Disciplinary Policy and Procedure

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1. Introduction

1.1. The university expects all employees to attain the highest levels of conduct and respect for colleagues, students, and the university, and to contribute to the delivery of its vision to be the best modern university in the UK, and to feel empowered to do so by upholding and demonstrating the university's core values; to be inclusive, collaborative, and impactful.

1.2. Employees have a duty to meet the standards of conduct expected by the university, both inside and outside of the workplace. Where this is not happening, the university is entitled to intervene with a view to addressing and/or improving the conduct of its employees.

2. The Public Sector Equality Duty

2.1. The Equality Act (2010) requires public bodies such as the University of Greenwich to consider how their decisions and policies affect people with different protected characteristics (or an intersection of these).

2.2. The university is committed to promoting equality of access and outcome for all, celebrating diversity, and providing an inclusive learning and work environment for all students, staff, and visitors. The university will ensure they pay 'due regard' to the need to:

a. eliminate discrimination, harassment, and victimisation.
b. advance equality of opportunity.
c. foster good relations between people, irrespective of their age, disability, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation.

2.3. Paying 'due regard' means the university will consciously consider or think about the need to do the above.

3. Aims

3.1. This policy and procedure seek to:

a) provide a framework within which line managers can work with employees to meet the required standards of conduct and encourage improvement where necessary, rather than a way of imposing punishment.
b) Provide clearly defined steps for line managers to follow when their employee's conduct or behaviour gives rise to concerns or falls below acceptable standards.
c) Ensure employees are aware of the expected standards of conduct and behaviour at the university.
d) Ensure a fair and consistent approach is taken when dealing with conduct issues.

4. Scope

4.1. This policy and its procedures apply to all university employees including hourly paid lecturers, staff on fixed term contracts and students who are also employees (action under this policy and procedure relates only to their employment and not their status

as a student), except those employees who are within their probation period, who are covered by the university's Probation Policy and Procedure.

4.2. This policy does not apply to agency workers or self-employed contractors or to staff employed on senior management terms and conditions whose contracts of employment incorporate a specified disciplinary procedure.

4.3. Student complaints about members of staff should be reported in the first instance under the *Student Complaints Policy and Procedure*, which can be found on the university portal. Subsequent investigation will determine whether an allegation about a staff member should be referred to this policy.

4.4. This policy and its procedures do not form part of the employee's contract.

5. Conduct Expectations

5.1. If employees are in any doubt about their responsibilities or the standards of conduct expected, they should speak to their line manager in the first instance.

5.2. While employed by the University of Greenwich employees should always maintain professional and responsible standards of conduct. Employees should:

5.2.1. observe the terms and conditions of their contract, particularly regarding hours of work and confidentiality

5.2.2. observe all policies, procedures and regulations notified to employees from time to time by means of the university's portal, email, and notice boards or otherwise.

5.2.3. take reasonable care in respect of the health and safety of employees and third parties and comply with the university's Health and Safety policies which are on the university's portal.

5.2.4. comply with all reasonable instructions given by their line manager and

5.2.5. act always in good faith and in the best interests of the university, its employees, customers, contractors, and members of the public.

6. Stages of the Disciplinary Procedure

6.1. The stages of the disciplinary procedure are:

a) Informal Resolution (where appropriate)
b) Formal Disciplinary Action
    I. Suspension (where appropriate)
    II. Investigation
    III. Disciplinary Hearing
c) Appeal

7. Informal Resolution

7.1. Minor conduct issues can often be resolved through informal discussions between the line manager and employee. Discussions should be held in private and without undue

delay as soon as there is a cause for concern. The line manager should also take the opportunity to remind the employee of the standards expected.

7.2. Informal discussions between line manager and employee do not form part of formal disciplinary action. There should be no other member of staff present at these meetings employee's do not have the right to be accompanied.

7.3. Where appropriate the line manager should keep brief and confidential notes of the discussion and a summary of the outcome and shared with the employee. For the avoidance of doubt, it should be clearly stated that it is informal action, however it should also be made clear that where there is no improvement formal action will be taken.

7.4. Line managers should be mindful that the meeting does not turn into formal disciplinary action, as this may deny the employee rights that they would otherwise be entitled to, such as the right to be accompanied. No 'formal outcome' should be decided at this stage. If it becomes apparent during the meeting that it is a more serious matter than originally anticipated, adjourn the meeting, and advise that matters will continue under formal procedure.

7.5. If there is no improvement following informal action, or where informal discussion is not appropriate (e.g., due to the seriousness of the allegation), formal action should be taken by the line manager by following the Formal Disciplinary Action Procedure

8. Formal Disciplinary Action Procedure

8.1. Where informal resolution does not lead to improved behaviour, or where the alleged incident is more serious meaning that informal resolution is not appropriate, formal disciplinary action should be initiated immediately.

8.2. Disciplinary offences which are dealt with under the university's disciplinary policy and procedure fall into two categories:

Misconduct and
Gross Misconduct

8.3. Examples of misconduct and gross misconduct offences can be found at *Appendix A* in this policy.

8.4. In some instances, it may be appropriate to suspend an employee whilst an investigation is carried out (see also *Suspension* in this policy).

8.5. Where the line manager of an employee wishes to initiate formal disciplinary action, they should contact their People Directorate representative in the first instance who will advise next steps and proceed with an investigation process. Where an employee has reported an alleged incident of misconduct or gross misconduct directly to the People Directorate, they will proceed with an investigation process.

9. Criminal Investigations, Charges or Convictions

9.1. When an employee is the subject of a criminal investigation, charge or conviction, any disciplinary action the university may or may not take will depend on the nature of the

alleged offence. However, the university will not usually wait for the outcome of any prosecution before deciding what action, if any, to take.

9.2. The university will conduct its own investigation to clarify the nature of the charges and give the employee the opportunity to explain their side. Where the allegations threaten the reputation of the university or prevent an employee from carrying out their normal duties, disciplinary action is likely to be taken and potentially resulting in dismissal. However, alternatives to dismissal such as redeployment or suspension will be considered if it is deemed appropriate and reasonable in the circumstances. Where an employee is unable to attend a disciplinary hearing or has been advised not to, the university may have to take a decision based on the available evidence.

9.3. The university reserves the right to amend this approach if appropriate based on police advice.

10. Misconduct Outside of Work

10.1. Misconduct which occurs outside of work may lead to the University taking disciplinary action where:

a) The misconduct in question impacts on the employee's ability to carry out their job; or

b) The employee's conduct has or threatens to have a negative effect on the University's reputation

10.2. Careful consideration will be given to freedom of speech, the nature of the alleged conduct, and the employee's role. Examples of misconduct outside of work might include an employee's use of social media to convey abusive or threatening speech or writing, that expresses prejudice on the basis of one of the protected characteristics as set out in the Equality Act 2010, or criminal activity.

11. Suspension

11.1. In certain circumstances it may be necessary to suspend an employee from work whilst an investigation is carried out, such as:

a) The allegations are potential gross misconduct.
b) Where it is perceived that the employee's continued presence in the workplace would hinder or compromise an investigation.
c) Where it is perceived that the employee's continued attendance in work poses a threat to security, a risk to evidence or to their safety, the safety of others or damage to university property.

11.2. Where the line manager identifies that suspension is necessary, they must contact the People Directorate to discuss the reason for suspension. The People Directorate will seek authorisation for suspension from the Vice Chancellor (or their nominee).

11.3. Where it is agreed that it is necessary to suspend the employee, the employee's line manager will inform the employee and where it is necessary, ensure that the employee is accompanied from the university premises.

11.4. The suspension will be as brief as possible and no longer than is necessary to investigate the allegations and arrangements will be confirmed in writing to the employee.

11.5. The suspension will be kept under review and the employee kept informed should the investigation encounter delays. However, suspension may continue until a decision is taken at a disciplinary hearing.

11.6. The decision to suspend is not a disciplinary penalty and does not imply that any decision has been made about the allegations. The employee will continue to receive full basic pay during the period of suspension.

11.7. Alternatives to suspension, such as moving the employee to another location or job or by limiting their duties, will be considered while an investigation takes place.

11.8. Whilst suspended, the employee should not visit any university premises, perform any usual duties, or discuss the matter with any other university employees, customers, suppliers or contractors unless authorised to do so.

12. Covert Recording of Meetings

12.1. The employee and anyone accompanying the employee, are prohibited from making covert audio recordings of any informal or formal meetings conducted under this procedure. The covert audio recording of meetings will be regarded as misconduct and dealt with according to the *Disciplinary Policy and Procedure*.

12.2. The university will not make audio recordings of any meetings conducted under this procedure except:

a) where this is requested by the employee as a reasonable adjustment arising from a disability (see also *Reasonable Adjustments* in this policy).
b) where the recording of a meeting is conducted by the People Directorate via Microsoft Teams for note taking purposes only, with the permission of the employee, and deleted once the notes have been transcribed and signed and accepted by the employee.

13. Investigations

13.1. Where it is suspected or alleged that an employee has acted in a way that could lead to formal disciplinary action, an investigation will always take place before proceeding to a disciplinary hearing. An investigator is appointed to carry out the investigation. During the investigation the employee will be given the opportunity to respond and present their own evidence.

13.2. Who is the Investigator?

13.2.1. The People Directorate will appoint an impartial investigator and they will ensure that the investigator chosen is not directly involved with the people or the matter concerned, for example the employee's line manager, the line manager's manager, a witness to the matter, or other person within the school or function, would not be the investigator. Normally, this would be a university employee, however the university reserves the right to appoint an external investigator if necessary.

13.2.2. A People Directorate representative will support the investigator throughout the process however, their role is to provide procedural advice and ensure a fair and unbiased approach; not to investigate. They will attend all investigation meetings and a note taker may also be present.

13.3. The Investigation Process

13.3.1. The purpose of the investigation is to establish the facts relating to the allegation.

13.3.2. Investigators should maintain a fair and balanced view and be aware of their own biases, being mindful not to allow any biases to impact on their approach to the investigation, the employee, or the witnesses. The investigators' role is to remain impartial and keep an open mind when looking for evidence.

13.3.3. Each investigation is different, but it will most likely include interviewing and taking statements from the employee who is the subject of the investigation and any witnesses, including witnesses suggested by the employee.

13.3.4. Any investigation should be completed as quickly as possible and within a reasonable timescale dependent upon the complexity of the case. The time an investigation takes will not be to the detriment of a thorough and fair process. Where possible the investigator should set out an indicative timescale at the start of the process and keep the employee advised of progress and any changes to the timeline.

13.3.5. The employee who is the subject of the investigation does not have a statutory right to be accompanied at an investigation meeting; however the university may allow the employee to be accompanied by a colleague or trade union representative where it is reasonably practicable. Typically, an employee would not be accompanied by a relative or partner, however at the university's discretion, the employee may be allowed to bring a companion who is not an employee or trade union representative (for example a family member) where this will help support them with their disability, or where the employee has difficulty understanding English (see also *Reasonable Adjustments* in this policy).

13.4. Witnesses

13.4.1. Anyone who is required to participate in an investigation is expected to co-operate fully and respectfully and should make every effort to be available as a matter of priority. All participants in an investigation are expected to maintain confidentiality both during the investigation and once it has been completed. Any matters related to the investigation, including questions or concerns, should be raised directly with the investigator or the People Directorate representative supporting the investigation.

13.5. Non-Retaliation Commitment

13.5.1. The university is committed to operating a culture of integrity where employees feel comfortable speaking up without fear of retaliation. Therefore, if an employee experiences any form of retaliation because of taking part in an investigation, whether direct or indirect, they should report this immediately to the investigator and/or the People Directorate representative supporting the investigation.

Retaliation against an employee for participating in an investigation will not be tolerated and may be grounds for disciplinary action.

13.6. Reasonable Adjustments

13.6.1. A reasonable adjustment is a change to make sure a disabled employee with a physical or mental impairment, is not placed at a substantial disadvantage when doing their job, compared to a non-disabled employee.

13.6.2. If, during the application of this policy and procedure an employee, or companion accompanying an employee, is required to participate in an investigation interview or a disciplinary hearing and requires a reasonable adjustment to be made to enable their participation, they should bring this to the attention of the line manager conducting the meeting or the People Directorate representative who is supporting the process, at the soonest opportunity so that arrangements can be made where possible.

13.7. Concluding the Investigation

13.7.1. Once the investigation has concluded, the investigator should prepare a detailed report using the *Disciplinary Investigation Report Template* which can be found on the university staff portal. The content of the report will include the facts and evidence gathered during the investigation and the investigators recommendations. Any documentary evidence should be appended to the report. The investigator will have the opportunity to share their report with the People Directorate representative who will ensure they have followed correct procedure and maintained a balanced and unbiased approach to the investigation.

13.7.2. It is the investigator's role to recommend whether the investigation has found evidence to support proceeding to a disciplinary hearing. The investigators recommendations should be included in the report and could be one or a combination of the following actions:

a) **Formal Disciplinary Action** – The investigation has found evidence to support proceeding to a disciplinary hearing.
b) **No Further Action –** The investigation has found through supporting evidence or appropriate mitigation that there is not enough evidence to support proceeding to a formal disciplinary hearing.
c) **Corrective Actions** – Any or a combination of the following, in addition to either of the above recommendations. Examples could be (but are not limited to):
   i. Training or refresher training
   ii. Coaching
   iii. Referral to the EAP service
   iv. Referral to occupational health (where appropriate)
   v. Mediation (for the employee or other parties involved)
   vi. Review of a current policy or procedure
   vii. Where appropriate, further investigation into other matters disclosed during the investigation.

13.7.3. After consideration of all the facts gathered during the investigation, the employee will be informed in writing of the outcome.

13.7.4. The investigator's role ends here and where the allegation has been upheld and there is enough evidence to support proceeding to a disciplinary hearing, this will be heard by a new hearing manager (see Disciplinary Hearings in this policy*).*

13.8. Occupational Health Referrals

13.8.1. If, during an investigation, or at any point during the application of the disciplinary policy and procedure, matters come to light which indicate the employee may have a disability, or where the employee discloses that they have a disability, the investigator may recommend that this is explored further with an occupational health referral and therefore may note this in their investigation report as a Corrective Action.

13.8.2. Investigators should also remain aware of the possibility that an impairment may be undisclosed or may remain unknown to the employee. (see also *Neurodiversity in the Workplace Guidance* found on the university staff portal).

13.9. The Equality Act 2010

13.9.1. A disability is defined under the Equality Act 2010 as a physical or mental impairment that has a 'substantial' and 'long term' negative effect on an individual's ability to do normal daily activities. This includes progressive conditions, which is a condition which gets worse over time.

14. Notification of a Formal Disciplinary Hearing

14.1. Where the investigation has found evidence to support formal disciplinary action, the employee will be invited to attend a disciplinary hearing. This is a meeting attended by the employee, where all the evidence related to the matter is presented and heard before a decision is made. The hearing will be held without undue delay and the employee provided with seven calendar days' notice to prepare for the meeting. The employee will be invited to the hearing in writing and provided with the information below with seven calendar days' notice:

a) The date, time, and location of the hearing.
b) Details of who will be in attendance at the hearing.
c) Details of the allegation(s) and the basis for those allegation(s).
d) The potential outcomes if the allegation(s) are substantiated.
e) A copy of the investigation report and additional documentary evidence including witness statements, where applicable. (Where a witness's identity is to be kept confidential, as much information will be provided as possible while maintaining confidentiality).
f) A copy of the Disciplinary Policy and Procedure.
g) The employee's right to be accompanied to the hearing.

15. The Right to be Accompanied at a Hearing

15.1. An employee may be accompanied at a Formal Disciplinary Hearing or Appeal Hearing under the *Disciplinary Policy and Procedure* by a workplace colleague, a trade union representative or an official employed by the trade union. The employee must inform their manager and the People Directorate representative conducting the meeting who their chosen companion is, in good time before it takes place.

15.2. If the companion is not available at the time proposed for the meeting, the meeting will be postponed and rearranged at a date and time proposed by the employee that is both reasonable and no more than seven calendar days after the date originally proposed.

15.3. Acting as a companion is voluntary and colleagues are under no obligation to do so. Employees are allowed reasonable time off from duties without loss of pay to act as a companion.

15.4. A companion should not answer questions on behalf of the employee but may make representations and ask questions and sum up. The employee and companion may talk privately at any time during the meeting.

15.5. Typically, an employee would not be accompanied by a relative or partner, however at the university's discretion, the employee may be allowed to bring a companion who is not an employee or trade union representative (for example a family member) where this will help support them with their disability, or where the employee has difficulty understanding English.

16. Disciplinary Hearings

16.1. The hearing is a meeting where all the evidence related to the matter is presented and heard by somebody appointed to carry out the meeting. The person appointed carries out this role on behalf of the university.

16.2. Where the potential outcome of the hearing is a first warning or final warning issued to the employee, the hearing will be heard by the employee's line manager. However, the university recognises that there may be exceptional occasions where the circumstances of a case mean it would not be appropriate for the line manager to conduct a first or final warning hearing. Such cases would be unusual and must be based on advice from the People Directorate.

16.3. Where the potential outcome of the hearing is dismissal of the employee, the hearing will be heard by a panel of two people; an Executive Director or PVC who will be the 'chair' of the meeting, plus one other senior manager (see also *Appendix B* in this policy).

16.4. The person or panel hearing the disciplinary will review all of the evidence related to the matter prior to the hearing. The hearing is an opportunity for both the person hearing the disciplinary and the employee to present their case.

16.5. The employee may bring a companion to the hearing (*see also The Right to be Accompanied at a Hearing* in this policy).

16.6. The employee must take all reasonable steps to attend a hearing. Failure to attend without notification or good reason, may be treated as misconduct.

16.7. A People Directorate representative will attend the hearing and a note taker may also be present. The role of the People Directorate representative is to provide general support and procedural advice to the person or panel hearing the disciplinary throughout the process, and to ensure their approach is fair and unbiased.

16.8. The person or panel hearing the disciplinary will summarise the allegations made against the employee and the evidence that has been gathered. The employee will be given an opportunity to respond and present their own evidence and ask questions.

16.9. Witnesses are not normally expected to attend a disciplinary hearing, however the employee may ask witnesses to provide evidence at the hearing, provided sufficient advance notice has been given to enable their attendance.

16.10. The employee will be informed in writing of the outcome and the reasons for it without undue delay, usually within seven calendar days of the hearing. Where the relevant information is available it may be possible to give a decision on the day of the hearing.

16.11. The employee will be provided with a copy of the minutes of the meeting within a reasonable timeframe.

17. Disciplinary Action

17.1. Disciplinary action can range from a First Written Warning to a Final Written Warning or Dismissal dependent upon the seriousness of the case and/or the ongoing nature of misconduct. If the hearing finds that disciplinary action against the employee is justified, the manager or hearing manager will decide upon the appropriate penalty from the list set out below:

17.2. **First Written Warning** – this is issued by the line manager if:

a) the misconduct is such that the matter cannot be suitably dealt with by informal action or
b) there has been no improvement in conduct about which the employee has previously been warned informally.

17.3. **Final Written Warning** – this is issued by the line manager if:

a) a First Written Warning has already been issued and another instance of misconduct has occurred while it is current.
b) there is no improvement in the conduct about which the employee has received a First Written Warning.
c) the seriousness of the misconduct is such that it cannot suitably be dealt with by a First Written Warning.

17.4. **Dismissal** – this is issued by the relevant decision maker (See Appendix A) and is usually only appropriate for the following reasons:

a) a Final Written Warning has already been issued and another instance of misconduct has occurred while it is current.
b) there is no improvement in the conduct about which the employee has received a Final Written Warning
c) any gross misconduct regardless of whether there are active warnings on the employee's record.

18. Effect of a Written Warning

18.1. Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active and the likely consequences of further misconduct in that active period.

18.2. A First Written Warning will usually remain active for 6 months and a Final Written Warning for 12 months.

18.3. A Final Written Warning will state that further misconduct during the active period could potentially lead to dismissal.

19. Expired Written Warnings

19.1. Written warnings will normally be disregarded for disciplinary purposes after the warning has expired.

19.2. However, there may be occasions where the existence of an expired warning could impact a decision to dismiss e.g., where an employee's conduct is satisfactory throughout the period a warning is active but ceases to be satisfactory very soon thereafter. Therefore, warnings will remain permanently on the employee's employee file after the active period and once they have expired.

20. Consecutive Written Warnings

20.1. Where an employee's written disciplinary warning remains live, and the employee commits another act of misconduct, regardless of the type of misconduct, the live warning may be taken into account and a consecutive disciplinary warning for misconduct imposed, resulting in an escalation of the level of warning, up to and including dismissal.

21. Effect of a Dismissal

21.1. Where a staff member is dismissed, they will receive a written confirmation of the reasons for their dismissal, the date on which their employment will end, payment of any outstanding annual leave and notification of the right to appeal.

21.2. Where dismissal is the cumulative outcome of previous misconduct, the employee will receive the appropriate period of notice or payment in lieu of notice. Dismissal due to gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal).

22. Appeals Against Disciplinary Action

22.1. An appeal hearing is a meeting used to review whether the decision that's been made should be overturned or changed. An employee has the right to appeal against any disciplinary action taken against them if they feel:

a. The disciplinary sanction is too severe.
b. Any part of the procedure was wrong or unfair.
c. They have been dismissed for an unfair reason.

d. They have new evidence to show.

22.2. If an employee wishes to appeal against the disciplinary action taken against them, their appeal should be made in writing within seven calendar days of the date on the outcome letter, stating the grounds for appeal. The appeal hearing would not usually be a complete re-hearing of the case and therefore, the employee must be specific about the grounds for appeal as these will form the agenda for the hearing. The appeal hearing will consider whether the procedure was followed in a fair way and if the outcome was fair.

22.3. The appeal should be addressed to the person named in the outcome letter and copied to the relevant People Directorate representative involved in the case. Disciplinary Action taken will remain in force unless and until it is modified as a result of the appeal. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

22.4. The employee should submit any additional documentary evidence they wish to be considered no later than three working days before the meeting to hear the appeal. Any new matters raised by the employee in their appeal, may mean that further investigation is carried out. Where any new information comes to light, a summary will be provided to the employee including, where appropriate copies of additional relevant documents and witness statements.

22.5. The appeal will be heard without unreasonable delay, and the employee notified in writing of the time, date, and place of the appeal hearing and their right to be accompanied.

22.6. The People Directorate will appoint an individual to conduct the hearing, who is more senior than the employee's line manager and who has not previously been involved in the matter concerned.

22.7. Where the appeal is against a first or final written warning the appeal will be heard by an individual who is more senior than the employee's line manager. An appeal against a dismissal will be heard by a panel of two; the Vice Chancellor (or nominee) plus one other manager not previously involved in the matter concerned. (see also *Appendix B* in this policy). A People Directorate representative will be present at any appeal hearing and a note taker may also attend. The employee may bring a companion to an appeal hearing (see also *The Right to be Accompanied at a Hearing* in this policy).

22.8. The appeal hearing may be adjourned if further investigations need to be carried out in the light of any new evidence provided by the employee at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

22.9. Following an appeal, the original decision may be confirmed, revoked, or replaced with a different decision. The final decision will be communicated to the employee in writing without undue delay, within seven calendar days. The appeal decision will be conclusive and there will be no further right of appeal.

23. Other Policies

All of the following policies can be found on the staff portal:

- **Probation Policy and Procedure**
  Concerns regarding an employee's conduct during the probation period should be addressed under the university Probation Policy and Procedure, found on the university's staff portal.

- **Sickness Absence Policy and Procedure**

- **Grievance Policy and Procedure - overlapping grievances**
  If an employee raises a Grievance which is not linked to the Disciplinary Policy and Procedure, it will typically be heard separately and without delaying the Disciplinary proceedings. If an employee raises a Grievance which is linked to the Disciplinary Policy and Procedure, it will typically be heard as a relevant issue in the course of the Disciplinary process.

- **Managing Performance Policy and Procedure**

- **Reasonable Adjustments Policy and Procedure**

- **Menopause Guidance**

- **Menstrual Health Guidance**

- **Students Complaints Policy and Procedure**

24. Freedom of speech and academic freedom

In any matter falling under this policy, the university will have particular regard to, and place significant weight on, the importance of freedom of speech within the law, academic freedom and tolerance for controversial views in an educational context or environment. The University's commitments to freedom of speech and academic freedom are set out in the Freedom of Speech Code of Practice. In the event of any conflict between this policy and the Freedom of Speech Code of Practice, the Freedom of Speech Code of Practice will take precedence.

25. Appendix A: Misconduct and Gross Misconduct Examples

What is Misconduct?

Misconduct is a less serious breach of the University's rules which would not normally result in dismissal for a first offence. The severity and frequency of the breach will be considered when determining the level of warning. The following are examples of some of the offences the university deems to be misconduct. This list is neither exhaustive nor exclusive:

a) Minor breaches of university policies including the Sickness Absence, Health and Safety and Smoking policies.
b) Failure to comply with the university's information security, cyber security or phishing prevention requirements, policies or procedures.
c) Breaches of the employee's employment contractual terms and conditions.
d) Unsatisfactory timekeeping.
e) Unauthorised absence from work.
f) Refusal to follow instructions or any reasonable management request.
g) Covert Recording of Meetings.
h) Lapsed professional membership when it is a legal requirement of the role.

What is Gross Misconduct?

Gross misconduct is misconduct which is considered by the university to be serious enough to prejudice its reputation or which irreparably damages the working relationship and trust between employer and employee. It is a serious breach of contract and will most likely lead to summary dismissal (dismissal without notice or pay in lieu of notice). This list is neither exhaustive nor exclusive. Example could include:

a) Theft or fraud.
b) Physical violence, bullying or harassment.
c) Deliberate and serious damage to property.
d) Serious lack of care to the employee's duties or other people ('gross negligence').
e) Deliberate misuse of electronic facilities (including internet and email).
f) Deliberate, reckless or repeated breaches of the university's information security, cyber security or phishing prevention requirements, including actions that expose the university to significant security, data protection or operational risk.
g) Serious insubordination, for example refusing to take lawful and reasonable orders from a supervisor.
h) A breach of the university's policy on a member of staff beginning or pursuing a personal relationship with a student (see the university's Personal Relationships at Work Policy for full details).

26. Appendix B: Decision Making Authority

The tables below set out who is responsible for conducting meetings and appeals at the formal stages of this policy and procedure, dependent upon where the employee works within the university.

Professional Services Directorates, Vice-Chancellors Office, Secretariat and Greenwich Research and Enterprise (GRE)

Disciplinary Hearing First and Final Written Warning	
Heard by and Issued by Line Manager	**Appeal Heard by**
Manager	Member of SMT
Member of SMT	Executive Director
Executive Director	Vice Chancellor or Nominee

Disciplinary Dismissal	
Heard by and Issued by	**Appeal Heard by**
Executive Director plus one other Manager	Vice-Chancellor or nominee plus one other manager

Faculties

Disciplinary Hearing First and Final Written Warning	
Heard by and Issued by Line Manager	**Appeal Heard by**
Manager	Head of School
Head of School	Deputy Dean or Associate Dean*
Deputy Dean or Associate Dean*	PVC
PVC	Vice-Chancellor or nominee

Disciplinary Dismissal	
Heard by and Issued by	**Appeal Heard by**
PVC plus one other Manager	Vice-Chancellor or nominee plus one other manager

**Where cases involve professional services staff within Faculties, Faculty Operating Officers (FOO) can undertake duties assigned to Deputy Dean or Associate Dean.*

Member of Vice Chancellor Group (VCG)

Disciplinary Hearing First and Final Written Warning	
Heard by and Issued by Line Manager	**Appeal Heard by**
Manager	Vice Chancellor
Vice Chancellor	Governor

Disciplinary Dismissal	
Heard by and Issued by	**Appeal Heard by**
Vice Chancellor	Governor

N.B. for some employees on senior management contracts, certain employment procedures have been incorporated into the contract of employment.

27. Appendix C: Disciplinary Hearing Procedure Guidance

The following provides information and guidance for line managers, staff members or companions accompanying staff members, who are attending a disciplinary hearing:

Who will attend the disciplinary hearing?

1. The employee
2. The employee's companion (if appropriate).
   A companion can be a workplace colleague, a trade union representative or an official employed by the trade union.
3. Meeting Chair
   A First and Final Disciplinary Hearing will be chaired by the employee's line manager.
   A Dismissal Hearing will be chaired by an Executive Director or PVC plus another manager.
4. A People Directorate Representative
5. A note taker (if appropriate)

What is the role of the Chair?

The Chair of the disciplinary hearing will do the following:

- ✓ Confirm names and roles of those present.
- ✓ Confirm that notes will be taken during the meeting.
- ✓ Confirm that the employee and anyone accompanying them are prohibited from making covert audio recordings of any meetings.
- ✓ Confirm the employee has received a copy of the Disciplinary Policy and Procedure, and all relevant documentation.
- ✓ Confirm whether any witnesses will be called *(Witnesses are not normally expected to attend a disciplinary hearing, however the employee may ask witnesses to provide evidence at the hearing, provided sufficient advance notice has been given to enable their attendance.)*
- ✓ Confirm that if the employee needs to take a comfort break at any time during the meeting they can request this.
- ✓ Read out the allegations.
- ✓ Invite the employee to respond to the allegations and ask any questions.
- ✓ Summarise the employee's response.
- ✓ Ask the employee if they have anything further to add before summarising next steps and closing the meeting.

The Chair of the disciplinary hearing will confirm the following:

- ✓ That the outcome of the hearing and reasons for it will be provided to the employee in writing without undue delay, usually within seven calendar days. *(Where the relevant information is available it may be possible to give a decision on the day of the hearing.)*
- ✓ That the employee will be provided with a copy of the minutes of the meeting within a reasonable timeframe.
- ✓ A reminder of the employee's obligations to maintain confidentiality.
- ✓ A reminder of the University's non-retaliation commitment. *(If an employee experiences any form of retaliation because of taking part in an investigation, whether direct or indirect, they should report this immediately to the investigator and/or the People Directorate representative supporting the investigation. Retaliation against an employee for participating in an investigation will not be tolerated and may be grounds for disciplinary action).*
- ✓ If the employee has been suspended from their duties, remind the employee that the terms of suspension remain in place until the employee is advised otherwise.

What is the role of the staff member?

The staff member:

- ✓ Will be invited to respond to the allegations and evidence presented.
- ✓ May ask questions about the evidence presented.
- ✓ May ask questions if they are unsure about any aspect of the process.
- ✓ May ask the Chair for a comfort break if needed at any time during the hearing.
- ✓ May request a temporary adjournment during the meeting to talk privately to their companion.

What is the role of Companion?

The employee's companion should not answer questions on behalf of the employee but may make representations and ask questions and sum up. The meeting may be adjourned at the request of the employee at any time during the meeting, to talk privately to their companion.

Version No.	Purpose/Change	Author	Approved By	Date
1.0	First Draft	Vanessa Roots Senior Workforce Policy Officer	VCE	06/06/2023
	Appendix A: What is gross misconduct (g)	Vanessa Roots Senior Workforce Policy Officer	N/A	17/10/2025
	Reference to Reasonable Adjustments policy under (23)	Vanessa Roots Senior Workforce Policy Officer	N/A	21/01/2026
V2.0	Freedom of speech and academic freedom (24)	Vanessa Roots Senior Workforce Policy Officer	N/A	22/02/2026
V2.1	Update to clarify the university's approach to the recording of meetings (12).	Vanessa Roots Senior Workforce Policy Officer	N/A	23/03/2026
V2.2	Appendix A: What is misconduct (b). What is gross misconduct (f).	Vanessa Roots Senior Workforce Policy Officer	N/A	12/10/2026

This policy will be reviewed regularly.