

UNIVERSITY OF EXETER  
**STUDENTS'**  
**GUILD**



# Disciplinary Policy & Procedure



# STUDENTS' GUILD

## Disciplinary Policy & Procedure

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## **1. Purpose**

- 1.1 This policy outlines the University of Exeter Students' Guild (the Guild)'s approach to ensuring that employees achieve and maintain high standards of conduct and performance, and that any issues or misconduct or poor performance are managed in a fair, consistent and timely manner.

## **2 Scope**

- 2.1 This policy applies to all full and part-time employees of the Guild, including Full-Time Officers and student staff, unless they are expressly excluded. Agency workers and self-employed contractors are excluded from this policy.
- 2.2 Issues relating to conduct and performance of staff that are currently within their probationary period will usually be resolved via the probationary review process.
- 2.3 This policy does not form part of the contract of employment and may be amended at any time.

## **3 Principles**

- 3.1 It is expected that the Guild employees are honest and maintain a high standard of integrity and conduct. It is important that employees understand their obligations and rights regarding their conduct and performance at work.
- 3.2 Breaches of standards will be treated in a consistent, fair and reasonable manner. Our aim is always to encourage improvements in employee conduct.
- 3.3 No disciplinary action will be taken against an employee until the case has been fully investigated.
- 3.4 We reserve the right to start the disciplinary procedure at any stage and issue the most appropriate disciplinary outcome.

## **4 Informal resolution**

- 4.1 Before considering formal disciplinary proceedings, every effort should be made to resolve the matter informally, where appropriate. This could include an informal conversation, setting clear targets and expectations, monitoring progress over a reasonable time period and/or providing additional coaching or training.
- 4.2 Managers should make notes of what was discussed and agreed during these informal conversations and maintain them securely and confidentially.
- 4.3 An informal resolution should not be used if:
  - The employee's conduct or performance has not improved following a previous informal discussion or formal warning;
  - It is more appropriate to deal with the situation formally, due to the potential seriousness of the issue.
- 4.4 Sometimes an informal discussion may not resolve the issue or be appropriate. In this case, the relevant procedures outlined in the remainder of this policy will be applied.

## **5 Investigation**

- 5.1 Before formal action is considered, an appropriate manager will carry out a full and fair investigation to establish the facts. The investigating manager will usually be more senior to the employee and must not be involved in the matter in question, for example as a witness.
- 5.2 Depending on the issue, it may sometimes be necessary for an investigation meeting to take place. Investigation meetings are not formal disciplinary hearings, so you do not have the statutory right to be accompanied, however the investigating manager will consider requests to be accompanied on a case-by-case basis.
- 5.3 Managers will ensure that all investigations are carried out without unreasonable delay to establish all the relevant facts.
- 5.4 If the investigation finds that there is a case to answer, a formal procedure will begin which will aim to resolve any identified issues related to your conduct or performance.

## **6 Suspension from the Guild**

- 6.1 Sometimes, it may be appropriate to suspend an employee whilst investigations take place. Any suspension must be agreed by the Chief Executive Officer and will be confirmed in writing.
- 6.2 Suspension should only be considered if there is a serious allegation of misconduct and one or more of the following apply:
  - Working relationships have broken down.
  - There is a risk that the employee could influence the investigation by tampering with evidence and/or influencing witnesses.
  - There is a risk to other colleagues, property, students and/or customers.
  - The employee is the subject of criminal proceedings that may affect their ability to do their job.
- 6.3 Before suspending an employee, we will consider alternative options. This might include a transfer to another department or role if this is practical and appropriate.
- 6.4 Suspension during an investigation does not indicate a disciplinary decision or suggest that the employee is believed to be guilty. Therefore, employees will remain on full contractual pay during the suspension.
- 6.5 We will keep any periods of suspension as brief as possible. The investigating manager can lift the suspension at any time, and they will review it regularly throughout the disciplinary process.
- 6.6 An employee should return to work if it is no longer appropriate for them to be suspended following an investigation and/or disciplinary meeting.

## **7 Disciplinary Procedure**

- 7.1 If, following investigation, we decide to start a formal disciplinary process, the employee will be informed of the issues in writing and invited to a disciplinary hearing to discuss the matter further.

- 7.2 Where possible, the disciplinary hearing should be carried out by a manager more senior to the employee, who has not previously been involved in the process or investigation. This will normally be the line manager, unless they are involved, for example as a witness to an incident.
- 7.3 Depending upon the seriousness of the alleged misconduct and the seniority of the staff member involved, it may be necessary for a panel to be formed to conduct the disciplinary hearing. The decision of whether to form a panel will be decided after an investigation has taken place, and before a formal hearing is scheduled.
- 7.4 A disciplinary panel will normally consist of a minimum of two members unless otherwise agreed. All members of the panel will have received the appropriate guidance and training and will not have been involved in the investigation. The chair of the panel should be a manager more senior to the employee.
- 7.5 In cases where dismissal is a possible outcome, a Senior Manager or a suitable alternative at the same level or above will usually be part of the panel.
- 7.6 In cases involving Full-Time Officers, a Trustee nominated by the Board of Trustees will hear the case or chair the panel.
- 7.7 In cases involving a Senior Manager, the Chief Executive will hear the case or chair the panel.
- 7.8 Where this is not possible, or if the Chief Executive has conducted the investigation or is involved in the case, it may be appropriate for the Chief Executive to arrange an appropriate alternative which may include an external representative and/or appropriate member of the Trustee Board.
- 7.9 At the formal meeting, you have the right to be accompanied by a work colleague or a Trade Union Representative. You should inform the disciplinary manager of who will be accompanying you prior to the meeting.
- 7.10 You will receive an invitation letter to the formal meeting, including:
  - Information about the alleged misconduct or poor performance;
  - Copies of any written evidence, including witness statements;
  - Details of the time and venue for the meeting;
  - A copy of this policy and procedure.
- 7.11 The letter will also inform you of your right to be accompanied, and explain the possible outcomes, such as a potential warning or dismissal.
- 7.12 In most cases, you will be provided with at least 5 working days' notice before a disciplinary hearing.
- 7.13 The disciplinary hearing is a formal meeting, so a notetaker will usually be present. You will be responsible for taking your own notes but can request minutes of the meeting to be shared afterwards.
- 7.14 During the meeting, you will have the opportunity to:
  - Respond to the case made against you
  - Explain any alleged misconduct or unsatisfactory performance
  - Put forward your own evidence

- Put questions to witnesses
- Call your own witnesses
- Make notes
- Request to speak in private with your companion

7.15 After the meeting has explored the issue and evidence, and after you have had the opportunity to put your case forward, the manager will adjourn the meeting for a reasonable amount of time before a decision is made. This gives the manager enough time to properly consider the evidence and anything new that's been raised during the meeting.

7.16 The disciplinary manager will decide whether, on the balance of probabilities, it is more likely than not that the allegations are founded.

7.17 Following the conclusion of the meeting, you will be notified of the outcome. This will be confirmed in writing, usually within 5 working days.

7.18 Any disciplinary action taken will depend on the issue and will take into account other relevant circumstances, and could include one or more of the following:

- Informal action
- Formal warnings
- Demotion or transfer
- Dismissal with notice
- Summary Dismissal

7.19 Where a warning is issued, further disciplinary action may be taken following an investigation (up to and including dismissal) if:

- The same or similar issue happens again while the warning remains active, or;
- Your performance / conduct does not improve within the set period.

7.20 Any other conduct or performance issues should be dealt with in line with this policy in the usual way.

7.21 The disciplinary manager will make you aware of your right to appeal against any disciplinary action.

## **8 Gross Misconduct**

8.1 In certain circumstances, behaviour may be considered so serious that you may be dismissed without notice or pay in lieu of notice. This may happen without prior warning and regardless of your previous performance or length of service.

## **9 Non-Attendance to meetings**

9.1 If you or your companion are unable to attend a meeting and request for it to be postponed, we will do our best to accommodate this. If you still do not attend the meeting after we have made reasonable efforts to rearrange it, the procedure will continue to be followed and the disciplinary hearing may take place in your absence.

## **10 Right to Appeal**

10.1 You have the right to appeal against any formal disciplinary action taken against you if you feel that:

- your disciplinary outcome is unreasonable given all the circumstances and evidence considered;
- the correct procedure was not followed during the formal stage and this has had a significant effect on the outcome; or,
- you have new evidence to show which you were unable, for valid reasons, to provide earlier in the process, and which would have had a significant effect on the outcome of the formal stage.

10.2 You can submit an appeal within 5 working days of the date that you receive the outcome of the disciplinary hearing. You should do this in writing, setting out the reasons for appealing the decision.

10.3 Where possible, the appeal manager should be more senior to the disciplinary manager (or in the case of a Full-Time Officer, a Trustee), and not have been previously involved in the case.

10.4 If the appeal officer decides that there are grounds for appeal, an appeal hearing will take place as soon as practicable, and without unreasonable delay. This will usually be within 10 working days of your appeal being made.

10.5 You have the right to be accompanied to an appeal hearing by a work colleague or Trade Union Representative.

10.6 All decisions will be confirmed to you in writing within 5 working days, or as soon as possible and without unreasonable delay. The decision of the appeal panel is final.

## **11 Record keeping**

11.1 Please refer to the Data Protection policy for guidance on the retention of documents relating to a disciplinary meeting.

## **12 Confidentiality**

12.1 All disciplinary matters must be kept confidential. The relevant manager(s) will clearly inform all employees involved in the process of the consequences of breaching confidentiality.

12.2 We will investigate any breach of confidentiality by an employee involved in the process and take appropriate action. This could include disciplinary action against the individual(s) responsible for the breach.

## **13 Relevant legislation / guidance**

- [ACAS Code of Practice – Disciplinary and Grievance Procedures](#)

## **Appendix A: Disciplinary Standards**

Disciplinary standards are categorised as either misconduct or gross misconduct. These rules and standards of behaviour apply equally to all staff and officers. They are important for both the wellbeing of the Guild's employees and for creating a safe, efficient and productive working environment.

This list is not exhaustive and there may be other examples of conduct / gross misconduct.

The individual circumstances of each case will always be taken into account during the disciplinary process.

### **Misconduct**

Examples of misconduct include:

- Unauthorised absence for which no acceptable reason has been given
- Refusal to carry out a reasonable management instruction
- Neglect of duty
- Failure to fulfil contractual obligations
- Failure to give proper support to other members of staff
- Breach of any of the Guild's policies or procedures
- Breach of financial rules and procedures, such as unauthorised purchases
- Conduct that contravenes the standard of professional behaviour required, as outlined in the Employee Handbook

### **Gross Misconduct**

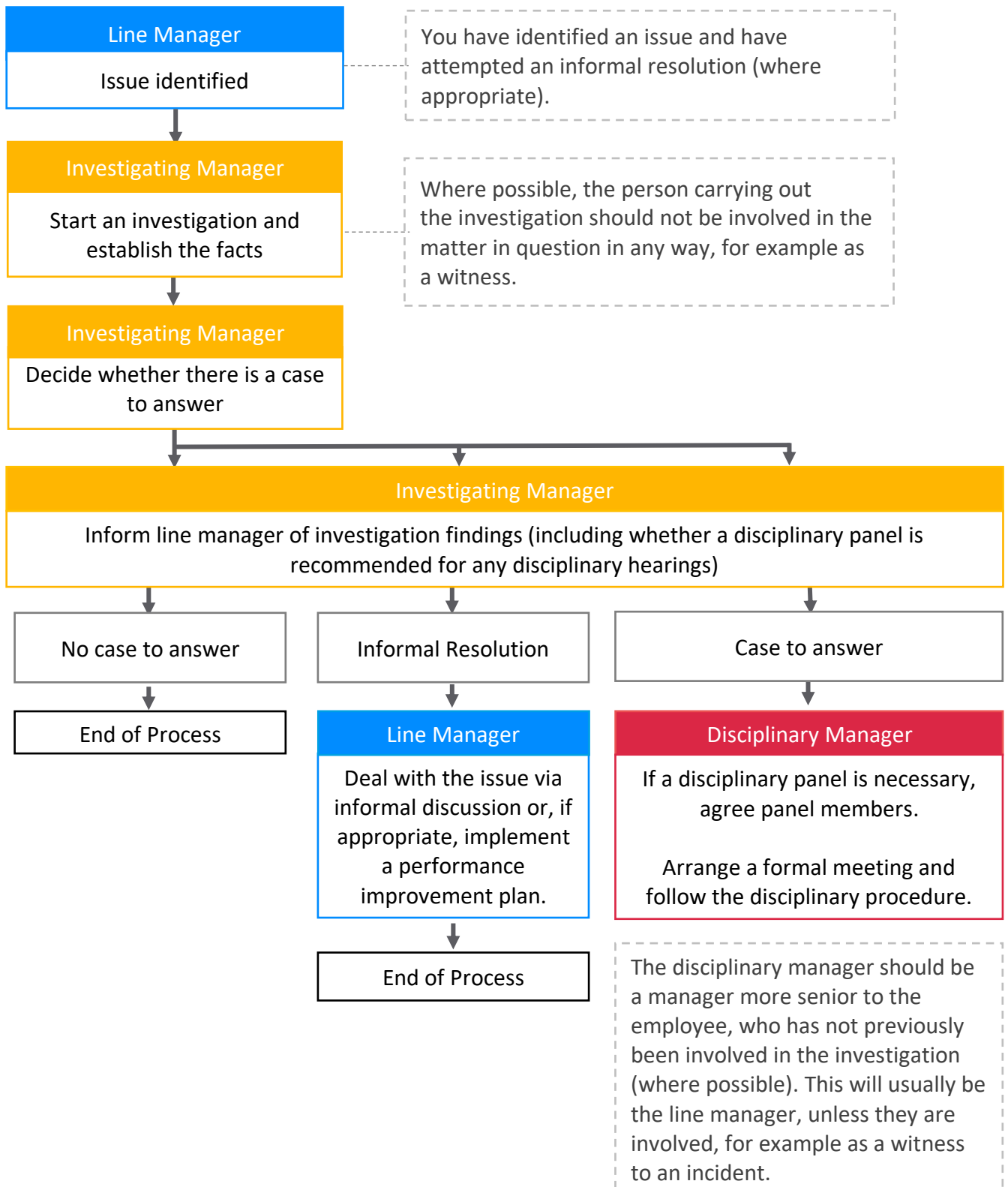
The following are examples of the type of behaviour which may be classed as gross misconduct, and which may lead to dismissal without notice:

- Theft or fraud
- Physical violence or bullying
- Deliberate and serious damage to property
- Serious misuse of the Guild's property or name
- Sexual misconduct
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious insubordination
- Discrimination or harassment
- Bringing the Guild into serious disrepute
- Bullying, harassment or activity which contravenes the Guild's Equality, Diversity and Inclusion policies
- Serious breaches of confidence
- Incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules

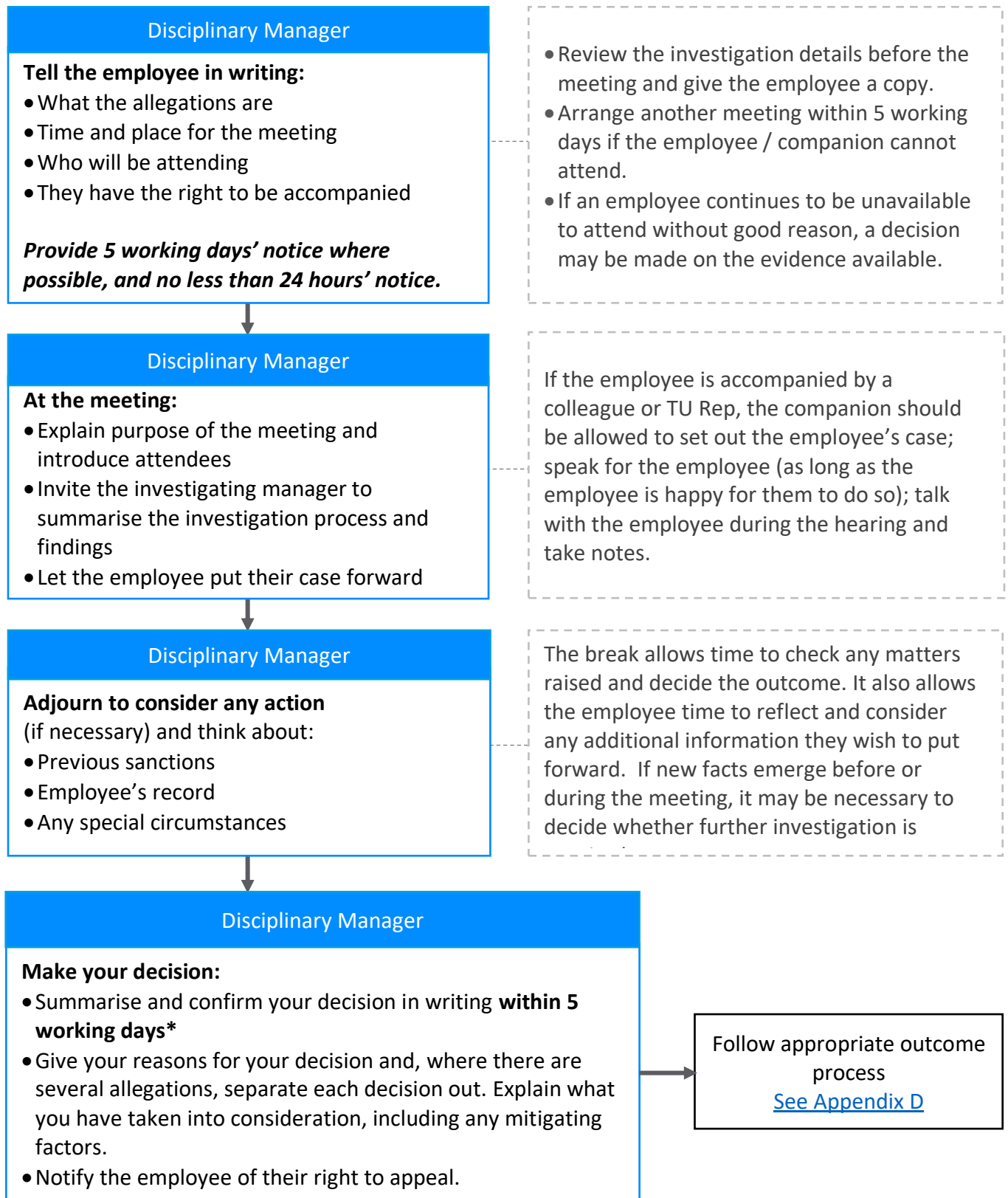


## Appendix B: Investigation

Investigations are carried out to establish the facts of a case. They will usually involve meeting with the employee(s) concerned and potential witnesses, as well as other forms of information gathering (e.g. analysing data, CCTV, performance reviews etc.).



## Appendix C: Formal Disciplinary

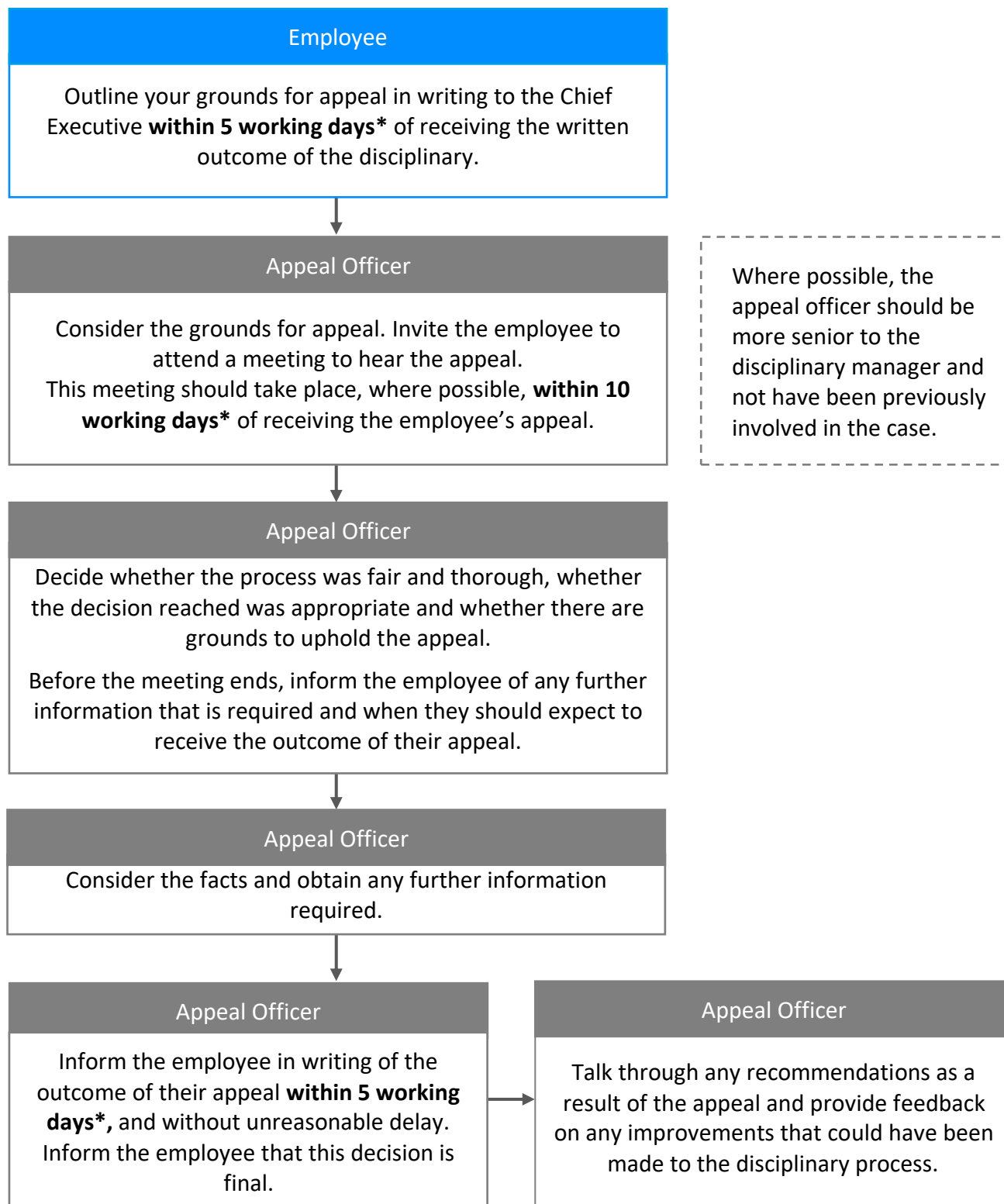


\*All timescales are provided as a guide. If it is not possible for timescales to be met due to the complexity of the issue, availability or absence, you will be informed and kept up to date.

## Appendix D: Disciplinary Outcomes

Outcome	Guidance
No disciplinary action	This course of action would be followed if, based on the evidence and/or your explanation, it is decided that the allegations are not founded, or there are special factors or circumstances that mean disciplinary action is not appropriate.
Informal Resolution	This means that an informal record is made of the discussion, and the required improvement is noted and clearly explained. This may be used when the issue is not serious enough to justify a formal warning, but still needs addressing.
First written warning	<p>In cases of misconduct, you will be given a written warning setting out the nature of the misconduct and the change in behaviour required.</p> <p>In cases of poor performance, it will set out the required performance standards and the potential consequences if improvements aren't made within the timeframe.</p> <p>A warning will remain active for <b>6 months</b>, with a record being held on your file.</p>
Final written warning	<p>If you have a current warning about conduct or performance, and further misconduct or poor performance occurs, then a final written warning may be issued including a statement that further misconduct or further unsatisfactory performance may lead to dismissal.</p> <p>A final warning may also be issued if your first instance of misconduct or poor performance is sufficiently serious, but does not justify dismissal.</p> <p>A warning will remain active for <b>12 months</b>, with a record being held on your employee file.</p>
Transfer or demotion	<p>Demotions or a transfer to another role would normally be used following disciplinary proceedings for poor performance as an alternative to dismissal.</p> <p>Demotion is unlikely to be used as an outcome of disciplinary proceedings for poor conduct.</p> <p>The Guild will always obtain your consent to demote, reduce your pay or relocate you.</p>
Dismissal without notice	<p>This could occur where your performance has not improved after a final written warning, or you have committed a further act of misconduct during the final written warning period.</p> <p>You will be informed in writing if before the disciplinary meeting if dismissal is a possible outcome, and the disciplinary meeting will be conducted by a senior manager.</p> <p>You will be dismissed with payment in lieu of notice, unless the act committed is gross misconduct.</p>
Summary Dismissal	Gross misconduct offences are acts of misconduct that are so serious they warrant dismissal in their own right, without notice or pay in lieu of notice. This is known as 'summary dismissal'.

## Appendix E: Appeal Procedure



\*All timescales are provided as a guide. If it is not possible for timescales to be met due to the complexity of the issue, availability or absence, you will be informed and kept up to date.