

HENLEY MANAGEMENT COLLEGE

COLLEGE REGULATIONS

REGULATION N° GR2

COLLEGE RULES AND DISCIPLINARY PROCEDURES (STAFF)

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REGULATION N^o GR2 - College Rules and Disciplinary Procedures (Staff)

GR2.1 Introduction

GR2.1.1 All College employees are expected and required fully to observe the terms and conditions of their contracts of employment and to conduct themselves at work in a manner which is consistent with:

- (a) the due performance of their duties;
- (b) the maintenance of good working relationships; and
- (c) the good order and the reputation of the College.

GR2.1.2 This Regulation is designed:

- (a) to encourage and assist all employees to achieve and maintain College standards of conduct, performance and work attendance; and
- (b) to ensure that all employees are treated as fairly, consistently, and as speedily as possible, in relation to disciplinary matters irrespective of gender (including sex, marital status, gender re-assignment), race (including ethnic origin, colour, nationality and national origin), disability, sexual orientation, religion or belief, or age.

GR2.1.3 All employees are subject to the College Charter, the Statutes and Regulations made thereunder. This Regulation is made by the Court of Governors under Statute 6(2)(D).

GR2.2 Scope of Disciplinary Procedures

GR2.2.1 Except as prescribed in Statute 7(6) in relation to the Principal and the College Secretary, these Procedures, including the College Rules set out in Appendix A, apply to all College employees.

GR2.2.2 In the case of the Principal and the College Secretary, the Chairman of the Court of Governors, in discharging his responsibilities under Statute 7(6), shall ensure that, as far as is reasonably practicable, the Procedures prescribed in this Regulation are applied and that the Principal and the College Secretary shall, as far as is reasonably practicable, have rights of appeal corresponding to those set out in this Regulation for other staff.

GR2.2.3 The Procedures set out in this Regulation are separate and distinct from the Procedures for dealing with any staff grievances.

GR2.3 Operation of the Procedures

GR2.3.1 All cases of alleged misconduct and unsatisfactory performance are to be handled in accordance with the Disciplinary Procedures outlined below.

GR2.3.2 In no case shall any disciplinary sanction be applied until the case has been fully investigated.

- GR2.3.3 The employee shall be advised of the nature of the complaint at every stage in the Procedure and shall be given the opportunity to state his/her case.
- GR2.3.4 Issues raised under these Procedures shall be resolved as close to their point of origin as possible.
- GR2.3.5 Except for serious misconduct (see Section B of Appendix A), no employee shall be dismissed for a first breach of discipline.
- GR2.3.6 The various stages of the Procedures shall not necessarily be applied sequentially. The Procedures may be implemented at any stage, as may be determined appropriate by the College, having regard to the nature and circumstances of the alleged misconduct or unsatisfactory performance.
- GR2.3.7 Penalties which may be imposed under these Procedures shall include: informal improvement actions, first written warning; final written warning;; transfer to another post, on existing or on varied terms and conditions of service; dismissal and summary dismissal. The duration of a first written warning and a final written warning is 12 months. If a related disciplinary matter arises during the warning period, a more serious penalty may be imposed which may ultimately lead to dismissal. If an unrelated disciplinary matter arises during the warning period, an additional and separate penalty may be imposed. Penalties may not necessarily be imposed sequentially (i.e. first, then final written warning, then dismissal) but are dependant on the nature of the disciplinary matter e.g. in the case of serious misconduct the first penalty imposed may be summary dismissal with immediate effect without paid notice.
- GR2.3.8 These Procedures are designed to facilitate the settlement of disciplinary matters “in-house”. Neither the College nor the employee shall be professionally represented, e.g. by a solicitor, at any stage of the Procedures.
- GR2.3.9 **Informal Procedure**
- GR2.3.9.1 Cases of minor misconduct or unsatisfactory performance should initially be dealt with informally. An informal meeting between the line manager and employee to discuss the matter may be sufficient to improve the employee’s conduct or performance by agreeing actions and timescales for improvement. Regular review meetings and additional support e.g. further training may be required. The discussion points and agreed actions of the informal meeting must be recorded in writing e.g. in an email to the employee.
- GR2.3.9.2 Where informal action does not bring about an improvement, or the misconduct or unsatisfactory performance is considered to be too serious to be classed as minor, the employee should be clearly advised that the matter will be dealt with in accordance with the formal Procedure.
- GR2.3.10 **Formal Procedure**
- GR2.3.10.1 The formal Procedure shall be invoked only where the seriousness or the persistence of an incident, or a series of incidents, justifies action beyond that prescribed under the informal Procedure.
- GR2.3.10.2 *Immediate Suspension From Duty*

In certain cases e.g. involving serious misconduct where relationships have broken down or there are risks to College property or responsibilities to other parties, the employee may be suspended from duty whilst unhindered investigation is conducted. Such suspension shall be on full pay and does not constitute disciplinary action.

GR2.3.10.3 *Investigation*

- (a) When a potential disciplinary matter arises, investigations should be carried out immediately to establish the facts and determine whether the matter should be handled on an informal or formal basis. Ideally such investigations should be carried out by a peer of the line manager, (hereinafter called the “Investigating Manager”) to prevent the line manager from becoming involved at this stage as they may be required to take part in the formal disciplinary interview.
- (b) It may be necessary for the Investigating Manager to conduct a meeting with the employee concerned. The employee must be assured that this meeting is required only to establish the facts of a potential disciplinary matter and does not constitute a formal disciplinary interview.

GR2.3.10.4 **Disciplinary Interview**

- (a) A formal disciplinary interview shall be convened as speedily as possible, normally within 5 working days of the alleged misconduct or unsatisfactory performance.
- (b) Formal disciplinary interviews shall be conducted only by an appropriate, senior member of staff (hereinafter called the “Interviewer”) nominated by the Principal or by a Deputy Principal or the College Secretary acting for the Principal. Normally, this will be the employee’s line manager.
- (c) At any formal interview, the employee shall have a right, subject to Regulation GR2.3.8, to be accompanied by a fellow worker or an official employed by a trade union or lay trade union official, certified in writing to act as a companion. The role of this companion is to accompany the employee at the disciplinary interview. The companion is not permitted to answer questions on behalf of the employee but may put forward and sum up their case if required by the employee. Companions should be given a reasonable amount of paid time off to fulfil their responsibilities. The employee must inform the Interviewer of the identity of the companion in advance of the disciplinary interview.
- (d) Written notice of the interview, of not less than one working day, shall be given to the employee by the Interviewer. This shall state the time and date of the interview and the reason(s) for calling it and shall draw attention to the right of the employee to be accompanied. If the companion is unavailable to attend, the interview may be postponed up to 5 working days. Originals or copies of all relevant documentation to be presented at the disciplinary interview by the Interviewer or employee shall be circulated in advance of the interview to both parties.

- (e) The Interviewer shall be accompanied by an appropriate member of staff who shall produce a written record of the interview. A copy of the written record shall be made available to the employee following the disciplinary interview..
- (f) At the commencement of the interview, the Interviewer shall specifically state the details of the alleged misconduct or unsatisfactory performance, referring to evidence gathered, the appropriate Disciplinary Rules and to any relevant previous incidents, warnings or interviews. The Interviewer shall also ascertain whether the employee intends to call witnesses.
- (g) The employee shall be given opportunity fully to state his/her case.
- (h) Wherever reasonably practicable, complaints or reports made by third parties (e.g. a programme participant) shall be in the form of a written and signed statement.
- (i) Where the Interviewer considers it appropriate (e.g. to establish further relevant facts) he/she may adjourn the interview for a specified period which shall not normally exceed three working days.
- (j) At the conclusion of the interview, the Interviewer shall advise the employee of the outcome (including the outcome in any case(s) where the alleged misconduct or unsatisfactory performance has not been established). Normally this shall be following an appropriate adjournment for a decision to be considered.
- (k) Where the Interviewer considers that misconduct or unsatisfactory performance has been established, a penalty shall be imposed as provided in Regulation GR2.3.7.
- (l) The Interviewer shall, as soon as possible following the interview and in any case not later than after two working days, confirm the outcome in writing to the employee. The letter of confirmation shall incorporate reference to the outcome including any agreed actions, support and timescales for improvement, the penalty, the right of appeal and to whom any appeal should be made.

GR2.3.10.5 Appeal Procedure

- (a) The employee may appeal against the decision resulting from a formal interview on grounds that:
 - (i) there is new relevant evidence; and/or
 - (ii) that there was some material procedural mistake or omission at the formal interview stage which prejudiced the position of the employee; and/or
 - (iii) that the penalty is not commensurate with the offence.
- (b) Any appeal under these procedures shall be made in writing within five working days of the date of the written notification to the employee of the decision against which the appeal is lodged. The appeal shall state the grounds upon which it is made and shall be made to the Interviewer who conducted the formal interview.

- (c) As soon as possible upon receipt of the appeal, the Interviewer shall notify the HR Manager, who shall, without delay, notify the Principal or a Deputy Principal or the College Secretary acting for the Principal.
- (d) The appeal shall be heard by a senior member of College staff nominated by the Principal or by a Deputy Principal or the College Secretary acting for the Principal. So far as is reasonably practicable the person so nominated shall not have been involved at any earlier stage of the case, and shall be at a more senior management level to the Interviewer.
- (e) Where possible, the appeal shall be held within five working days of the original receipt of notice of appeal by the Interviewer.
- (f) The employee shall have a right to be accompanied by a fellow worker or an official employed by a trade union or lay trade union official, certified in writing to act as a companion. The role of this companion is to accompany the employee at the appeal hearing. The companion is not permitted to answer questions on behalf of the employee but may put forward and sum up their case if required by the employee. Companions should be given a reasonable amount of paid time off to fulfil their responsibilities. The employee must inform the person hearing the appeal of the identity of the companion in advance of the appeal hearing.
- (g) Notice of the appeal hearing shall be given in writing to the employee by the person nominated to hear the appeal. As far as is reasonably practicable, the appeal shall be held not more than five working days after the original receipt of appeal by the Interviewer. The notice given to the employee shall indicate by whom the appeal is to be heard and the date, time and place of the hearing. It shall refer to the employee's right to be accompanied at the hearing. If the companion is unavailable to attend, the hearing may be postponed up to 5 working days.
- (h) Witnesses may be called either by the person conducting the appeal or by the employee.
- (i) The person hearing the appeal shall have the power to confirm, vary or revoke the decision and/or penalty determined at the formal interview.
- (j) The report of the disciplinary interview, together with relevant documentation to be presented at the appeal, shall be circulated, in advance, to both the employee and the Interviewer.
- (k) The Interviewer shall attend and may speak at the appeal hearing.
- (l) A record-keeper, appointed by the person hearing the appeal, shall attend the hearing and shall produce a written record of the hearing. A copy of the written record shall be made available to the employee following the hearing.
- (m) The person hearing the appeal shall determine the procedure for the hearing which shall, as far as relevant and/or reasonably practicable, be consistent with the procedure established in Regulation GR2.3.10.4 above for the conduct of a disciplinary interview.

- (n) The result of the appeal shall be notified in writing to the employee by the person conducting the hearing within two working days of completion of the hearing.
- (o) Subject to any rights the employee may have in law, the outcome of the appeal shall be final.

COLLEGE RULES (STAFF)

REGULATION N° GR2 - APPENDIX A

Section A - Rules

College Rules (Staff)

All College employees are required :

1. Fully to observe the terms and conditions of their contracts of employment.
2. To conduct themselves in a manner consistent with the proper performance of their duties and the maintenance of good working relationships with other employees, programme participants and all others who might be affected by their acts or omissions at work.
3. To perform their duties as duly directed by authorised College staff.
4. To observe all relevant College directives and procedures.
5. To take reasonable care for the health and safety of themselves and all others who may be affected by their acts or omissions at work.
6. To observe all Health and Safety at Work rules and procedures laid down by the College and to co-operate fully with any person(s) having responsibility for health and safety matters in the College.
7. To obtain prior approval from their supervisors or managers for any foreseeable absence from work.
8. To take all reasonable steps to inform their supervisors or managers, as soon as possible, of any unexpected and unavoidable absence from work (including sickness).
9. To conduct themselves in a manner not likely to be prejudicial to the reputation of the College.
10. To avoid serious misconduct, some examples of which are given in Section B.

Section B - Serious Misconduct

The following are **examples** of serious misconduct that might lead to summary dismissal from College service:

1. Unauthorised use, taking possession or theft of College property or resources, or the property of any third party (including property of other employees), whilst acting or purporting to act in the employment of the College.
2. Actual or threatened assault upon any person whilst acting or purporting to act in the employment of the College or whilst on College premises.

3. Misbehaviour at work or on College premises constituting gross misconduct, such as drunkenness, possession, use or supply of illegal drugs, indecency, sexual harassment, intimidating behaviour.
4. Dishonesty in academic matters, for example, plagiarism, ghostwriting of academic work for financial reward, fabrication of research data.
5. Conduct likely to give offence to customers, students, suppliers, visitors or employees of the College, including harassment or discrimination against another person on grounds of gender (including sex, marital status, gender re-assignment), race (including ethnic origin, colour, nationality and national origin), disability, sexual orientation, religion or belief, or age.
6. Any attempt at fraud, falsification of records or other dishonesty. This will include such matters as cash handling, completing time sheets and/or expense forms, student records, assessment details and results.
7. Refusal to comply with a proper instruction from, or insubordinate behaviour towards, a duly authorised member of College staff.
8. Disregard of College Health & Safety Rules and instructions.
9. Unauthorised absence without due cause or persistent bad time-keeping.
10. Serious neglect or misuse of College equipment or property whether or not resulting in damage or injury. This includes mis-use of computer hardware and computer applications software such as e-mail and the Internet.
11. Unauthorised disclosure of confidential College information.
12. Conviction for a criminal offence which, in the opinion of the College, demonstrates unsuitability for continued College employment, or prevents the role from being carried out.
13. Undertaking paid or unpaid work, without prior authority by an appropriate member of the Executive Committee, in direct competition with the College.
14. Failing to declare to an appropriate College officer any pecuniary, personal or other interests in matters of College transactions, contracts or appointments, or in other organisations which might affect, or might reasonably be interpreted as affecting, the employee's impartiality in carrying out his/her responsibilities to the College.
15. Acting in any way which might reasonably be interpreted as being inconsistent with the standards of professional ethics which the College might reasonably expect of an employee having due regard to the standing, role, function or post of the individual concerned.

Note : The above constitute examples of serious misconduct. They do not preclude the College from disciplining (including dismissing) employees for reasons other than those identified above.

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