



DISCIPLINARY PROCEDURE

1. Introduction

- 1.1 This Procedure provides arrangements for dealing with any shortcomings in employee conduct or behaviour. It is designed to ensure that employees are made aware when their conduct or behaviour falls below the required minimum standards expected of them and that they are given the opportunity to improve their conduct/behaviour accordingly.
- 1.2 This procedure has been drafted and shall be implemented with due regard to the guidance in the ACAS Code of Practice on Disciplinary and Grievance Procedures.
- 1.3 This Procedure also provides arrangements (see Section 10) for dealing with gross misconduct, which is misconduct that is so serious that dismissal may be appropriate. See Annex A.
- 1.4 Where an employee's job performance is inadequate, the Capability Procedure should initially be followed. However, if, despite warnings and support, there is insufficient improvement in performance, the later stages of the Disciplinary Procedure will be invoked, as set out in the Capability Procedure.
- 1.5 The aim of this Procedure is to provide a framework within which City, University of London can work with employees to maintain satisfactory standards of conduct and to provide managers with guidance on how to deal with disciplinary matters. It is intended to ensure consistent, fair and effective treatment of disciplinary matters and to reduce the need for dismissals and tribunal claims.
- 1.6 City, University of London is committed to promoting equality, diversity and inclusion in all its activities, processes, and culture, under its Public Sector Equality Duties and the Equality Act 2010. This includes promoting equality and diversity for all, irrespective of any protected characteristic, working pattern, family circumstance, socio-economic background, political belief or other irrelevant distinction.

Where relevant to the policy, decision making panels will ensure a reasonable gender balance (with at least one man and one women) and will actively consider representation of other protected groups.

2. Freedom of Speech

2.1 The University regards freedom of speech and academic freedom to be fundamental to delivering its mission as the University of business, practice and the professions. Its values in this respect are set out in a code of practice on freedom of speech and academic freedom, which explains how the University will uphold, secure, and promote freedom of speech within the law. See:

<https://www.citystgeorges.ac.uk/about/governance/policies/code-of-practice-on-freedom-of-speech>.

2.2 Nothing in this Procedure should be interpreted in any way that would be inconsistent with the code of practice and – in the event of any inconsistency – the provisions of the code will prevail.

3. Summary

3.1 The Disciplinary Procedure has three key components:

- An informal stage to address minor problems (see section 6)
- A formal stage which involves a disciplinary hearing to consider either
 - (i) Misconduct, which may lead to an oral warning, a written warning or a final written warning (see section 7) or
 - (ii) Serious misconduct or gross misconduct, which may lead to a warning, another penalty or dismissal (see sections 8 and 11)
- An appeal (see section 10)

4. Scope

4.1 This Procedure applies to all members of staff of the University with the exception of the President, who is subject to separate arrangements.

4.2 This Procedure shall not apply to employees during or at the end of their probationary period when other Procedures apply.

5. General Principles

5.1 Wherever possible, cases of minor misconduct will be dealt with informally in the first instance, initially with advice and guidance given about how to avoid a recurrence.

- 5.2 In all cases where misconduct is alleged, the allegations must be fully investigated before any formal hearing or meeting is convened. Investigative interviews should take place promptly and are solely for the purpose of fact finding with no presumption of guilt. Investigative meetings are not formal hearings but are intended to establish the facts of a situation in order to determine whether a disciplinary hearing should take place.
- 5.3 The role of the HR department is to advise on all disciplinary matters. The HR department will seek to ensure the consistent application of disciplinary procedures across the University and that decisions taken at disciplinary hearings comply with current employment legislation. The appropriate HR department representative must be kept informed at all stages of a formal disciplinary process and must receive all relevant documentation. The HR department will keep records of formal discipline cases, detailing the nature of the misconduct, the action taken and the grounds for taking this action, including whether an appeal was lodged and the outcome of that appeal.
- 5.4 At any formal hearing or meeting convened under sections 7 and 8 of this Procedure and at any investigatory meeting, the employee has the right to be accompanied by a work colleague or by a trade union representative. The companion should be allowed to address the hearing to put and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.
- 5.5 The employee must take all reasonable steps to attend any disciplinary hearings arranged under this Procedure and/or any adjournment or postponement of such hearings. If the employee or the employee's chosen work colleague or trade union representative cannot attend at the time specified for a hearing, the employee may suggest an alternative date provided it is within 10 working days of the original date. This 10-working day limit may be extended by mutual agreement. If the employee fails to attend the rearranged meeting, a decision may be reached in the employee's absence. If the employee's chosen representative cannot attend the rearranged meeting, then the employee must nominate an alternate.
- 5.6 Where the line manager considers that the alleged misconduct, if proven, may lead to a warning (whether oral, written, or final written), the matter will be dealt with in accordance with section 7 of this Procedure.
- 5.7 Where the line manager considers that the alleged misconduct, if proven, may lead to

dismissal (with or without notice), the matter will be dealt with in accordance with section 8 of this Procedure.

5.8 Where it emerges that an employee's conduct may have been wholly or partly attributable to a medical condition, the University may postpone or adjourn any hearing or meeting under sections 7 and 8 of this Procedure to allow investigation of the employee's condition and/or may:

- (a) decide that no further action should be taken under this Procedure and instead determine that the matter should be addressed under the University's Sickness Absence Procedure and/or Capability Procedure; or
- (b) decide that it is appropriate to continue to address the matter under this Procedure, taking into account the employee's medical condition as appropriate.

5.9 Where an employee is dissatisfied with a disciplinary process, they have rights of appeal which are described below. It is possible that an employee may feel aggrieved as a result of the process taken or the disciplinary sanction. Such concerns may be raised during the hearing and appeal process. Use of the Grievance Procedure will not be appropriate in such circumstances.

6. Informal Stage (Advice, Direction and Support)

6.1 Prior to the initiation of formal stages under sections 7 and 8 of this Procedure, it may be appropriate to seek to address concerns regarding conduct through informal discussion.

6.2 In instances of minor shortcomings in conduct or behaviour, an employee's line manager should meet with them to seek an explanation and to provide advice, direction and support as soon as possible. The aim of this is to point out shortcomings and to encourage improvement in a constructive and effective way.

6.3 The manager must through informal discussion make sure the employee is aware of expected conduct and behaviour and must provide specific examples of any shortfall. The manager should ensure that the employee is given a timescale for improvement and should inform the employee that the consequences of a failure to improve may be progression to the formal stages of this Procedure.

6.4 These discussions will be initiated by the line manager and should be held in private and without undue delay whenever there is cause for concern. When conduct or behaviour

is seriously below the expected standard or where informal advice, direction and support fail to bring about the desired improvement, the formal stages of this Procedure will be followed.

- 6.5 Where an employee believes it is inappropriate for informal advice, direction or support to be given, they have the right to raise this as a grievance.

7. Formal Stage – Investigation

General

- 7.1 Where an allegation of misconduct has been made against an employee and the line-manager considers that a separate investigation is necessary, the line-manager will, following consultation with HR, inform the individual concerned of the allegations in writing. A separate investigation will normally not be appropriate where the outcome is envisaged to be an oral warning. Where it is inappropriate to inform the individual at the beginning of the investigation the rationale must be documented by the investigating manager so that that this can be challenged by the individual should a formal disciplinary hearing take place.
- 7.2 Where a formal investigation is necessary, the University's Human Resources Department will confirm an appropriate manager who has the appropriate skills and experience in order to establish all the relevant facts so that an informed decision can be made as to whether the disciplinary procedure shall be invoked. The investigating manager will investigate the allegation(s) of misconduct in consultation with a member of the University's Human Resources Department who will act in an advisory capacity. The investigating manager must be someone who would not be potentially implicated in the investigation or who has any conflict of interest. For example, the investigating manager should not be a potential witness.
- 7.3 The investigating manager should be appointed within 5 working days. If there are problems in meeting this timescale, this should be communicated to the individual concerned.
- 7.4 If the employee has genuine concerns about the objectivity or appropriateness of the investigating manager, these should be raised prior to the commencement of the investigation wherever possible.
- 7.5 It is the investigating manager's responsibility to ensure a timely and thorough investigation. The investigating manager should timetable the investigation as a priority

and must agree this with their Line-Manager as necessary. It is estimated that even the most complex of investigations should take no longer than 30 working days to complete.

- 7.6 The investigating manager will undertake a full and proper investigation ensuring appropriate people are interviewed to establish the facts. It is the investigating manager's decision to determine what is appropriate.
- 7.7 Any individual interviewed as part of the investigation will be informed that their statement may be used as evidence as part of a Disciplinary Hearing at which the individual may exceptionally be called to attend as a witness and their evidence cross examined. Individuals should also be advised of the confidential nature of the disciplinary process.
- 7.8 It is estimated that even the most complex of investigations should take no longer than 30 working days to complete. If, in very exceptional circumstances, the investigating manager cannot complete the investigation within this time they must apply in writing to the Director of HR for an extension outlining the reasons why the investigation has not been completed and why an extension is needed. This should then be communicated to the employee concerned and his/her representative, indicating likely timescales. It is also important that the employee's line-manager is kept informed of the status of the investigation and the time it may take.
- 7.9 The investigating manager will invite the employee under investigation to an investigatory meeting in order to provide them with an opportunity to respond to any allegations. During the investigation meeting, the employee will be given every opportunity to refute the allegations, to give his/her own account of events and/or to explain any mitigating circumstances.
- 7.10 The investigating manager will also:
- obtain statements and/or interview any witnesses in relation to the alleged misconduct issues;
 - identify, obtain and review any additional documents which they consider may be relevant to the disciplinary case as relevant;
 - collect and examine any relevant written records; and
 - collect any other relevant documentation, supporting evidence from witnesses and any other individuals.
- 7.11 A summary of any interview will be made available to any interviewee who will be asked to validate and sign the notes as an accurate record of the interview. Notes

should be returned signed, with or without amendment, within 5 working days of the date of the accompanying letter. If notes are not received within this timescale for which there is no reasonable explanation, the investigating manager will accept the notes on the basis that these are an accurate reflection of the interview.

7.12 In exceptional circumstances (for example prolonged sickness), by mutual consent of the parties, a written statement may be obtained via correspondence rather than by interview. In this case, the investigating manager will send the employee the questions for which a response is required.

7.13 The investigation meeting is exploratory in nature and is used purely to establish the facts. In scheduling the meeting, a balance must be struck between speedy resolution and allowing the employee sufficient notice to prepare. Between 24 hours and 5 days will usually be appropriate. If the employee's representative is unable to attend on the proposed date, the employee may offer an alternative time and date as long as it is reasonable and within 10 days of the original date. Should the employee fail to attend the investigatory meeting without good reason then they may be advised that they will not be given a further opportunity to provide their evidence and the report may be completed in the absence of the interview statement.

7.14 Both management and the employee's side will have the opportunity to call and question witnesses. It is the responsibility of the person who wishes to question the witnesses to arrange their attendance, although management will need to be informed of the intention to remove staff from duty to attend a meeting / hearing. Management will facilitate time-off from duty as required. Failure to arrange for witnesses to attend will not delay the process, with the investigating manager proceeding on the basis of all the information gathered/heard.

7.15 Witnesses should be advised that any statement or information gathered may be used in a disciplinary meeting at which it will be made available to the employee against whom the allegations have been made.

7.16 Following the investigation, the investigating manager will produce a report. This will be sent to the line manager. The line manager, will decide on one or more of the following courses of action:

- no action to be taken
- standard setting, training and/or development if disciplinary action is not appropriate.

- there are concerns about health that should be considered by an independent medical practitioner; or
- if disciplinary action may be appropriate, convene a disciplinary hearing.

7.17 If the line manager decides to take no disciplinary action, the employee must be informed as soon as possible of the decision. This will be confirmed in writing to the employee.

Formal Stage – Misconduct

7.18 A disciplinary hearing will not be convened until a disciplinary investigation has taken place and concluded that there is a case to answer. Where formal disciplinary proceedings are commenced against an employee, the employee will be informed in writing of the nature of the alleged misconduct and invited, normally with at least 7 working days' notice, to attend a disciplinary hearing to discuss the issues. A report of the investigation will be provided to the employee. The employee will be informed of the identity of the Relevant Manager, who will normally be his/her line manager, and of his or her right to be accompanied to that hearing in accordance with paragraph 4.4 above.

7.19 The University's Human Resources Department will confirm an appropriate manager to conduct the disciplinary hearing (Relevant Manager – See Annex B). The Relevant Manager will be accompanied at any disciplinary hearing by a member of the University's Human Resources Department acting in an advisory capacity.

7.20 In circumstances where a warning at a level higher than an oral warning is likely to be appropriate if the allegations are proven, the Relevant Manager will ask a manager other than the line manager to investigate the allegations. This investigation is confined to establishing the facts of a case and will not consider whether disciplinary action is appropriate. The Relevant Manager, having received the report, will determine whether or not a disciplinary hearing is appropriate.

7.21 Prior to the disciplinary hearing, the employee will normally be provided with:

- (a) confirmation of the identity of the Relevant Manager
- (b) a summary of the relevant information gathered during any investigation into the alleged misconduct;

- (c) documents which will be referred to at the disciplinary hearing by the University;
and
- (d) where appropriate, any witness statements which will be used at the hearing. Where a witness's identity is to be kept confidential, because, for example, the witness fears subsequent victimisation in a case involving alleged bullying or harassment, the employee will receive as much information as possible whilst maintaining that confidentiality and the employee will be provided with such information 5 working days before the disciplinary hearing, although this period may be varied by mutual agreement. Any anonymised statements will be given less weight as the individual may find it difficult to refute such allegations without knowing the source.

7.22 The employee must, at least 48 hours prior to the disciplinary hearing, provide to the University's Human Resources Department any evidence to which the employee intends to refer in his or her defence or mitigation, including the names of any witnesses and copies of their witness statements.

The Disciplinary Hearing

7.23 The purpose of the disciplinary hearing is to review the evidence and to enable the employee to respond to the allegations that have been made against him or her before a decision is made.

7.24 The procedure to be followed at the disciplinary hearing shall include the following:

- (a) the allegations of misconduct being put to the employee;
- (b) the employee having an opportunity to respond to the allegations and set out his or her case;
- (c) an opportunity to allow the Relevant Manager and employee to question any witness who is providing information on behalf of either the University or the employee; and
- (d) an opportunity to allow the employee to ask questions, call witnesses and respond to the Relevant Manager in respect of any evidence given by witnesses on behalf of the University.

- 7.25 The disciplinary hearing may be postponed or it may be adjourned and reconvened at a later date if the Relevant Manager needs to carry out additional investigations.

Confirmation of Outcome of Disciplinary Hearing

- 7.26 The Relevant Manager will confirm the outcome of the disciplinary hearing to the employee orally, normally within one week of the disciplinary hearing, or, where the disciplinary hearing has been adjourned and reconvened, normally within one week of the final reconvened disciplinary hearing. The outcome will be confirmed in writing by the Human Resources Department.
- 7.27 If the Relevant Manager concludes, following the disciplinary hearing (including any reconvened hearings following any adjournments as necessary), that misconduct has occurred, the employee will be given an oral, first written, or final written warning depending on the severity of the misconduct and the employee's previous disciplinary record. For the avoidance of doubt, an employee may be issued with a first written warning or a final written warning even though he or she has not previously received any disciplinary warnings.

Level 1 – Oral Warning

If conduct does not meet acceptable standards the employee will normally be given an oral warning by the manager. He or she will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of his or her right of appeal. Advice will also be given on the improvement required, the timescale for improvement and the consequences of failing to meet the required standards within the required timescale. It is a statutory requirement that an oral warning is confirmed in writing. A copy of the oral warning given to the employee will be kept on the employee's personal file, but it will be considered spent after six calendar months from the date of issue, unless there has been a recurrence of the misconduct.

Level 2 - Written Warning

If the misconduct is of a serious nature or if there is a recurrence of the misconduct that led to the oral warning or a further offence occurs within 6 months of the oral warning having been issued, a written warning will normally be issued. The employee will be given details of the reason for the warning and of his/her right of appeal. Advice will also be given on the improvement required, any training or support to be provided, the timescale for improvement and the consequences of

failing to meet the required standards within the required timescale. A copy of the written warning given to the employee will be kept on the employee's personal file, but it will be considered spent after one year from the date of issue, subject to satisfactory conduct/behaviour.

Level 3 - Final Written Warning

If there is still a failure to improve or there is a recurrence of the misconduct that led to the written warning or a further offence occurs within 12 months of the written warning having been issued or if the misconduct is sufficiently serious to warrant more than a written warning but insufficiently serious to justify dismissal, a final written warning will normally be issued. The warning will give details of the reason for the warning and will set out the employee's right of appeal. Advice will also be given on the improvement required, the timescale for improvement and the consequences of failing to meet the required standards within the required timescale which could include dismissal. A copy of the final written warning will be kept on the employee's personal file, but it will be considered spent after one year.

8. Final Stage

- 8.1 Where a final written warning under section 7 has not led to the necessary improvement and/or the allegations relate to gross misconduct, the matter will be dealt with under the Dismissal Procedure.

9. Suspension

There are a number of circumstances when it may be appropriate to remove an employee from the workplace in order to facilitate an investigation, or for some other substantial reason affecting the employee or the workplace. Suspension must be authorised by the President or a deputy designated for this purpose; in such situations, advice must be taken from the Human Resources Department. In most cases the employee may be able to remain in the workplace, either in their existing role or in another role temporarily in the first instance. Suspension may be considered in certain circumstances including the following:

- immediately following an allegation of gross misconduct;
- where the conduct of an employee places them at serious risk (e.g. aggression/drunkenness);

- where the continued presence of the employee could put other employees or the organisation's reputation at risk;
- where the employee's presence might reasonably be considered to hamper the investigation.

Suspension should be as short as reasonably practicable. It will be kept under review to ensure that it does not last longer than necessary. Suspension in these circumstances is not a disciplinary penalty and does not involve any prejudgment of the issue in question.

Managers and staff should be mindful of the confidential nature of the suspension and only employees who are crucial to the investigation should be informed.

Notification of Reasons for Suspension

An employee who is suspended must be clearly informed of the reasons for the suspension and the allegations made against them. Following such action, written confirmation of the action, including reasons and conditions of suspension must be sent by the suspending manager to the employee as soon as possible after the suspension has taken place.

In the event that suspension from duty is necessary, the following terms should be observed:

Availability during suspension: A condition of continued payment during suspension is that the member of staff must be available during their normal working hours to attend any meeting that may be convened as part of any investigation, unless on authorised absence.

Entry to the University premises whilst suspended: Other than in exceptional circumstances, the member of staff will not be permitted to enter City, University of London premises other than with the prior permission of the Suspending Officer or the Head of Department, nor make contact with other staff or students involved in the investigation.

Other than in exceptional circumstances on request to the suspended officer, the employee will be granted permission to enter the premises to consult with his or her representative.

The employee will not be required to carry out any further work whilst on suspension. The suspension is not the same as 'gardening leave'.

If an employee needs access to their computer and / or other University equipment during a period of suspension, for example to prepare their case, permission must be sought from the Human Resources Department, who will make the necessary arrangements.

Pay during suspension

Suspension from duty is not a disciplinary measure and will be on full pay with the expectation that the member of staff will comply with the requirements of the Disciplinary Procedure, including ensuring their attendance at meetings in accordance with the procedure.

Pay during suspension will be based on the member of staff's normal salary. Any benefits for which eligibility has not been met during the period will not be paid for the period (e.g. overtime).

Annual leave during suspension

Staff requests for annual leave during suspension will not be unreasonably refused provided adequate notice is provided to the line-manager, who will inform the Investigating Manager of the member of staff's annual leave as agreed. Cancellation of a pre-planned investigation meeting or hearings for annual leave should be avoided, unless there are exceptional circumstances. Whilst on annual leave the suspended member of staff will be relieved of attending any meetings required as part of the investigation or a hearing. The process will be continued on their return.

Sickness during suspension

Should a member of staff become ill during their suspension they must inform the Suspending Manager to allow management to make the necessary arrangements to

keep the investigation as short as practicable.

Whilst on suspension, the member of staff must continue to comply with the University's Sickness Policy, including the provision of medical certificates / fit notes as required. Accordingly, where sickness is reported during suspension, for this period the member of staff will be recorded as absent due to sickness rather than suspension.

Review and continuation of suspension

Whilst suspended, the employee should be written to at regular intervals of approximately two weeks duration to offer support during the course of the investigation and confirm the status of the suspension. Suspensions will be for no longer than is required to complete the investigation and disciplinary procedure and will be kept under review by the Department of Human Resources to ensure that the employee is not being unfairly penalised. Suspension will be lifted if the investigation reveals that either the allegations are without foundation or that further investigation can continue with the person working normally or with restrictions.

Return to work following suspension

The employee's immediate manager is responsible for advising him/her when a return to work is appropriate following a period of suspension. It will be the responsibility of the employee's manager to induct the member of staff back into the workplace as appropriate.

10. Appeals

General Principles

If the employee wishes to appeal against any warning imposed under section 7 of this Procedure, he or she should do so in writing to the Human Resources Department within two weeks of the date on which the employee was informed of the warning. The appeal will be heard by a member of senior staff or a panel nominated by the Director of HR (see Annex B). In all cases the manager hearing an appeal will be senior to the manager who chaired the disciplinary hearing (or as senior in the case of an appeal related to an oral warning) and will have had no previous connection with the matter. The appeal hearing may be adjourned and reconvened at a later date if the independent manager or panel needs to carry out additional investigations.

Confirmation of Outcome of Appeal Meeting

The independent manager or panel will notify the employee of its decision in writing, normally within two weeks of the appeal meeting, or, where the appeal hearing has been adjourned and reconvened, normally within two weeks of the final reconvened appeal hearing. The independent manager or panel will also provide the employee with the reasons for the decision. The independent manager or panel's decision will be final.

11. Gross Misconduct

- 11.1 When gross misconduct is alleged to have taken place, the Dismissal Procedure will apply,
- 11.2 Examples of the sort of gross misconduct which might lead to dismissal are set out in Annex A.
- 11.3 Where gross misconduct is alleged or in other exceptional circumstances where the continuing presence of the employee might hamper an investigation, the employee may be suspended from work with full pay while an investigation or disciplinary procedure is ongoing. Such suspensions must be authorised by the President or a deputy designated for this purpose. The suspension will be for no longer than necessary and the employee will be informed of the appropriate arrangements (see section 9 above).
- 11.4 The employee will be informed of the nature of charges against him/her and why they are considered, if proven, to constitute gross misconduct.
- 11.5 An investigation will be carried out by a senior manager unconnected with the case and from another school/department (see section 7 Investigation above) who will provide a report on the evidence and make a recommendation to the relevant manager who will decide whether the case should be dealt with under the Dismissal Procedure, under the Disciplinary Procedure (where the investigation suggests there is misconduct short of gross misconduct) or withdrawn (where the investigation suggests the charges are without foundation).

Annex A. Gross Misconduct – Examples

The following is a non-exhaustive list of examples of the sort of conduct which, if committed, may constitute gross misconduct and lead to disciplinary action under the Dismissal Procedure:

- (a) theft from the University, from a fellow employee, from a student, or whilst on University business;
- (b) any form of fraudulent, deceitful, deceptive or dishonest behaviour of a serious nature in relation to the University or an employee's role within the University, including in particular plagiarism;
- (c) breach of the University's guidelines from time to time in force in relation to research misconduct;
- (c) gross incompetence or dereliction of duty including serious health and safety breaches;
- (d) breach of a material obligation or duty arising under any of the University's regulations, policies or procedures, regarding financial matters or the University's email or internet protocols;
- (e) discrimination or harassment on the basis of gender, sexual orientation, marital or civil partner status, gender reassignment, race, religion or belief, colour, nationality, ethnic or national origin, disability or age, pregnancy, trade union membership, part-time or a fixed-term status;
- (f) being under the influence of alcohol or non-prescription substances on the University's premises or whilst on University business;
- (g) material damage to or serious improper use of the University facilities;
- (h) material disruption of, or serious improper interference with, the activities of the University or of any employee, student, Council member or visitor (other than lawful industrial action);
- (i) violent behaviour;
- (j) serious indecent, disorderly, threatening, abusive, insulting or harassing behaviour or language (in any form);

- (k) bringing the University into serious disrepute;
- (l) action likely to cause serious injury or seriously impair safety; and
- (m) breach of an employee's duty to maintain confidentiality where such duty arises.

NB If the alleged matter is serious misconduct, rather than gross misconduct, it will be dealt with under the Disciplinary Procedure.

Annex B. Disciplinary Authority

Level of Seriousness	Relevant Manager Hearing the Case	Appeal Hearing
Hearing where, if allegations are proven, an oral warning (confirmed in writing) is likely to be appropriate	Line Manager	Manager of at least the seniority of the Line Manager assisted by a member of the HR Department
Hearing where, if allegations are proven, a formal written warning is likely to be appropriate	Manager of at least the seniority of the Line Manager assisted by a member of the HR Department	Independent manager, senior to hearing manager, from different school/department assisted by a member of the HR Department
Hearing where, if allegations are proven, a final written warning is likely to be appropriate	Manager of at least the seniority of the Line Manager assisted by a member of the HR Department	Independent manager, senior to hearing manager, from different school/department assisted by a member of the HR Department

If the Relevant Manager wishes to give a higher warning than is expected (see first column, above), a new hearing with a Relevant Manager at the appropriate level will be arranged.

Annex C. Procedure to be followed in disciplinary hearings where, if the allegations are proven, a warning above the level of an oral warning is likely to be appropriate:

1. The Relevant Manager chairing the hearing will explain the process to be followed, clarify any issues and then set out the allegations to which the employee is required to respond.
2. The investigating manager may present evidence including documentary evidence and/or exceptionally call witnesses.
3. The employee and/or his/her representative may direct questions to the manager presenting the evidence and any witnesses called by the manager.
4. The Relevant Manager may also direct questions to the manager.
5. The employee and/or his/her representative shall present his/her response to the allegations and submit evidence and/or exceptionally call witnesses.
6. The investigating manager may direct questions to the employee and/or witnesses.
7. The Relevant Manager may also direct questions to the employee and/or witnesses.
8. The investigating manager may make a closing statement. This will be a summary of the case and no new evidence can be introduced at this stage.
9. The employee and/or his/her representative may make a closing statement. This will be a summary of the case and no new evidence can be introduced at this stage. Pleas of mitigation can however be included.
10. The employee and his/her representative and the investigating manager will withdraw while the Relevant Manager considers the evidence and reaches a decision.
11. The Relevant Manager may adjourn the hearing at any time and reschedule a resumption of the hearing if this will enable a more thorough assessment of all the evidence to be achieved.

Annex D. Procedure to be followed in Appeal hearings

1. The Chair of the Appeal Panel (who may be an independent senior manager sitting alone) will explain the process to be followed and clarify any issues.
2. The employee or his/her representative will present the appeal against the warning and may submit documentary evidence.
3. The Relevant Manager who gave the warning may direct questions to the employee or his/her representative.
4. The Relevant Manager will present the evidence in support of the warning.
5. The employee and/or his/her representative may direct questions to the Relevant Manager.
6. Where new evidence arises during the course of the appeal, the Appeal Panel may call for an adjournment so that all parties have the opportunity to consider this new evidence.
7. The chair of the Appeal Panel shall invite the Relevant Manager and then the employee or his/her representative to make concluding statements. These will be summaries of the case and no new evidence can be introduced at this stage. Pleas of mitigation can however be included.
8. The employee and his/her representative and the Relevant Manager shall withdraw whilst the Appeal Panel considers the evidence and reaches a decision.
9. The Appeal Panel may adjourn the hearing at any time and reschedule a resumption of the hearing if this will enable a more thorough assessment of all the evidence to be achieved.

Final Note

- (i) City, University of London will monitor the impact of the application of this procedure at least annually to ensure that it does not result in the unfair discriminatory treatment of a particular group or category of employees.
- (ii) This procedure will be reviewed with the recognised trade unions every two years.

Policy Title	
Disciplinary Procedure	
Policy Enabling Owner and Department	Responsible for Implementation and Department
Mary Luckiram, Human Resources	HR Operations Team, Human Resources
Approving Body	Date of Approval
Executive Team	July 2011
Last Reviewed	Review Due Date
July 2011	2018
Publication of Policy (<i>tick as appropriate</i>)	
For public access online (internet)? x	For staff access only (intranet)? ✓
Queries about this policy should be referred to	
HR Manager for your area HR Contacts Human Resources	