cause unacceptable loss, damage, or injury;

d) failure to disclose a substantial conflict of interest;

e) lack of fairness in carrying out the marking of examination papers or any other form of assessment of students;

f) fraud, for example falsification of qualifications, timesheets, expenses and overtime claims;

g) failure to comply with the University's Personal Relationships Policy Statement and Procedure for Disclosing Personal Relationships or to Raise Concerns (Staff & Student Relationships, for example failure to declare a personal relationship, abuse of power or repeated relationships which contravention of the policy.

h) acts or threats of physical violence towards other members of staff, students of the University or other persons performing duties or services for the University or towards any other person who is lawfully upon University premises;

i) theft of, or wilful damage to, property of the University, or of other members of staff of the University, or of students of the University or of other persons performing duties or services for the University;

j) provision of inaccurate or misleading information in the initial application for employment which would have influenced the employment decision;

k) provision of false or inaccurate information in response to a specific request/requirement laid down by the University at any time;

l) engaging in unauthorised employment during contracted hours with the University or during periods of sick leave or other periods of absence from work;

m) serious infringement of the health or safety regulations of the University;

n) serious breach of the Data Protection Regulations of the University;

o) serious bullying, harassment, or discrimination[2];

p) breach of the University's Sexual Violence and Misconduct policy;

q) repeated or serious cases of incapacity due to alcohol or misuse of drugs;

r) serious breach of the University's IT Conditions of Use;

s) refusing or neglecting to comply with reasonable and legitimate management instructions;

t) breach of confidentiality;

u) conviction of a criminal offence which prevents a member of staff from being able to fulfil their other contractual duties or which makes continued employment untenable;

v) any act or omission that amounts to the repudiation of the contract of employment.

2.2 Investigations

2.2.1 If a decision is taken to undertake an investigation into allegations against a member of staff, an appropriate manager will be assigned to conduct the investigation (hereafter referred to as Investigating Manager)

2.2.2 It is the purpose of the investigation to establish whether there is a 'prima facie' disciplinary case to be answered. It is not the purpose of the investigation to decide, if a prima facie case is established, what sanction may be appropriate, if the manager hearing the disciplinary meeting establishes that misconduct has occurred. The Investigating Manager will report the facts as they appear to them and will submit an investigation report to another appropriate manager. If the manager receiving the investigation report determines that a disciplinary meeting needs to be arranged, the member of staff will receive a copy of the report in advance of the meeting.

2.2.3 Investigation Guidelines have been produced by the University to assist the

[2] Incidences of harassment or discrimination in any form may, (dependent upon the nature and degree involved) be considered as gross misconduct. Harassment or discrimination of any nature or degree, however, may be considered to be a disciplinary offence.

Investigating Manager to conduct an appropriate investigation. Investigations will be conducted in as timely a manner as possible, and wherever possible within 4 weeks of the start of the investigation. Progress of investigations will be reviewed by People and Organisational Development Department on a fortnightly basis.

2.2.4 Where the disciplinary process considers allegations of harassment or sexual misconduct of a University student the investigation and any subsequent disciplinary meeting must consider the content of the University's Comprehensive Single Source of Information.

2.3 Disciplinary Action and Stages (Not including dismissal)

2.3.1 Informal Stage

2.3.1.1 Minor lapses of conduct will be dealt with informally. This may include an informal investigation into the facts. Following an informal meeting, standards of acceptable conduct will be clarified and expected improvement set out in writing.

2.3.1.2 Standards set out in this manner will not form part of the formal disciplinary procedure. They should be issued merely as an aid to try to ensure conduct is of an acceptable standard.

2.3.1.3 If a member of staff is dealt with under the informal stage of this procedure and meets the required standards, this will not normally form the basis of subsequent formal disciplinary action. However, failure to meet standards issued at the informal stage of this procedure may lead to the instigation of the formal stages and may be referred to during those procedures.

2.3.1.4 Where a member of staff's conduct is considered to be unsatisfactory, the manager may first of all consider whether guidance/advice or training might be a more appropriate and effective method of addressing the issues. If such guidance/advice or training is offered to any member of staff and the individual declines or does not complete or adequately comply with the guidance/advice or training, and as a result there continues to be ongoing concerns, they may be subject to disciplinary action in accordance with this procedure.

2.3.2 Formal Disciplinary Action

2.3.2.1 Managers should seek the advice of the People and Organisational Development Department prior to initiating any formal action under this procedure. This will ensure fair and equitable application throughout the University. Further details of the general principles applying to the formal stages of this procedure can be found at Annex A.

2.3.2.2 The University has a responsibility to ensure that managers using and operating this procedure have the necessary skills and support, therefore People and Organisational Development Department will provide full guidance and support to managers.

2.3.2.3 Where there is an allegation of misconduct the Investigating Manager must ensure that the case is investigated before any decision to proceed with disciplinary action is taken.

2.3.2.4 Formal disciplinary action may be taken if:

a) informal attempts to resolve a problem have not succeeded; or

b) the member of staff has previously received a warning which is still current at the time of the alleged misconduct; or

c) a first instance of misconduct is sufficiently serious to warrant formal action being taken.

2.3.2.5 Where an allegation of a serious offence has been made against a member of staff, it may be appropriate to suspend the member of staff from duty (refer to Annex A).

2.3.2.6 Arrangements for disciplinary meetings, including the documentation that should be sent to the member of staff can be found in Annex A.

2.3.2.7 A Manager/Advisor, People and Organisational Development Department, will normally attend suspension, disciplinary and appeal meetings convened under stages 1 and 2 of this procedure.

2.3.3 Warnings

2.3.3.1 Where misconduct is established at a disciplinary meeting, the sanctions which may be applied are as follows:

- Level One Warning;
- Level Two Warning;
- Level Three Final Warning.

2.3.3.2 The level of sanction to be applied should be determined according to the seriousness of the misconduct, and taking account of the circumstances of the case including any mitigation.

2.3.3.3 Warnings at Level One and Level Two will not normally be issued to members of staff who are within the first 12 months of a probationary period[3]. The first formal warning given under these circumstances will usually be a Level Three Final Warning.

2.3.3.4 The outcome of the disciplinary meeting will be confirmed in writing, normally within five working days of the decision, and shall:

[3] Also where the initial probationary period is for less is for less than 12 months but is extended beyond the first year of employment.

a) state the disciplining manager's rulings on the allegations;

b) state the penalty imposed, if any;

c) state the period of the warning (see 2.3.3.5);

d) state the consequence of any further misconduct during the period of the warning including, where relevant, that the consequence of further misconduct may be an escalation of disciplinary warnings and ultimately dismissal;

e) remind the member of staff of their right to appeal and how this right may be exercised.

2.3.3.5 Where a warning is given, a record of the warning will be placed on the member of staff's file in the People and Organisational Development Department and retained in line with the University Record Retention Schedule. The warning will be considered spent at the end of the warning period as shown below, unless otherwise specified.

Level One Warning	12 months;
Level Two Warning	18 months;
Level Three Final Warning	2 years (or longer where the circumstances warrant a longer period).

2.3.3.6 Where a period of long-term absence, whether planned or unplanned, would render a warning meaningless, the period of operation for the warning may be suspended during the absence, thus extending the date on which the warning expires. Alternatively, the date on which the period of warning will commence may be deferred until the member of staff resumes their duties.

2.3.3.7 Where a member of staff with a current formal warning on file moves to an alternative role within the University the warning will remain in place for the designated warning period. Where a member of staff is on a fixed-term contract and is given a formal warning, this can be continued beyond the end of the fixed-term contract where the contract is extended, or the member of staff secures alternative employment within the University.

2.4 Procedure Where Dismissal is Contemplated

2.4.1 Where dismissal is contemplated, it may be appropriate to suspend a member of staff from duty. The manager should ensure that the relevant facts of the case are investigated (refer to Annex A) before taking any decision to proceed with disciplinary action.

2.4.2 Arrangements for disciplinary meetings, including the documentation that should be sent to the member of staff can be found in Annex A.

2.4.3 In addition to the documentation referred to at Annex A, the member of staff must be informed, in writing, that an outcome of the formal disciplinary meeting could be dismissal.

2.4.4 Where an allegation of gross misconduct is substantiated, dismissal may be a summary dismissal, i.e. without notice or payment in lieu of notice.

2.4.5 Before any final decision is taken in respect of dismissal, each individual situation will be judged upon its own merits with due regard for the principles of equity and fairness while taking into account the full circumstances of the case.

2.4.6 The outcome of the disciplinary meeting will be confirmed in writing within five working days of the decision. Where a decision is taken to dismiss, the precise reasons for the dismissal will be stated and the right to appeal will be confirmed.

2.5 Appeals

2.5.1 Any member of staff, who is issued with a formal warning or is dismissed under this procedure, will have the right to appeal to the designated Appeals Manager detailed in the letter confirming the outcome of the meeting.

2.5.2 Appeals should be lodged, in writing, within ten working days of the date on which the letter confirming the outcome of the disciplinary meeting is sent, detailing the grounds for appeal.

2.5.3 The member of staff 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.

2.5.4 A member of staff will normally be given at least five working days written notice of the date of an appeal meeting, except in the case of an appeal against dismissal, in which case seven working days written notice will be given.

2.5.5 In advance of an appeal meeting, the member of staff must provide, in good time, and normally no later than five working days prior to the appeal meeting, copies of any documents on which they intend to rely on and/or their statement of case. The member of staff will also receive, in good time, and normally no later than five working days prior to the appeal meeting, copies of any documentation, on which the University intends to rely.

3. ROLES AND RESPONSIBILITIES

Responsibility for applying the provisions of this procedure lies with the Deans/Directors/Heads of School/Heads of Departments and other line managers. This responsibility may be delegated to appropriate reviewing managers.

4. RELATED POLICIES AND PROCEDURES

- Research Misconduct Procedure
- Disciplinary and Appeals Procedure (Academic Staff)
- Probationary Procedure
- Never OK Hub (Condition of Registration E6: Harassment and Sexual Misconduct single comprehensive source of information)
- Dignity & Respect Policy Statement and Procedure for a Member of Staff to Raise a Complaint of Bullying or Harassment
- Sexual Violence and Misconduct Policy Statement
- Procedure for Managing Staff Disclosure and Formal Allegations of Sexual Violence and Misconduct (staff)
- Personal Relationships Policy Statement and Procedure for Disclosing Relationships or to Raise Concerns (Staff & Student Relationships)
- Conflicts of Interest Policy
- Conflicts of Interest Procedure and Guidelines

5. REVIEW, APPROVAL & PUBLICATION

5.1 As a general principle, the procedure will be reviewed by People and Organisational Development Department, in consultation with recognised Trade Unions after three years or where operational and/ or legislative requirements change. Any revisions will be approved in accordance with UEC and Council procedures, where applicable.

5.2 This procedure is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawal.

5.3 This procedure will be published on the University policy zone web page and will also be accessible via the People and Organisational Development Department web pages.

5.4 Equality issues have been taken into account during the development of procedure and all protected characteristics have been considered as part of the Equality Analysis undertaken.

5.5 The University will monitor the outcomes in respect of staff entering the formal stages of the procedures in order to meet its statutory equality duties.

6. ANNEXES

Annex A: General principles applying to the formal stages of the Disciplinary and Appeals Procedure (Staff).

Annex B: Summary of the disciplinary process.

7. DOCUMENT CONTROL INFORMATION

Document Name	Disciplinary and Appeals Procedure (Staff)
Owner	Chief People Officer, People and Organisational Development
Version Number	1.1
Equality Analysis Form Submission Date	07 December 2022
Approval Date	16 December 2023
Approved By	University Executive Committee
Date of Commencement	01 January 2026
Date of Last Review	16 December 2025
Date for Next Review	16 December 2028
Related University Policy Documents	Research Misconduct Procedure Disciplinary and Appeals Procedure (Academic Staff) Probationary Procedure Probationary Procedure Never OK Hub (Condition of Registration E6: Harassment and Sexual Misconduct single comprehensive source of information) Dignity & Respect Policy Statement and Procedure for a Member of Staff to Raise a Complaint of Bullying or Harassment Personal Relationships Policy Statement and Procedure for Disclosing Relationships or to Raise Concerns (Staff & Student Relationships) Conflicts of Interest Policy Conflicts of Interest Procedure and Guidelines
For Office Use – Keywords	

ANNEX A: GENERAL PRINCIPLES APPLYING TO THE FORMAL STAGES OF THE DISCIPLINARY AND APPEALS PROCEDURE (STAFF)

A1. Definitions and Principles

A1.1 No disciplinary action will be taken against an accredited representative of a recognised Trade Union until the matter has been discussed with an employed Trade Union Official of the Union concerned.

A1.2 The disciplinary procedure may be initiated at an informal or formal stage depending on the seriousness of the alleged offence.

A1.3 Staff will not be dismissed for a first breach of discipline, except in the case of gross misconduct.

A1.4 Members of staff will have the right of appeal against any formal action under this procedure, up to and including dismissal and will be advised of this right and the procedure for submitting an appeal, as appropriate.

A1.5 Any member of staff who has been involved in determining the outcome of a disciplinary meeting will automatically be excluded from playing such a role in an appeal meeting.

A2. Right to be Accompanied

A2.1 Members of staff have a right to be accompanied at all formal meetings convened under any procedure that could result in:

a) a formal warning;

b) dismissal;

c) the confirmation of a warning or dismissal (such as an appeal meeting).

A2.2 In line with statutory rights, the representative may be:

a) a University work colleague; or

b) an Official employed by a Trade Union, or a lay Trade Union Official[4]

A3. Arrangements and Principles for Formal Meetings

A3.1 If a formal meeting is to be convened under this procedure (i.e. a meeting that could result in a formal warning or dismissal), the member of staff should be given a reasonable opportunity to consider their response to the issues to be discussed. The member of staff will receive the following, in writing, at least five working days in advance of the meeting:

[4] Lay Trade Union officials not employed by the University will be required to provide proof in writing that they have been certified by their union as having experience of, or having received training in, acting as a representative at such meetings.

a) the date and time and location of the meeting;

b) details of the alleged misconduct, and any other related information, which leads the University to contemplate taking formal action (which may include dismissal) against the member of staff;

c) the name of the person who may be asked to present the case to the manager conducting the disciplinary meeting;

d) the names of any witnesses;

e) the member of staff's right to be accompanied;

f) any other documentation to which the University will refer.

A3.2 Not later than two working days before the meeting the member of staff should similarly provide:

a) the name and status of the member of staff's representative, if any;

b) any documents the member of staff may wish to rely on at the meeting;

c) the names of any witnesses.

A3.3 Where reasonable adjustments need to be made relating to a disability, the member of staff should inform the manager in advance of the meeting so that appropriate action may be taken.

A3.4 The role of the person conducting the disciplinary meeting is to adjudicate impartially based on evidence provided to the disciplinary meeting. The member of staff will be given an opportunity to present their case and any evidence in mitigation of the alleged misconduct.

A3.5 At the disciplinary meeting the alleged misconduct will be explained, and witness evidence may be called. The manager conducting the disciplinary meeting shall consider the allegations made against the member of staff and go through the evidence that has been gathered. The Investigating Manager will normally attend to present their report and to answer questions on it from the member of staff and the manager conducting the disciplinary meeting. The member of staff will be afforded an opportunity to present their case and any evidence in their defence.

A3.6 Consideration will be given to re-scheduling the meeting where a key witness is unable to attend.

A3.7 Each party may ask questions of the witnesses called by them or by the other party.

A4. Failure to Attend a Meeting

A4.1 If a member of staff fails to attend a meeting without reasonable justification and without notifying the manager in advance, the meeting may go ahead in the member of staff's absence, based on the available evidence. The outcome of the meeting will be communicated to the member of staff in writing.

A4.2 If the representative cannot attend the meeting on the proposed date, the member of staff can offer an alternative time and date so long as it is reasonable and it is not more than five working days after the original date.

A4.3 All members of staff are expected to cooperate with any requests from the University for evidence to support their reasons for non-attendance at meetings. This can include medical evidence and/or a statement from the member of staff justifying their non-attendance with supporting documentation if it is available.

A5. Time Limits

A5.1 Time limits are included in these procedures in order to ensure that matters are dealt with promptly and without undue delay. However, in complex matters it may be appropriate to extend these time limits.

A6. Suspension (pending Investigation and/or a Disciplinary Meeting)

A6.1 Where an allegation of a disciplinary offence has been made against a member of staff, it may be appropriate to suspend the member of staff from duty pending a disciplinary investigation and/or disciplinary meeting. Suspension from duty is not a disciplinary measure in itself and will be reviewed to ensure that it is not unnecessarily protracted. Suspension will normally be limited, but not necessarily restricted, to circumstances in which:

a) the member of staff may interfere, or compromise any investigation;

b) there are difficulties in the relationship between the member of staff and other people (e.g. colleagues, students etc) with whom they would normally expect to come into contact in the workplace, which would be exacerbated by continuing to work in close proximity;

c) the safety of staff and the University's duty of care to its employees may be compromised by the presence of the member of staff at work;

d) it is necessary to protect the University's interests (e.g. for reasons of safety or financial probity).

A6.2 In these circumstances, a suspended member of staff will receive their normal pay, i.e. the pay the member of staff would have received had they not been suspended from duty, although if the individual is, at that time, also absent for another reason whilst suspended,

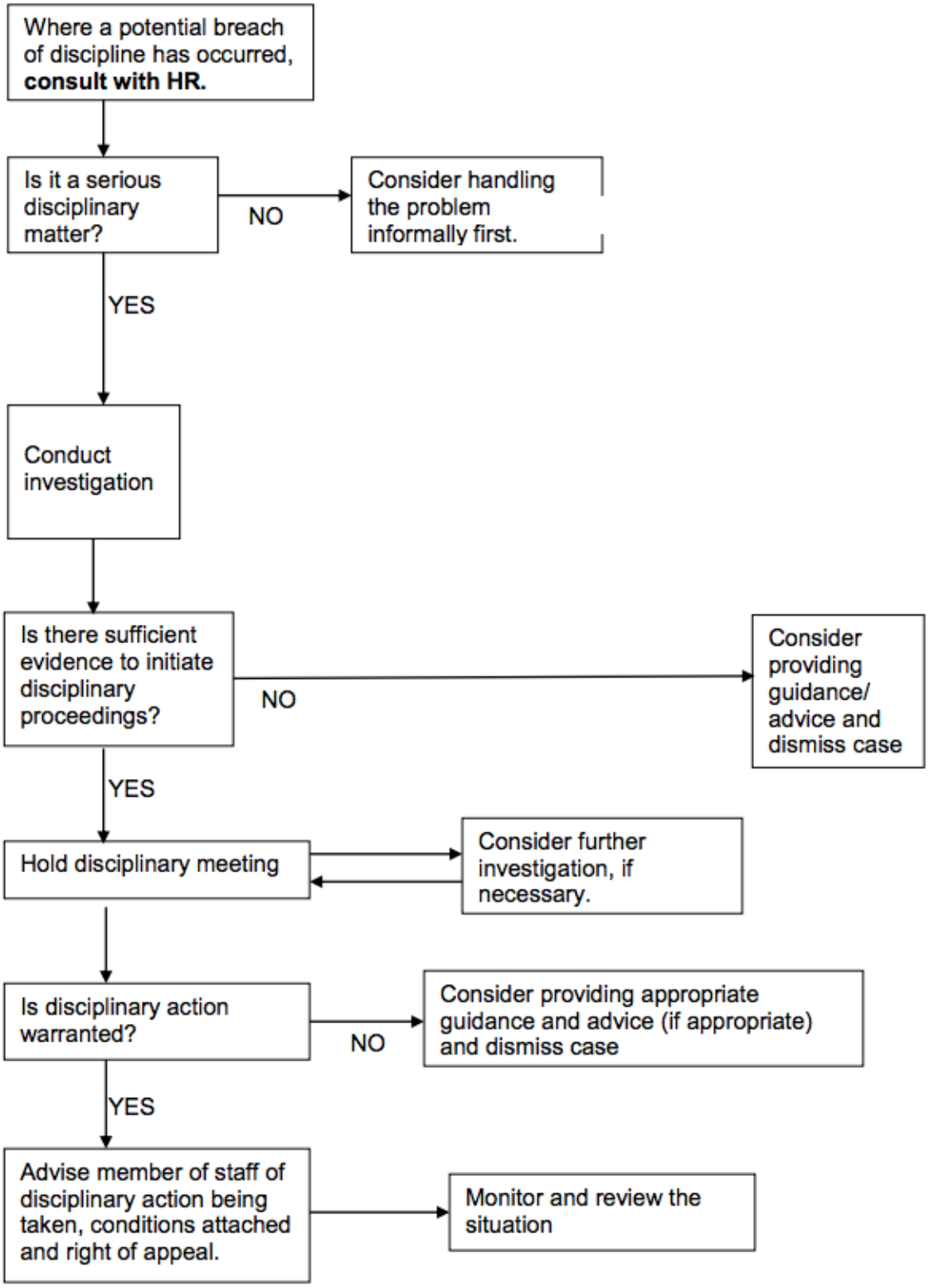
(e.g. sickness absence, parental leave, maternity/adoption/paternity leave) the individual will receive the appropriate pay for absence for that reason. Except for approved leave of absence, the member of staff must remain contactable and available during normal working hours in order that they can attend meetings. Any changes of address or telephone number during this period should be notified immediately. Members of staff who would be unable to work due to sickness whilst suspended are expected to inform their manager and submit medical certificates in the normal way; similarly, they will be expected to request any annual or other leave in the normal way.

A6.3 Suspension will provide an opportunity for a full investigation to be undertaken to gather relevant evidence and determine whether a disciplinary meeting should take place. Suspension may only be carried out by a member of the University with the authority to dismiss the member of staff concerned under the provisions of this procedure. Prior to any member of staff being suspended, the agreement of a member of the People and Organisational Development Department no less senior than Advisor, People and Organisational Development Department, wherever possible, should be sought. The University may consider alternatives to suspension, for example temporary re-deployment, additional supervision, or the restriction of duties, as is deemed appropriate in the circumstances.

A6.4 Any conditions of suspension will be notified to the member of staff at the time of suspension and confirmed in writing at the same time the suspension is confirmed. The conditions will be the minimum necessary to protect the integrity of an investigation and/or any subsequent disciplinary meeting. If a member of staff is unavailable to attend a suspension meeting, they will be informed of the decision to suspend in writing. At the time of suspension, and in the written confirmation, the member of staff will be informed of the conditions of their suspension. For example, they may not be allowed to enter University premises without prior approval. The individual's personal circumstances will be taken into consideration in relation to the terms of the suspension (for example, staff living on campus).

A6.5 The period of suspension is to be kept to a minimum and will last no longer than four weeks before the situation is formally reviewed. If suspension continues beyond the initial four-week period, the situation will be regularly reviewed thereafter.

A6.6 A member of staff who has been suspended from duty will have the suspension confirmed in writing within three working days. They will also be advised how the investigation will proceed.

ANNEX B: SUMMARY OF THE DISCIPLINARY PROCESS

This diagram provides a general overview of the disciplinary process (excluding serious disciplinary matters that may involve suspension and/or those that could result in dismissal) and should be read in conjunction with the University's Disciplinary and Appeals Procedures.