

# **STRANMILLIS UNIVERSITY COLLEGE**

## **DISCIPLINARY RULES AND PROCEDURES FOR MEMBERS OF THE TEACHING STAFF**

### **1 OBJECTIVE**

The procedures described below have been agreed by the Governing Body in the context of its belief that the vast majority of members of teaching staff have always observed, and will continue to observe, acceptable standards in the discharge of their duties and in their behaviour. The procedures constitute a means of dealing with failures by teaching staff to comply with the terms of their appointments or to maintain acceptable standards, and have, as their first objective, the provision of the opportunity to improve. Please note that these disciplinary rules are non-contractual and are intended as a guide to how the College will deal with disciplinary matters. These rules do not apply to any member of teaching staff who has less than one year's service and is therefore on probation.

The procedures identify those who have authority to take disciplinary action and aim to ensure that members of staff are protected against unfair, unjustified or inconsistent disciplinary action. They also identify what initial disciplinary action may be taken, and establish what further action would result, if there were no improvement or if the offence were to recur.

Disciplinary rules and procedures will apply to all members of teaching staff but will not be invoked until the member of staff concerned has been advised of any allegation of unsatisfactory performance or conduct and has been given every reasonable assistance by way of advice, information, guidance or training to achieve the desired standards.

### **2 GENERAL PRINCIPLES**

- 2.1 The Governing Body expects all members of staff to abide by the terms and conditions of their employment and the regulations and standards established by the Governing Body.
- 2.2 There will be a thorough investigation into any allegation of misconduct or unsatisfactory discharge of duties, prior to the taking of any form of disciplinary action.
- 2.3 In any case of alleged misconduct or unsatisfactory discharge of duties the Governing Body recognises that members of staff have
  - 2.3.1 the right to a fair hearing with the opportunity to state their case, and
  - 2.3.2 the right to be accompanied at any disciplinary hearing by a Trade Union official or by a work colleague.
- 2.4 The Governing Body further acknowledges the right of individuals to appeal against what might appear to be an unjust or unfair penalty.

- 2.5 The Governing Body is responsible for ensuring that the disciplinary rules and procedures are applied fairly and consistently.
- 2.6 The Governing Body recognises that all proceedings, witness statements and records are to be kept confidential.
- 2.7 Guidelines on the categorisation of misconduct are attached.

### 3 DISCIPLINARY ACTION AND AUTHORITY

The disciplinary authority responsible for disciplinary action is as follows

- 3.1 Disciplinary action relating to the Principal and the Vice Principals is a matter for the Governing Body.
- 3.2 Disciplinary action relating to teaching staff other than the above

<b>Disciplinary Action</b>	<b>Disciplinary Authority</b>
Oral Warning	Head of Department
Written Warning	Head of Department
Final Written Warning	Vice Principal (as appropriate)
Further Disciplinary Action	Principal

- 3.3 The College's Human Resources Manager or other designated person will normally attend all disciplinary hearings as an observer and to maintain a record of proceedings.

### 4 PROCEDURE FOR DEALING WITH MISCONDUCT

**Please note that the College can move directly to a written warning, final written warning or dismissal where performance or misconduct is of a sufficiently serious nature.**

**After appropriate warnings where conduct or performance still fails to improve, the College reserves the right to take disciplinary action other than dismissal such as disciplinary transfer or demotion.**

#### 4.1 ORAL WARNING - MINOR MISCONDUCT

Where it is considered that the behaviour or discharge of duties of a member of staff is unsatisfactory, and informal procedures have failed to resolve the matter or the seriousness of the alleged unsatisfactory behaviour/discharge of duties is such as to make informal procedures inappropriate, a disciplinary interview will be arranged. The interview will be conducted by the person having authority to issue oral warnings and the member of staff will be informed of the nature of the complaint. The member of staff will have the opportunity to state his/her case. If it is considered that the complaint is substantiated, an oral warning will be given to the member of staff. The employee should be advised of the reason for the warning, that it constitutes the first part of the disciplinary procedure and of their right to appeal. The employee should be

advised that any repetition of the misconduct may merit further disciplinary action. This will be recorded and placed in the member's personal file for a period not exceeding three months, after which it shall be expunged from the record and the member of staff so advised.

#### **4.2 WRITTEN WARNING – MINOR MISCONDUCT**

Where an oral warning has failed to rectify matters in the way stipulated, or if similar or more serious unsatisfactory behaviour/discharge of duties allegedly occurs within the next three months or the seriousness of the alleged unsatisfactory behaviour/discharge of duties is such as to make an oral warning inappropriate, then an interview with the person with authority to issue written warnings will take place. At this interview the member of staff will be informed of the nature of the complaint and will be given the opportunity to state his/her case. If it is considered that the complaint is substantiated, then a written warning will be given, setting out the matters which are considered to be unsatisfactory and the action which the member of staff is required to take in order to remedy them. The employee should be advised that any repetition of the misconduct within six months may result in further disciplinary action. A record of the fact that a written warning has been given and of the content of that warning shall be placed on the member's personal file for a period not exceeding six months, after which it shall be expunged from the record and the member of staff so advised.

#### **4.3 FINAL WRITTEN WARNING - MINOR MISCONDUCT/ SERIOUS MISCONDUCT**

Where a written warning has failed to rectify matters in the way stipulated, or if similar or more serious unsatisfactory behaviour/discharge of duties allegedly occurs within the next six months or the seriousness of the alleged unsatisfactory behaviour/discharge of duties is such as to make a written warning inappropriate, then an interview with the person with authority to issue final written warnings will take place.

At this interview the member of staff will be informed of the nature of the complaint and will be given the opportunity to state his/her case. If it is considered that the complaint is substantiated, then a final written warning will be given setting out the matters which are considered to be unsatisfactory and the action which the member of staff is required to take in order to remedy them. The employee should be advised that any repetition of the misconduct within 12 months may result in further disciplinary action.

A record of the fact that such a final written warning has been given and of the content of that final written warning shall be placed in the member's personal file for a period not exceeding twelve months, after which it shall be expunged from the record and the member of staff so advised.

#### **4.4 FURTHER DISCIPLINARY ACTION - MINOR AND SERIOUS MISCONDUCT/ GROSS MISCONDUCT**

Where a final written warning has failed to rectify matters in the way stipulated, or if similar or more serious unsatisfactory behaviour/ discharge of duties allegedly occurs within the next twelve months or the seriousness of the alleged unsatisfactory behaviour/ discharge of duties is such as to make a final written warning inappropriate or in the event of other good and sufficient cause, the Principal shall submit a full

report in writing to the Chairman of the Governing Body and give a copy of this report to the member of staff.

In preparing the report, the Principal will convene a hearing of the case, normally within ten working days after the date of the matter being referred to him/her and shall summon the member of staff to this hearing. Refusal of the member of staff to attend shall not invalidate the proceedings.

The Principal shall, normally within three working days of the hearing, give the member of staff a written statement of his/her decision and of any penalty imposed. Except in the case where the penalty imposed is dismissal, a record of the fact that further disciplinary action has been taken, and of the nature of that further disciplinary action, shall be placed in the member of staff's personal file for a period not exceeding twenty four months, after which it shall be expunged from the record and the member of staff so advised.

Where the penalty imposed is dismissal, the individual will be informed of the reasons for dismissal, the date on which their contract will end, the appropriate period of notice (or pay in lieu of notice) and information on the Right of Appeal to the Governing Body and how to exercise that right.

## **5 SUSPENSION FROM DUTIES**

Pending formal investigation of an allegation of unsatisfactory behaviour/ discharge of duties on the part of a member of staff (other than the Principal and the Vice Principals), the Principal may, if it is considered appropriate in all the circumstances, suspend the member of staff, on full pay, from all duties within the College for a period not normally exceeding twenty working days.

## **6 APPEALS PROCEDURE**

All members of staff have the right to appeal against disciplinary decisions.

Since disciplinary action relating to the Principal and the Vice Principals is a matter for the Governing Body, so likewise is the Appeals procedure.

6.1.1. Appeals against oral warnings must be made to the relevant Vice Principal.

6.1.2. Appeals against written warnings must be made to the relevant Vice Principal.

6.1.3. Appeals against final written warnings must be made to the Principal.

6.1.4 Appeals against further disciplinary action must be made to the full Governing Body. No Staff Governor or the Principal shall be present at that part of any meeting of the Governing Body at which consideration is given to, or a vote taken on, any such appeal.

6.1.5 All appeals must be made in writing normally within five working days of the issue of an oral, a written or a final written warning.

- 6.2 An appeal against further disciplinary action must be made in writing to the Secretary to the Governing Body (currently the Vice Principal - Corporate Services), normally within five working days of the receipt by the member of staff of the decision of the Principal.

The meeting of the Governing Body to hear the appeal shall normally be held within ten working days of the delivery of the notice of appeal to the Secretary to the Governing Body, unless this period is extended by mutual agreement.

- 6.3 At any appeal hearing a member of staff has the right to be accompanied by a Trade Union official or by a work colleague.
- 6.4 All appeals under 6.1.1 and 6.1.2 above must normally be heard within five working days of the receipt of the written notice of appeal from the member of staff, unless this period is extended by mutual agreement.
- 6.5 The decision of an appeal hearing shall be notified in writing to the member of staff normally within three working days.
- 6.6 In the event that an appeal is upheld, all records of the alleged offence and of the warning shall be destroyed and the member of staff so advised.

## 7 SPECIMEN OFFENCES

*All members of staff need to be aware of the likely consequences of breaking disciplinary rules or failing to meet performance standards. The details of any individual case will be considered in the event of an alleged offence in order to determine how serious the alleged misconduct is.*

*It is unlikely that any set of specimen offences could cover all circumstances that may arise. However, the following outline is provided to give some illustration of the different categories within which certain types of offences may fall. Please note that these lists are not intended to be exhaustive, but are examples only.*

- 7.1 MINOR MISCONDUCT**
- Regular Absenteeism
  - Regular Lateness
  - Failure to comply with the Absence Notification Certification Procedure
  - Careless work and poor effort at work
  - Ignoring safety/ hygiene/ security rules
  - Extended tea and meal breaks
  - Failure to maintain a safe working environment
  - Misuse of telephone and/ or computer
  - Excessive time away from the job
  - Failure to wear any protective clothing provided
  - Failure to complete leave sheets as instructed
  - Performance of duties below an acceptable standard.

- 7.2 SERIOUS MISCONDUCT**
- Dangerous physical horseplay
  - Neglect causing damage to or loss of property of the College, students, other employees or visitors
  - Serious neglect of safety/ hygiene/ security rules
  - Persistent Smoking in prohibited areas
  - Bringing intoxicants into the premises without permission or consuming intoxicants during working hours
  - Entry into any unauthorised areas
  - Serious misuse of telephone and/or computer
  - Serious neglect of duty
  - Wilful or excessive wastage of material
  - Repeated use of foul language
  - Gambling on the premises
  - Engaging in paid employment without authorisation whilst on sick leave.

**7.3 GROSS MISCONDUCT**

*The College also wishes to give a clear indication of the type of conduct (i.e., gross misconduct) which may warrant summary dismissal. Summary dismissal is not necessarily synonymous with instant dismissal and incidents of gross misconduct will usually still need to be investigated as part of a formal procedure.*

- Theft

- Physically violent behaviour or serious verbally abusive language
- Serious bullying or harassment
- Unauthorised absence
- Refusal to carry out a reasonable work instruction
- Deliberately ignoring safety/ hygiene/ security rules and thereby endangering one's own or another's physical well-being or safety
- Obscene behaviour
- Intoxication induced by alcohol or drugs
- Fraud
- Disclosing confidential business information to a third party
- Wilful damage to or gross negligence of property of the College, student, other employees or visitors
- Falsification of records
- Unauthorised use of vehicles, property or supplies of the College
- Accessing pornographic internet sites through College computers
- Engaging in the sexual, racial or sectarian harassment of colleagues or students.
- Misuse of College property or name

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