

## **DISCIPLINARY GUIDELINES AND PROCEDURE**

**Director of Human Resources**

---

Reference Number HR/PP/04

Originated April 2010

Reference Number HR/PP/04a

Revised October 2011, Updated January 2013

Reference Number HR/PP/04b

Reviewed September 2014

Reference Number HR/PP/04c

Reviewed January 2020

Reference Number HR/PP/04d

Updated July 2025

Approved by

SMT (date)

Next Review

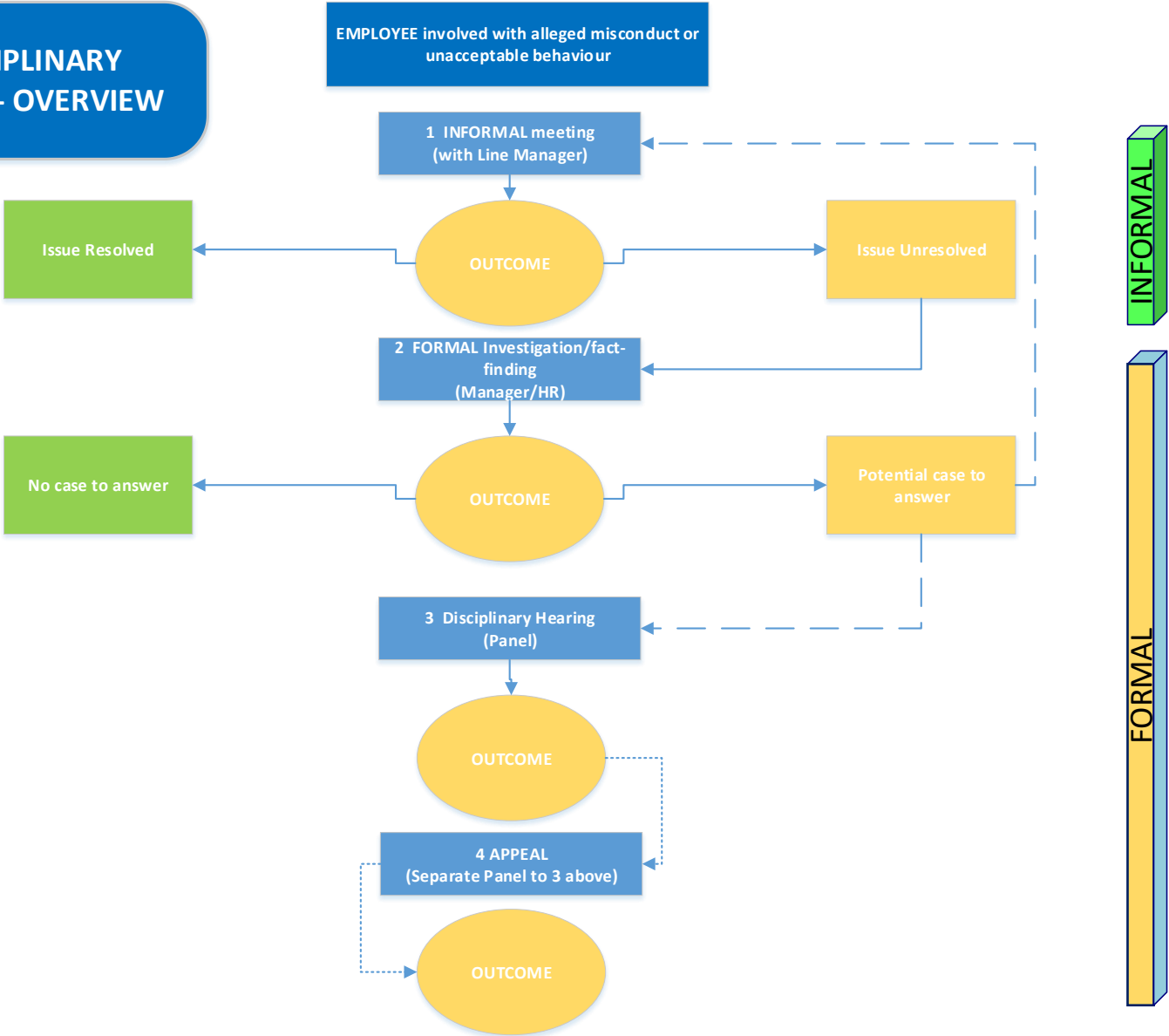
October 2022

**DISCIPLINARY GUIDELINES AND PROCEDURE****TABLE OF CONTENTS**

<b>SECTION</b>	<b>Content</b>	<b>Page No</b>
Flowchart	Disciplinary Procedure – an Overview	2
1 Guiding Principles	Introduction General Principles Senior Post Holders Examples of General Misconduct Examples of Gross Misconduct Suspension or Temporary Redeployment Criminal offences	3 3 4 4 5 6 7
2 Informal Resolution	Introduction Initial Investigation Informal meeting Informal outcomes and support Record of the meeting Review Escalation to formal procedure	8 8 8 8 9 9 9
3 Formal Procedure	Introduction Investigation Companion – Right to be accompanied Arrangements for a Disciplinary Hearing The Disciplinary Hearing (format) Senior Post holders (procedure)	10 10 11 11 13 13
4 Decision	Introduction Stage 1 – first Written Warning Stage 2 – Final Written Warning Stage 3 – Dismissal or some other sanction Action short of dismissal Summary Dismissal Expired Warnings	15 15 15 16 16 16 16
5 The Appeal	The Appeal Process	17-18
Appendix 1	Standards of Personal Behaviour	19-20

Flowchart

# NUA DISCIPLINARY PROCEDURE - OVERVIEW



# DISCIPLINARY PROCEDURE

## SECTION 1

### GUIDING PRINCIPLES

#### 1 INTRODUCTION

Disciplinary rules and procedures are necessary for providing fairness and consistency in the treatment of individuals and in the conduct of the employment relationship between staff and their employer.

All action taken, either informal or formal, should aim to resolve issues and/or aid improvement.

This procedure applies to all employees and relates to matters concerning misconduct. Other University Policies and Procedures exist (eg Performance, Grievance, Sickness Management) that may interact or overlap with this Procedure.

The Disciplinary Procedure does not form part of the contract of employment for members of staff and may be changed by the University, as appropriate.

#### 1.1 General Principles

- 1.1.1 Where possible, problems of conduct will be resolved locally and without recourse to formal procedures. Where this is not possible, or the seriousness of the allegation makes it necessary, the formal procedure detailed in Section 3 of this document will be followed.
- 1.1.2 Formal disciplinary action will not be taken against any employee until the case has been fully investigated.
- 1.1.3 Employees have a statutory right to be accompanied at any formal disciplinary meeting. [Link to 3.2](#)
- 1.1.4 At every stage in the formal procedure, the employee will be advised in writing of the nature of the allegation or complaint and will be given the opportunity to state their case in person before a decision is made.
- 1.1.5 Except in cases of gross misconduct, an employee will not ordinarily be dismissed for a first breach of discipline.
- 1.1.6 An employee will be given a written explanation of any disciplinary penalty imposed.
- 1.1.7 An employee will have the right to appeal against any disciplinary action arising from the formal procedure.
- 1.1.8 The University reserves the right to implement the procedure at any stage as set out below, taking into account the seriousness of the allegation.

- 1.1.9 Where time limits are referred to in the course of this procedure, they may be varied by agreement between the employee and the University.
- 1.1.10 Where a formal grievance has been raised in response to a disciplinary matter, the two may be investigated and dealt with under the same process. The fact that the grievance procedure has been invoked will not (in the absence of exceptional circumstances) preclude the University from implementing, continuing or concluding disciplinary proceedings.
- 1.1.11 No digital or other recording devices (eg mobile phones, digital recorders etc) shall be used at any stages of the procedure to record meetings as part of the disciplinary process, without the express and prior authorisation of the Director of Human Resources.

Any breach of this provision may lead to disciplinary action against the employee, up to and including dismissal. In certain (exceptional and limited) circumstances, the University may permit electronic recording of the meeting, for example as a reasonable adjustment under the Equality Act 2010. Where the University permits this, it will take responsibility for making the recording.

## **1.2 Senior Post Holders**

- 1.2.1 The disciplinary guidelines and procedures will be varied for Senior Post Holders. Senior Post Holders are deemed to be the Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor (Academic), Deans of Faculty, Academic Registrar and such other members of senior staff as the University Council may from time to time direct.

## **1.3 General Misconduct**

The following provides a non-exhaustive list of behaviour or conduct, which may be considered as general misconduct:

- 1.3.1 Failure to comply with sickness absence reporting procedures.
- 1.3.2 Persistent failure to arrive punctually for work duties.
- 1.3.3 Unsatisfactory performance or attendance, having regard to the University Performance Policy and Procedure and/or Sickness Management Policy and Procedure.
- 1.3.4 Dishonesty that does not amount to gross misconduct such as sending personal mail at the University's expense.
- 1.3.5 Negligent use of the University's property or failure to report loss of or damage to the University's property or data.
- 1.3.6 Undertaking additional employment, which may be detrimental to the interests of the University or would conflict with the member of staff's duties at the University.
- 1.3.7 Rude, obstructive, or otherwise inappropriate behaviour towards a member of staff or a student.

- 1.3.8 Misrepresentation of the University, a member of its staff, students, or the University Council in Public.
- 1.3.9 Minor breach of the Standards of Personal Behaviour. ([see Appendix 1](#))

#### **1.4 Gross Misconduct**

Gross misconduct relates to certain types of behaviour or conduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and the employer.

The following provides a non-exhaustive list of examples of behaviour or conduct, which may be treated as gross misconduct:

- 1.4.1 Theft of property of the University or of other employees or students.
- 1.4.2 Fraud or deception in the course of an employee's work, eg making a fraudulent expenses claim.
- 1.4.3 Falsification of any document so as to divert or attract financial reward to which a member of staff is not entitled, or to gain an advantage in an application for a post.
- 1.4.4 Willful refusal to comply with a reasonable instruction.
- 1.4.5 A serious breach of health and safety rules.
- 1.4.6 Unauthorised consumption of alcohol, unauthorised substances or misuse or distribution of substances on the University's premises or whilst on the University's business, or reporting for employment in such a condition as to endanger other employees' health or safety or which may tend to bring the University's reputation into disrepute. This includes driving a University vehicle whilst under the influence of alcohol or unauthorised substances
- 1.4.7 Gross negligence in carrying out or failing to carry out the duties of the post.
- 1.4.8 Vandalism, deliberate damage or sabotage to any property of the University or of any other property with which a member of staff comes into contact in connection with their employment.
- 1.4.9 Violence and/or abusive, bullying, threatening or offensive language on the University's premises or on premises attended by a member of staff in connection with their employment.
- 1.4.10 Unlawful discrimination or harassment, for example racial, sexual harassment, unwanted behaviour or sexual misconduct directed at staff or students or victimisation of same following the raising of a complaint in respect of dignity at work.
- 1.4.11 Intimidation of other employees or any other person including the sending of defamatory, insulting or threatening messages by electronic mail or by any other means.

- 1.4.12 Unauthorised absence from work (including circumstances where a member of staff's conduct is inconsistent with an alleged sickness, injury or other incapacity).
- 1.4.13 Misuse (including disclosure) of confidential information, including a serious breach of data protection or failure to comply with data protection legislation.
- 1.4.14 Willful or negligent abuse or misuse of the University's computer hardware, software or networks that could result in loss or damage of any kind to the hardware or corruption of any software, program, data or database.
- 1.4.15 Any other violation of the University's IT Acceptable Use Policy or IT security in general, including the use of covert recording devices such as mobile phones or other technology.
- 1.4.16 Conviction for a criminal offence arising from or relating to the employee's work.
- 1.4.17 Accepting or offering a personal inducement of bribe in any form.
- 1.4.18 Conduct inside or outside the workplace that brings the University's name into disrepute, including serious breaches of the standards of personal behaviour.  
Link to [standards](#)

## **1.5 Suspension or Temporary Redeployment**

- 1.5.1 There may be instances where suspension (with pay) is necessary while investigations are carried out, for example, where relationships have broken down, in gross misconduct cases or where there are risks to an employee's or the university's property or responsibilities to other parties.
- 1.5.2 Suspension with pay will only be imposed after careful consideration and will be reviewed on a regular basis to ensure it is not unnecessarily protracted. The Vice-Chancellor (or in their absence) the Deputy Vice-Chancellor or other nominee, may take the decision to suspend a member of staff.
- 1.5.3 Suspension is not an assumption of guilt and is not in itself considered to be a disciplinary sanction. Suspension will only be necessary for as long as it takes to conduct an unfettered investigation and disciplinary process should a hearing be necessary and will not be protracted.
- 1.5.4 Where suspension is invoked, it will be confirmed in writing by the Human Resources Department who will set out the grounds on which the decision to suspend has been taken and the duration and terms of that suspension.
- 1.5.5 The employee will have the right, after 15 working days, to request a review of the suspension by writing to the Vice-Chancellor.
- 1.5.6 As an alternative to suspension, it may be appropriate to redeploy the employee temporarily to another area of business within the university while an investigation and if necessary a disciplinary process take place.

- 1.5.7 In circumstances where an employee is redeployed temporarily to another area of business, this will be dealt with sensitively and confidentially and the Human Resources Department will be pivotal to making these arrangements.
- 1.5.8 A temporary redeployment will only be necessary for as long as it takes to conduct an unfettered investigation and disciplinary process should a hearing be necessary.
- 1.5.9 The Human Resources Department will be responsible for helping to reintegrate the member of staff back to their regular place of work at the conclusion of the process, if appropriate.

## **1.6 Criminal Offences**

If an employee is charged with (or convicted of) a criminal offence this is not normally in itself a reason for disciplinary action. Consideration will be given as to what effect the charge or conviction has on the employee's suitability to do their job and any wider issues. This would include their relationship with the University, work colleagues, students and whether there had been any detrimental impact on the University's reputation as a consequence of the charge or conviction being made public.

# **DISCIPLINARY PROCEDURE**

## **SECTION 2**

### **INFORMAL RESOLUTION**

#### **INTRODUCTION**

Wherever possible and appropriate, in the first instance, it is usually preferable if cases of minor misconduct or unsatisfactory behaviour can be handled informally.

If informal action does not bring about an improvement, there is repetition, or the misconduct or unsatisfactory behaviour is considered too serious to be classed as 'minor' the matter will be dealt with under the formal procedure and this should be made clear to the employee ([Link to Section 3](#)).

Informal action should be a two-way discussion between the employee and their line manager, with the emphasis being on finding ways for the employee to prevent further acts of misconduct or unsatisfactory behaviour and for the improvement to be sustained in the future.

#### **2.1 Initial Investigation**

The line manager will undertake an initial investigation by gathering facts of the potential misconduct promptly and will discuss the issue with the Human Resources Department as to how to proceed.

#### **2.2 Informal Meeting**

If the circumstances are determined to be of a minor level, the line manager will arrange for a confidential, informal discussion to take place with the member of staff, without unreasonable delay.

There is no right to be accompanied by a representative at an informal meeting.

An HR professional may also attend the informal meeting to provide any clarification or guidance regarding the procedure.

At the meeting, the line manager will inform the employee as to the basis of the problem and give them an opportunity to put their case in response before a decision is made.

#### **2.3 Informal outcomes and support**

Agreement should be reached as to the improvements to be made and any support that is required in order to help bring this about.

## **2.4 Record of the meeting**

Although an informal discussion, a record of the meeting should be made including a note of the issues raised and discussed as well as any agreed outcomes and support.

Any informal actions will be communicated by the line manager to the employee so that there is a clear understanding of expectations in respect of any behavioural improvements or changes to working practice.

## **2.5 Review**

It is helpful to review progress with the employee over a specified period, to ensure that the improvement has been sustained. The line manager will be responsible for ensuring the reviews take place during the specified period.

## **2.6 Consideration to escalate to formal procedure**

Informal discussions should not be allowed to turn into formal disciplinary interviews in order to prevent unintentional denial of certain statutory rights, such as the right to be accompanied at formal meetings.

If it becomes clear at the informal discussion that the matter is more serious than originally thought, the discussion should be adjourned in order to decide if the formal procedure should be invoked, in discussion with the Human Resources Department.

In these circumstances, prior to commencing formal action, the employee must be made aware that formal action is now being considered.

# DISCIPLINARY PROCEDURE

## SECTION 3

### FORMAL PROCEDURE

#### INTRODUCTION

In circumstances where it is necessary to apply a formal procedure, the following stages will be observed.

Prior to the formal procedure commencing, consideration should be given as to whether or not suspension or temporary redeployment is appropriate in the circumstances.

#### 3.1 Investigation

For any disciplinary action to be fair, reasonable and lawful, it must be preceded by an investigation. The purpose of the investigation is to gather information and establish whether there is a case to answer at a formal disciplinary hearing.

Any investigatory meeting with the employee will not, by itself, result in any disciplinary action.

- 3.1.1 The investigation into a disciplinary matter must take place promptly, without any unreasonable delay, in order to establish the facts of the case while they are still fresh in people's minds.
- 3.1.2 The Human Resources Department will allocate an Investigating Officer, who will be a senior member of staff unconnected with the employee's working area, supported by an HR professional to provide procedural guidance and advice during the process.
- 3.1.3 The individual must be made aware that an investigation will be undertaken and provided, in writing, with the nature of the allegation and any practical measures involved.
- 3.1.4 The Investigating Officer will:
  - a. Ensure that the employee is given reasonable advance warning of the investigation interview with time to adequately prepare;
  - b. Explore the circumstances surrounding the suspected or alleged offence, including conducting an investigatory interview with the individual concerned to get their first-hand account;
  - c. Check on the facts and any supporting evidence or relevant material;
  - d. Ask witnesses to provide a written statement and then meet with the witnesses to clarify the statement facts. For clarity and for the purposes of this Procedure, a Witness is "a person who is witness to an event who can provide a first-hand account of what they saw/heard". Witnesses will only be called at any subsequent hearing to provide factual, relevant evidence and should not be called as character witnesses or to put forward opinions on the allegations.

- e. Make a formal objective assessment of the information gathered;
  - f. Make a recommendation as to whether or not there is a case to answer
- 3.1.5 Where, upon completion of an investigation, there are reasonable grounds to believe that there is a case to answer, the considerations will be whether the matter:
- a. can be resolved informally (eg if any new information has come to light after any original informal assessment); or
  - b. should be referred to a formal disciplinary hearing
- 3.1.6 If, following investigation, it is deemed that there is no case to answer, the outcome will be communicated to the employee by the Human Resources Department, within 3 working days of the decision.
- 3.1.7 In the circumstances above, the Human Resources Department will advise all other parties involved that the case has been closed, following an investigation.
- 3.1.8 The Human Resources Department will advise the line manager if any additional training or other support is appropriate for the employee as a learning outcome.
- 3.1.9 All documentation compiled during the investigation (and at any subsequent meetings throughout this process) will be securely held in Human Resources Department and accessed and disclosed only for the purposes of completing the disciplinary procedure, in line with Data Protection legislation.

### **3.2 Companion – Right to be accompanied**

Employees have the statutory right to be accompanied during the formal stages of a disciplinary process, for example at any disciplinary meeting that could result in some form of disciplinary sanction. This does not include during an investigatory meeting.

The companion could be a work colleague, a trade union official employed by the union, or an accredited trade union official who is certified in writing by the union as having the necessary experience or training to act as a companion. Legal representation is not permitted as part of the University's internal disciplinary process.

During the Disciplinary Hearing, a companion has the right to address the hearing to put the employee's case, provide a summary and respond on the employee's behalf to any view expressed at the hearing. The companion may also confer with the employee during the hearing. However, there is no requirement to permit the companion to answer questions on behalf of the employee or to address the hearing where the employee indicates that they do not wish this.

### **3.3 Arrangements for a Formal Disciplinary Hearing**

Where there are reasonable grounds to believe that the matter should be referred to a disciplinary hearing, the University will take the following action:

- 3.3.1 Give the employee a minimum of 5 working days' written notice of the hearing. Where the employee is unable to attend a disciplinary hearing, and provides good reason for failing to attend, the date of the hearing will be rearranged to take place within 5 working days of the original date. Any requests to defer the date of the disciplinary hearing must be put in writing to the Director of Human Resources for consideration.
- 3.3.2 In circumstances where a disciplinary hearing has been rearranged at the request of an employee but the employee fails to attend without good cause a decision will be made on the evidence available. The disciplinary hearing will proceed in accordance with (3.4) below to ensure that all considerations are taken into account.
- 3.3.3 Inform the employee of the purpose of the hearing, its possible consequences and that it will be held under the University's Disciplinary Procedure.
- 3.3.4 Provide written details of the nature of their alleged misconduct or behaviour.
- 3.3.5 Detail the date, time and location of the hearing, together with the Panel representatives.
- 3.3.6 Enquire if any special requirements are necessary for the employee in order to attend the hearing and arrange for these to be in place.
- 3.3.7 Explain the employee's right to be accompanied ([link to 3.2](#)) at the formal hearing. Employees are required to notify the Human Resources Department with details of their union representative or colleague who will be attending the disciplinary hearing, not less than 3 working days in advance of the hearing.
- 3.3.8 Where the employee will, themselves, rely on any written evidence in response to the case, or call any witnesses directly relevant to the case, the details and material must be provided to the Human Resources Department 5 working days prior to the hearing. This is in order that the material can be distributed with sufficient time to the Panel and for permission to be granted for witnesses to attend, if required.
- 3.3.9 Provide to the employee, not less than 3 working days in advance of the hearing, all relevant information that the organisation intends to rely upon in the case against the employee, including the names of any witnesses to be called.
- 3.3.10 The Disciplinary Panel will comprise a nominated management representative to act as Chair of the Panel, a second management panel representative, accompanied by a Human Resources professional not previously involved in the case, to provide procedural advice and guidance.
- 3.3.11 A management representative will be required to present the case and call relevant witnesses at the disciplinary hearing.

### 3.4 The Disciplinary Hearing

The format for the hearing will be:

- 3.4.1 The Chair will make introductions and explain formalities;
- 3.4.2 The management representative will be invited to present the case to the disciplinary hearing, including referencing any relevant facts and material and calling any witnesses to give their accounts, if appropriate;
- 3.4.3 The employee (through the Chair of the Panel) will have the opportunity to raise points about any information provided by witnesses, call relevant witnesses in return, explain their case, answer any allegations made and present relevant evidence in response;
- 3.4.4 The Chair of the Panel must be satisfied that the individual has had every opportunity to respond to the allegations made against them;
- 3.4.5 At any time during the hearing, the Panel Chair may call for an adjournment in the disciplinary proceedings if it appears necessary or appropriate to do so. In these circumstances, the employee will be informed of the likely time period of any adjournment;
- 3.4.6 Before concluding the disciplinary hearing, both the management representative and the employee (or their representative) will have the opportunity to sum up their respective positions;
- 3.4.7 The Panel will close the hearing following the summing up by both parties in order to make a determination;
- 3.4.8 The Panel will be required to determine whether or not there are reasonable grounds to believe the misconduct or unsatisfactory behaviour was committed as a disciplinary offence and, if so, what disciplinary action (if any) is proportionate in the circumstances ([refer to Section 4](#));
- 3.4.9 The Chair of the Panel will confirm the decision to the employee in writing within 5 working days of the hearing, together with notification of their right to appeal under this procedure.

### 3.5 Senior Post Holders (refer to [Decision](#))

The Disciplinary Procedure set out above shall apply to Senior Post Holders save that:

- 3.5.1 In the case of all Senior Post Holders (with the exception of the Vice-Chancellor) Decisions at Stages 1 and 2 shall be carried out by the Vice-Chancellor. The decision to dismiss (at Stage 3) can only be carried out by the Chair of the Personnel Committee of the University Council. Appeals will be heard by the Chair, or in the absence of the Chair, the Deputy Chair of the University Council.

3.5.2 In the case of the Vice-Chancellor, Decisions at Stages 1 and 2 shall be carried out by the Chair of the University Council. The decision to dismiss (at Stage 3) can only be carried out by a special committee of the University Council. Appeals will be heard by a special committee of the University Council.

# DISCIPLINARY PROCEDURE

## SECTION 4

### DECISION

#### INTRODUCTION

No disciplinary action will be taken against an employee until the case has been fully considered at the disciplinary hearing.

The Panel is responsible for deciding if, on the balance of probability, there are reasonable grounds to believe the misconduct or unsatisfactory behaviour was committed as a disciplinary offence; and, if so, what disciplinary action is proportionate in the circumstances.

In determining the measures to be taken, the seriousness of any alleged misconduct, including any unspent previous warnings, will be taken into account.

If an employee's alleged misconduct is justifiably and sufficiently serious, the Disciplinary Panel may proceed directly to any of the stage sanctions listed below within the procedure.

The options available to the panel are:

#### **4.1 Stage 1 – First Written Warning**

The first stage of the formal procedure will normally be a first written warning for misconduct if conduct or behaviour does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required.

The warning will also inform the employee that a final written warning may be considered if any improvement in conduct or behaviour is not made or sustained. It will also advise the employee of right to appeal.

A record of the First Written Warning will normally be kept 'live' on the employee's personal record for 12 months. Subject to sustaining satisfactory conduct or behaviour at the end of this period, it will normally be disregarded for disciplinary purposes.

#### **4.2 Stage 2 – Final Written Warning**

If the offence is sufficiently serious or if, during the currency of a previous warning, there is further serious misconduct (whether or not of the same nature) a Final Written Warning may be given. This will give details of the complaint, the improvement required and a warning that a further misdemeanor could lead to dismissal (or some other action short of dismissal). It will also advise the employee of right to appeal.

A copy of the Final Written Warning will normally be kept 'live' on the employee's personal record for 18 months (in exceptional circumstances this period may be longer but not more than 2 years). Subject to sustaining satisfactory conduct or behaviour at the end of this period, it will normally be disregarded for disciplinary purposes.

### **4.3 Stage 3 – Dismissal or some other sanction**

If the employee's conduct is sufficiently serious (constituting gross misconduct) or if there is further serious misconduct or failure to improve following a final written warning, the final step in the procedure will normally be dismissal, with pay in lieu of notice, or some other action short of dismissal such as loss of seniority or pay, demotion or transfer. The written outcome will confirm the reasons for dismissal if this is the sanction, the date on which the employment will terminate and the right of appeal.

#### **4.3.1 Action Short of Dismissal**

If action short of dismissal is imposed, the employee will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal.

A copy of the warning (short of dismissal) will normally be kept 'live' on the employee's personal record for 2 years. Subject to achieving and sustaining satisfactory performance, at the end of this period it will normally be disregarded for disciplinary purposes.

#### **4.3.2 Summary Dismissal**

Some acts of gross misconduct are so serious in themselves or have such serious consequences, that they may call for summary dismissal without notice (including for a first, offence). In these circumstances, the senior manager chairing the disciplinary panel has the Vice Chancellor's delegated authority to dismiss a member of staff.

The panel will convey the decision to the employee in writing as soon as reasonably practicable but not more than 5 working days after the hearing. The written outcome will confirm the reasons for dismissal, the date on which the employment will terminate and the right of appeal.

### **4.4 Expired Warnings**

Subject to sustaining satisfactory conduct or behaviour at the end of the relevant warning period, the sanction will normally be disregarded for disciplinary purposes. However, with the explicit guidance of the Human Resources department, if there is justification to do so it may be necessary to retain a warning when considering future conduct, for example establishing a pattern of behaviour or an awareness of the relevant rules.

# **DISCIPLINARY PROCEDURE**

## **SECTION 5**

### **THE APPEAL PROCESS**

#### **Introduction**

An employee who considers that disciplinary action has been taken unreasonably has the right to appeal against that decision (including the decision to dismiss).

Where there is an appeal against a dismissal, an employee will not be entitled to be paid or reinstated (unless they are entitled to notice) between the date of the dismissal and the conclusion of the appeal process. In the event, however, that the decision to dismiss is overturned on appeal, the employee will be reinstated with immediate effect and they will be paid for any period between the date of the original dismissal and the successful appeal decision. Their continuous service will not be affected in these circumstances.

- 5.1 An employee who wishes to appeal against a disciplinary decision must do so within 5 working days of receipt of the notification of the disciplinary action by writing to the Director of Human Resources.
- 5.2 When lodging an appeal, the employee should state the grounds of appeal and whether the appeal is against the findings that they committed the alleged act or acts of misconduct; new evidence; procedural irregularity or the severity of disciplinary sanction imposed.

The appeal is not a rehearing of the original hearing but rather a consideration of the specific area with which the employee is dissatisfied in relation to the outcome of the original hearing. The appeal panel will therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

- 5.3 Witnesses may only be called with the permission of the Appeal Chair which shall usually only be granted where there was good reason for them being called to give evidence at the disciplinary hearing. If the employee requests a witness is called, they should name the individual and explain the reasons for the request in their grounds for appeal.
- 5.4 At the appeal meeting, the documentary evidence made available at the original hearing will be made available for reference purposes. As the purpose of the appeal is not a reconsideration of all matters, it is the responsibility of the employee to state their case and bring to the attention of the panel all relevant documentary evidence that should be considered in line with their specific grounds for appeal.
- 5.5 The Appeal will be heard by a person who was not previously involved in the case and arrangements for the Appeal Hearing will be co-ordinated by the Human Resources Department.

- 5.6 Appeals against action short of dismissal will normally be heard by the Director of Human Resources or other nominated senior manager. A member of the Human Resources Department who was not involved in the original decision will provide guidance and administrative support to the panel.
- 5.7 Appeals against dismissal will be heard by a panel of the University Council. At the appeal, any disciplinary penalty will be reviewed but it cannot be increased.
- 5.8 If an employee decides to appeal, a meeting will be arranged without unreasonable delay and normally within 28 calendar days of receipt of the notice of appeal. In the case of an appeal against dismissal, it may be necessary to extend the timescale for hearing the appeal to allow for panel of the University Council to be convened. In these circumstances, the Human Resources Department will keep the employee informed of any change in timescales.
- 5.9 Employees have a statutory right to be accompanied at appeal hearings by a work colleague or union official or accredited union representative. Legal representation is not permitted as part of the University's internal disciplinary process.
- 5.10 The decision on appeal will be final. Based on the appeal case presented the appeal panel may either:
  - a. Uphold the grounds for appeal
  - b. Reject the grounds for appeal
  - c. Require a re-hearing of the whole or part of the case due to irregularity or new evidence
- 5.11 The decision of the Appeal Panel will normally be communicated to the employee within 5 working days of the hearing. If there are circumstances preventing this, the employee will be informed of a likely timescale but there will not be any unreasonable delay.



## STANDARDS OF PERSONAL BEHAVIOUR

The purpose of these standards is to provide a clear framework within which employees of the University are expected to conduct themselves. The University strives to maintain a work environment for its staff and a learning environment for its students in which honesty, integrity and respect for fellow employees, students and the customers/clients of the University is reflected in personal behaviour and standards of conduct.

Employees should have regard for the impact of their personal behaviour on the University, colleagues, customers, the environment and our wider community.

These standards cover some of the key issues relating to personal conduct and provides a framework of behaviour guidelines but are not intended to be exhaustive.

- **Dignity at Work**

One of the University's core values, sitting at the heart of how we operate, is the promotion of inclusivity and valuing diversity. The University seeks to ensure that the work environment for its employees and students is supportive and one where individual respect is shown to all.

To secure an environment in which students and members of staff are able to flourish and to achieve their full potential, the University is committed to ensuring that everyone is able to work and to participate in the life of the University without fear of harassment, bullying or intimidation.

As a Community, we have a joint responsibility to protect all students and staff from feeling unsafe, unwelcome and inferior. Harassment of any students, staff or visitors, particularly when associated with Protected Characteristics as defined by the Equality Act 2010 (which includes Racism and any form of Harassment and Sexual Misconduct) will not be tolerated.

Everyone in the University has a part to play by ensuring that their own behaviour and language (whether intentional or unintentional) does not constitute harassment or offence.

Through our activities at the University, members of staff should act with honesty, trust and integrity in doing what is right and fair for our students, our communities and each other.

- **Dress Code & Personal Appearance**

Norwich University of the Arts is an Arts community and does not operate a formal dress code for its employees, other than for those who are provided with a uniform and/or protective clothing.

However, employees must ensure that their dress is appropriate for the situation in which they are working and that they present a professional image – particularly if

representing the University either at internal or external events – in order to safeguard its reputation.

Employees should also ensure that their dress code is one that reflects sensitivity to the perception of others in line with our values in respect of Dignity at Work.

- **Personal Relationships**

Members of staff who are relatives or who have a close personal relationship should not normally have a supervisory, assessing or authorising relationship with each other.

Staff student relationships are covered by the [Personal Relationships between University Staff and Students Policy and Guidance](#).

- **Conduct outside work**

The University has no business in and does not seek to dictate how employees conduct themselves in their personal lives, outside of work. However, unlawful, anti-social or other conduct outside of work (just as when at work) that may jeopardise the University's reputation or the employee's position may be dealt with through the disciplinary procedure.

- **Reasonable Instructions**

The University expects individuals to follow all University rules and reasonable instructions given by those supervising or managing their activities and/or work areas and to work safely and to the best of their ability at all times.

- **Misuse of drugs and alcohol**

It is a disciplinary offence to be on University premises and/or carrying out official duties when under the influence of alcohol/illegal substances or other non-medically prescribed drugs.

- **Gambling**

Gambling activities (including online gambling) must not be conducted on University premises. Discretion can be used in relation to small raffles for charitable purposes, national lottery syndicates, occasional sweepstakes and the like.