



University of  
St Andrews

## Disciplinary

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<b>Purpose</b>	To be referred to in cases where there are possible issues of misconduct.

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
2.1	Added sections 5.3.2 to 5.3.4 ( <i>duplicate sections taken from the Investigation Procedure</i> ).	Published.	Lisa Stewart HR	19/04/2022

- British Sign Language (BSL) users can contact the University via the online BSL Video Relay Interpreting Service: <https://contactscotland-bsl.org>.
- This document is available in an alternative format upon request.
- We encourage all employees to access the [Disciplinary Procedure webpage](#) which includes a range of FAQs regarding the disciplinary process and lists the documents/guidance referred to in this policy.

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## 1. Statement

- 1.1 The University expects all employees to adhere to and maintain acceptable standards of conduct at all times. All employees must conduct themselves in an appropriate and acceptable manner in the workplace and in any work-related setting outside of the workplace, including any interactions with members of the University community and external organisations/individuals. Where an employee's conduct falls short of acceptable standards, action may be required under this policy which may result in a formal disciplinary warning being issued or, in some cases, in dismissal.

## 2. Purpose

- 2.1 This policy has been designed to address instances of misconduct. The more serious offences may constitute gross misconduct. The [list of unacceptable conduct](#) provides some examples on what the University deem as unacceptable.

## 3. Scope

- 3.1 This policy applies to employees who are currently employed at the University.

## 4. General principles

- Hearings may take place face to face or virtually via Microsoft Teams.
- Where a disciplinary hearing is required, the employee will be notified of the allegations in advance, and will be given the opportunity to state their case before any decision is made.
- The Panel will normally provide at least 7 working days' notice to the employee to attend a hearing.
- All parties should take reasonable steps to attend the hearing on the date/time stated in the invite letter, however, hearings can be re-scheduled to another time if the employee or the accompanying person (or witness, if applicable) is not available. Where possible, the employee should provide HR with a reasonable alternative time that is within 5 working days of the original date.
- A hearing will only be deemed to have taken place if the employee has had a reasonable opportunity to attend. Where an employee fails to attend or remain throughout a hearing due to circumstances out with their control, the hearing or its continuation should be rescheduled to take place at another time. Where an employee fails to attend or remain throughout a hearing that has already been re-arranged without good reason, a decision may be taken in the employee's absence based on the evidence available.
- At every stage in the disciplinary process, (other than in respect of informal discussions) the employee will have the right to be accompanied by a University employee, a recognised Trade Union representative or an official employed by a recognised trade union. The role of an accompanying person at a hearing is detailed in the [Disciplinary Hearing Guidance](#).
- The University does not condone the making of electronic or digital recordings of meetings or telephone calls without all-party consent. Further information on the

recording of meetings can be found in the [Guidelines on Recording of Meetings involving University Staff and Students](#). Instead, notes will be taken to summarise the key points. These are not intended to be a verbatim record.

- Academic and related staff have the freedom within the law to hold and express opinion in the context of academic discourse, to question and test established ideas and received wisdom, and to present controversial or unpopular points of view without placing in jeopardy the appointments they hold or any entitlements or privileges they enjoy. Further information on the Freedom of Expression Legal Framework including what circumstances are not protected under this Act can be accessed on the [Equality, Diversity & Inclusion webpage](#).
- This policy applies to accredited trade union representatives, but disciplinary action will not be taken until the circumstances of the case have been discussed with HR and the local Chair of the relevant union unless circumstances are sufficiently serious to warrant immediate action.
- The University will seek to appoint a panel as set out in the procedures but reserves the right to modify this arrangement if deemed appropriate. Any changes made must be discussed and approved by the Director of HR (or appropriate delegate).
- If there are any concerns or possible conflict of interest regarding the Panel (or others involved in the Disciplinary investigation, hearing, appeal), this should be raised with HR in advance of the process taking place.
- Disciplinary action taken, either informal or formal should aim to resolve issues and/or facilitate improvement.

## **5. Procedures**

### **5.1 Informal resolution**

- 5.1.1 Line managers should attempt to resolve minor misconduct matters through informal means in the first instance, where appropriate, as this is often the quickest and most effective method of improving conduct.
- 5.1.2 The employee should be given the opportunity to correct their conduct within an agreed timescale and be informed that if there is little or no improvement evident upon completion of the review period, the employee may be subject to formal disciplinary proceedings.
- 5.1.3 Any actions agreed must be clearly documented and shared with the employee (usually via email, copying in the School/Unit [HRBP](#) for awareness). These actions should set out the agreed objectives and expectations of the employee, training/coaching and support offered, how the conduct will be reviewed, and timescales for improvement.
- 5.1.4 If, during the initial discussion or review period, it becomes obvious that the matter may be more serious than initially thought, the line manager should seek guidance from their [HRBP](#). This may involve informing the employee that the matter will be investigated.
- 5.1.5 Where informal resolution is not practical or possible, it is likely that an investigation will be required, e.g. if the issue is sufficiently serious and warrants immediate action. This will also be the case if the employee's conduct has not improved to an adequate level or is

repeated shortly after informal measures have been taken e.g. training. The following sections outline the usual next steps.

## **5.2 Consider if suspension is necessary**

5.2.1 Suspension with pay may be considered at any point of the disciplinary process where the allegations against the employee are sufficiently serious/alleged serious misconduct; however, this should only be considered after other alternatives have been explored and should always be a last resort. Suspension is not an assumption of guilt; it will not prejudice the outcome, nor is it a disciplinary sanction. Considerations, although not exhaustive may include whether:

- there is a risk to health and/or safety;
- the employee poses a threat to themselves, others, to the investigation or to the University;
- the employee could tamper with evidence;
- there is a serious reputational risk/damage to the University;
- the employee is subject to criminal proceedings which may affect their ability to do the job.

5.2.2 The decision to suspend will normally be made by the Head of School/Unit in consultation with an HR representative. If the decision to suspend is made, this will normally be communicated verbally in person/or virtually e.g. Microsoft Teams by a member of HR and an appropriate manager and followed up in writing (usually within 3 working days).

5.2.3 Suspension timescales will be reviewed regularly, and the University will only suspend an employee for so long as it deems necessary (e.g. to conduct the investigation and Disciplinary Hearing). Any period of suspension should not normally exceed 30 working days. Where, due to the nature of the case, the suspension is likely to exceed 30 working days, the employee will be notified of this.

## **5.3 Investigation**

5.3.1 If an investigation is required, line managers must contact their [HRBP](#) for guidance in how to proceed. Disciplinary action will not occur before a matter has been fairly and fully investigated. The person who conducts the investigation will be the Investigation Manager, who will carry out as much investigation as is reasonable in the circumstances of the case. The pace of an investigation will be dependent upon the complexity of the case and the availability of the relevant parties. The [Investigation Procedure](#) provides detailed guidance on this process.

5.3.2 All members of the University community are required to:

- participate and cooperate with any investigation that they may be involved in or witness to. This is a reasonable expectation of anyone who may have information that could assist an investigation. Any individual who unreasonably refuses to follow a request to participate in an investigation without a legitimate reason in doing so may be subject to disciplinary action being taken against them.
- maintain confidentiality and not disclose any information discussed or shared with others. Breaches to confidentiality will be taken seriously and may be subject to disciplinary action being taken against them.

- 5.3.3 Employees required to participate and cooperate with an investigation are encouraged to read the [Witness Guidance](#) for information on the process.
- 5.3.4 The University reserves the right to conduct a general investigation if a case does not naturally align to a specific policy at the outset, and/or revert to a different policy during or after an investigation should there be evidence to support this and it is deemed appropriate to do so. This will only be undertaken on the advice and guidance of HR.
- 5.3.5 Upon completion of an investigation, if there are reasonable grounds to believe that an employee has committed an act of misconduct, formal action under this policy will be taken and the employee will be invited to a Disciplinary Hearing. An HR representative will be assigned to the case and will be responsible for arranging the logistics and inviting the employee to the hearing.
- 5.3.6 If the case proceeds to a Disciplinary Hearing, the Investigation Manager may be called to present their findings although in some cases, the written report in itself may be sufficient. If the Investigation Manager is required to attend but is unavailable, in the interests of timely proceedings, an HR representative can attend on behalf of the Investigation Manager.

## 5.4 Disciplinary process

### 5.4.1 Appointing a Disciplinary Panel

- HR will arrange for an appropriate panel to hear the case. The panel will usually consist of a senior member of staff from the School/Unit in which the employee works, who will act as Chair and another senior member of staff from a different School/Unit who will support the process. A member of HR will attend to provide support and guidance to the panel.
- Where a case is against the Director of HR or the member of the Principal's Office responsible for HR, a non-executive member of the University Court will be sourced to undertake the administrative tasks and attend the hearing.
- The composition of the Panel will vary if a Disciplinary Hearing is to be arranged for a Head of School/Unit or a member of the Senior Management Team or Principal. The Disciplinary Panel will normally consist of:

Panel members	Roles	
	Head of School/Unit	Senior Management Team/Principal
Chair	A member of the Principal's Office.	Two external non-executive members of the University Court, other than the Senior Governor.
Panel support	Another Head of School/Unit or Dean.	

### 5.4.2 Notification to attend a Disciplinary Hearing

- The meeting will be convened by sending an invitation to the employee, usually electronically. The invitation letter will be sent by HR and will indicate the logistics of the hearing (date, time and location), state the right to be accompanied, summarise the nature of the alleged misconduct and confirm the composition of the Panel.
- The employee will receive the disciplinary papers that will be reviewed at the hearing as soon as possible, (normally with the invite letter). Typically, this information will

comprise the evidence gathered during the investigation, such as witness statements and interview notes.

#### 5.4.3 **Employee actions**

- On receipt of the discipline papers, the employee is required to confirm to HR (at least 3 working days prior to the hearing):
  - that they can attend the hearing on the requested date;
  - the name of their accompanying person and any witnesses they wish to call with the reasons why (if applicable);
  - any special requirements/adjustments that the employee or their accompanying person may have i.e. as a result of a disability or medical condition.
- The employee has the option to provide a written submission to the Disciplinary Panel, although this is not mandatory. This must also be submitted to HR at least 3 working days prior to the hearing.
- The process for calling a witness to a Disciplinary Hearing and what is expected of the witness if they are called to a Hearing is outlined in the [Witness Guidance](#).

#### 5.4.4 **Disciplinary Hearing**

- A Disciplinary Hearing will take place to consider and discuss the matter. After the hearing, the employee will be informed of the decision and advised of their right to appeal (if a sanction is issued). Employees should refer to the [Disciplinary Hearing Guidance](#) which confirms the format of a hearing and the roles and responsibilities of all parties during a hearing.
- When all of the evidence has been heard, the Disciplinary Panel will conclude the hearing to consider the decision. The decision will be confirmed in writing to the employee, usually electronically, and copied to the relevant manager, normally within 10 working days of the hearing.
- If the case proceeds to an Appeal Hearing, the Chair may be called to present the rationale for their decision although, in some cases this may not be required. If the Chair is required to attend but is unavailable, in the interests of timely proceedings, an HR representative or the Chair's panel support can attend on behalf of the Chair.

#### 5.4.5 **Appeal**

##### 5.4.5.1 **How to appeal an outcome decision**

- Where an employee feels that disciplinary action taken against them is wrong or unjust, they can appeal against the decision. The appeal should be made in writing, clearly confirming the grounds for the appeal, i.e. reasons why the employee is dissatisfied with the outcome, any additional evidence that was not considered. The written appeal should be addressed to the [Director of HR](#) within 10 working days of being notified of the decision, i.e. the date of the outcome letter.

##### 5.4.5.2 **Appointing an Appeal Panel**

- The appeal will be acknowledged in writing with the employee and HR will arrange for an appropriate panel to hear the appeal. The Appeal Panel will usually consist of a senior member of staff from the School/Unit in which the employee works, who will act as Chair and another senior member of staff from a different School/Unit who will



support the process. A member of HR will attend to provide support and guidance to the panel.

- Where a case is against the Director of HR or the member of the Principal's Office responsible for HR, a non-executive member of the University Court will be sourced to undertake the administrative tasks and attend the hearing.
- The composition of the Panel will vary if an Appeal Hearing is to be arranged for a Head of School/Unit or a member of the Senior Management Team or Principal. The Appeal Panel will normally consist of:

Panel members	Roles	
	Head of School/Unit	Senior Management Team/Principal
Chair	Principal and Vice-Chancellor (or appropriate other).	The Senior Governor of the University Court (or appropriate other).
Panel support	External non-executive member of the University Court.	External non-executive member of the University Court.

#### 5.4.5.3 Notification to attend an Appeal Hearing

- The meeting will be convened by sending an invitation to the employee, usually electronically. The invitation letter will be sent by HR and will indicate the logistics of the hearing (date, time and location), state the right to be accompanied, and confirm the composition of the Appeal Panel.
- The Appeal Panel will receive the disciplinary papers, notes from the hearing, disciplinary outcome letter and the letter of appeal.

#### 5.4.5.4 Employee actions

- The process, entitlements and timings remain the same for the appeal process as they do for disciplinary proceedings as confirmed in section: [5.4.3 "employee actions"](#).

#### 5.4.5.5 Appeal Hearing

- The employee will be invited to explain the reasons for their appeal. The Chair may carry out further investigation after the Appeal Hearing if required. The employee will be informed if any further investigation will take place. The Chair will review the circumstances and respond with an outcome based on the findings.
- The employee will be notified of the outcome of their appeal in writing, usually electronically, normally within 10 working days of the Appeal Hearing, unless further investigation is required. The decision following appeal is final and there will be no further internal right of appeal.

## 6. Outcomes and Sanctions

- 6.1 Action taken will reflect what is reasonable and justified considering all the circumstances of the case, the level of seriousness, precedent, previous patterns of behaviour (including live/current warnings), whether the misconduct was wilful or malicious, the degree of potential harm to the interests of the University and its employees and students, and the explanations given by the employee.



6.2 If the Disciplinary Panel accepts the allegations, depending on the seriousness or frequency of the misconduct, disciplinary action may take one or more of the following sanctions:

- first written warning;
- final written warning;
- dismissal (with or without notice);
- another sanction usually as an alternative to dismissal, e.g. demotion, loss of seniority, extension to the period of a final written warning, loss of incremental progression for 1-year, satisfactory completion of a mandated course of training/development activity.

*\*This list is not exhaustive and only gives an indication of possible sanctions the University might take following a Disciplinary Hearing. Any alternative proposals must be approved by the Director of HR (or appropriate delegate).*

6.3 The Disciplinary Panel reserves the right to issue any level of sanction if the circumstances justify such action. This will depend on the seriousness of the offence and/or where there has been an earlier pattern of unacceptable standard of conduct with little or no satisfactory improvement. Sanctions issued for different reasons will be taken into account, and assessed cumulatively, where this is considered appropriate based on the factual circumstances giving rise to the warnings. Employees will not normally be dismissed for a first offence unless their actions amount to gross misconduct. Employees can refer to the [list of Unacceptable conduct](#) for examples.

6.4 After the disciplinary sanction has expired, a note of its existence will remain on the employee's record however, it will be disregarded and will not be considered towards any escalation of warnings in any future disciplinary proceedings against the employee. The expired sanction will be kept in accordance with data protection legislation and stored within HR records only.

6.5 The outcome of the Disciplinary Hearing will not be shared with any other parties involved in the investigation and disciplinary process e.g. Investigation Manager, complainant, witnesses, in order to protect confidentiality.

## **7. Confidentiality**

7.1 All disciplinary matters will be treated with sensitivity and with due respect for the privacy of any individuals involved. All individuals must treat any information communicated to them in connection with an investigation or disciplinary matter with appropriate confidentiality. Any breaches of confidentiality will be managed in line with this policy.

7.2 During an investigation, witness statements will be confidential. The release of witness statements only occurs if the University is required to present the full case against an employee, i.e. if disciplinary action is recommended.

7.3 There may be some information that is required to be shared in certain situations. For instance, key stakeholders need to be informed if an employee is demoted as part of a disciplinary outcome or is required to move to a different department. Relevant managers will be notified of the outcome of the Disciplinary/Appeal hearing so they can continue to manage and support the employee.

## 8. Criminal convictions

8.1 An employee will not be dismissed or otherwise disciplined automatically because they have been charged with or convicted of a criminal offence or is absent from work because they have been remanded in custody. Consideration will be given to:

- what effect the charge or conviction has on the employee's suitability to perform their role;
- the employee's relationship with the University i.e. colleagues, students, external parties and other members of the University community;
- whether suitable alternative work is appropriate/available and;
- what effect the enforced absence will have on the University.

8.2 Where the conduct requires prompt action, the University does not need to await the outcome of criminal proceedings before taking fair and reasonable action. Given the sensitivity of these situations, these matters will be managed on a case-by-case basis and always with the guidance and advice of HR.

## 9. Support and advice

9.1 The University recognises that individuals who are required to participate in a disciplinary process may feel anxious and upset about the process and therefore the University is committed to providing support and assistance for all individuals in these circumstances. A member of HR will be assigned to the employee to provide support and will not be involved in the case. [Appendix A](#) provides a list of additional internal support available to employees.

9.2 Employees can seek support and advice from [Occupational Health](#) if the process is causing an employee to feel unwell and/or the employee is showing signs of extreme distress.

## 10. Version control

10.1 This policy is not contractual and may be amended by the University from time to time. This policy will be reviewed and updated periodically to ensure continuing suitability for organisational needs and compliance with relevant legislation.

10.2 Employees should raise any questions, feedback and/or request changes to the policy through their [HRBP](#) in the first instance.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.0	Migration of policy to the Governance Zone	Published	Lisa Stewart, Human Resources	10/06/2019
2.0	Major review of the Disciplinary Policy including new supporting guidance and webpage.	Published.	Lisa Stewart HR	16/03/2022

2.1	Added sections 5.3.2 to 5.3.4 (duplicate sections taken from the Investigation Procedure).	Published.	Lisa Stewart HR	19/04/2022
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**Note:**

- For the purpose of this document a working day is defined as a weekday Monday to Friday, excluding statutory days and such additional days when the University is deemed closed.
- Where time limits are referred to in this policy, they may be varied by agreement between the University and the employee.
- This policy is compliant with [ACAS Code of Practice on disciplinary and grievance procedures](#).

## Appendix A: List of internal support

Name of Department	Contact details	Service provided
<b>Chaplaincy</b>	<a href="https://www.st-andrews.ac.uk/chaplaincy/">https://www.st-andrews.ac.uk/chaplaincy/</a> (Tel) 01334 462866 (E-mail) <a href="mailto:chaplaincy@st-andrews.ac.uk">chaplaincy@st-andrews.ac.uk</a>	The Chaplaincy provides guidance and support to all students and staff regardless of their faith or philosophy of life.
<b>Equality and Diversity</b>	<a href="https://www.st-andrews.ac.uk/hr/edi/">https://www.st-andrews.ac.uk/hr/edi/</a> (Tel) 01334 461649 (E-mail) <a href="mailto:diversity@st-andrews.ac.uk">diversity@st-andrews.ac.uk</a>	Provides a confidential service of advice to individuals (staff, students, visitors) on any aspect of ED&I.
<b>Human Resources</b>	<a href="https://www.st-andrews.ac.uk/hr/">https://www.st-andrews.ac.uk/hr/</a> (Tel) 01334 463096 (E-mail) <a href="mailto:hr.general@st-andrews.ac.uk">hr.general@st-andrews.ac.uk</a>	Provides support to employees of University of St Andrews. <ul style="list-style-type: none"> <li>• HR website and <a href="#">policy page</a></li> <li>• Dedicated <a href="#">HR Business Partner</a> team for each School/Unit</li> </ul>
<b>Occupational Health</b>	<a href="https://www.st-andrews.ac.uk/ehss/occupationalhealth/">https://www.st-andrews.ac.uk/ehss/occupationalhealth/</a> (Tel) 01334 462750 or 01334 462752 (E-mail) <a href="mailto:occhealth@st-andrews.ac.uk">occhealth@st-andrews.ac.uk</a>	Employees can refer themselves to OH for confidential health advice at any time. <ul style="list-style-type: none"> <li>• One-to-one consultation/appointments</li> <li>• Expert support and advice provided</li> <li>• Recommended adjustments to support the employee</li> <li>• Partnership with external health practitioners i.e. counselling services and CBT.</li> </ul>
<b>Information Assurance and Governance</b>	<a href="https://www.st-andrews.ac.uk/terms/data-protection/">https://www.st-andrews.ac.uk/terms/data-protection/</a> (E-mail) <a href="mailto:Dataprot@st-andrews.ac.uk">Dataprot@st-andrews.ac.uk</a>	Provides details of and can explain what rights an individual has and does not have in terms of access to their personal data and to other information held by the University.
<b>Student Services</b>	<a href="https://www.st-andrews.ac.uk/student-services/">https://www.st-andrews.ac.uk/student-services/</a> (Tel) 01334 462020 (E-mail) <a href="mailto:theasc@st-andrews.ac.uk">theasc@st-andrews.ac.uk</a>	Employees can contact Student Services for any student related guidance, support or advice. <ul style="list-style-type: none"> <li>• Open Monday to Friday; 09:30am to 16:30pm</li> <li>• <a href="#">Student Services</a> bespoke web page</li> </ul>
<b>Trade Union Representatives</b>	<a href="https://www.st-andrews.ac.uk/staff/wellbeing/workplace-wellbeing/#tradeunions">https://www.st-andrews.ac.uk/staff/wellbeing/workplace-wellbeing/#tradeunions</a>	Trade union representatives are trained to deal and support employees with any workplace related matters of concern.
<b>Wellbeing</b>	<a href="https://www.st-andrews.ac.uk/staff/wellbeing/">https://www.st-andrews.ac.uk/staff/wellbeing/</a> (Email) <a href="mailto:wellbeingforstaff@st-andrews.ac.uk">wellbeingforstaff@st-andrews.ac.uk</a>	