

Disciplinary Procedure

Contents

1. Introduction.....	1
2. Who is Covered by this Policy?	1
3. Dealing with Disciplinary Matters	1
4. The Disciplinary Process	4
5. Suspension	8
6. Further Information and Support.....	8
7. Policy Review	9

Owner: Human Resources

Last Review Date: November 2024

Version: 1.1

1. Introduction

We trust that our colleagues will want to meet the standards of conduct, behaviour, attendance and performance that we expect at Strathclyde.

Our [Strathclyde Community Commitment](#) outlines the behaviours that we expect and we're committed to ensuring that all employees understand, respect and behave in line with these expectations. We also want colleagues to attend their work and perform at the level expected of them.

If your conduct or performance falls below our expectations, then you may be subject to disciplinary action. In this procedure you'll find out more about the types of misconduct considered under this procedure, the process for dealing with matters informally and formally, and the possible outcomes of the disciplinary process.

Please note, if this policy refers to additional guidance, FAQs, online forms, or training, these are accessible to University colleagues on our [People Hub](#).

2. Who is Covered by this Procedure?

This procedure applies to all University employees.

If you're still in your probationary period, we'll address any concerns in relation to your conduct under our [Probationary Policy](#).

3. Dealing with Disciplinary Matters

When dealing with disciplinary matters under this procedure, we will always be consistent in our approach and treat you with dignity, fairly and equitably. We'll always aim to act promptly and not delay meetings, decisions or confirmation of outcomes.

Matters that may result in disciplinary action under this policy include inappropriate behaviour related to your conduct, behaviour, attendance or performance. These may be minor instances of misconduct, or they may be more serious and therefore considered to be gross misconduct.

Examples of gross misconduct include (but are not limited to):

- Theft, fraud or dishonesty that relates to your employment at the University.
- Deliberate and serious damage to property
- Actual or threatened physical violence that has implications for your employment at the University.
- Serious discrimination, harassment, bullying or intimidation of any person or group.
- Viewing materials and/or accessing internet sites containing pornographic, offensive or obscene material unless it is related to a legitimate research programme.
- Defamatory and/or abusive comments regarding the University or its employees including those made through the inappropriate use of social networking and other internet sites.
- Refusal to comply with reasonable instructions or requests made by a line manager where this is repeated or where the refusal has serious consequences for the University.
- Conduct which results in significant detriment to the interest of the University.
- Providing false information regarding qualifications or entitlement to work, for example using a fraudulent identity.
- Withholding or falsifying information or records e.g. falsification of timesheets or expenses claims, refusal to provide statutory documentation.
- Serious negligence which causes loss, damage or injury where this is considered relevant to your employment with the University.
- Lack of capability where the University has formed a reasonable belief through appropriate investigation that this is due to being under the influence of alcohol, illegal drugs or other substances e.g. prescribed drugs during working hours.
- Serious breach of Health and Safety rules or misuse of safety equipment.
- Supply or intention to supply illegal drugs.
- Serious neglect of your duties or deliberate breach of the University's procedures.

- Making malicious false, vexatious or deliberately misleading claims against others, for example under the [Public Interest Disclosure Policy](#).
- Serious misuse of the University's IT system including use of unauthorised software or failure to comply with regulations and policies regarding access and use of systems.
- Serious and/or malicious misconduct in connection with research activity.
- Accepting or offering of bribes or other undeclared payments.
- Conviction of a criminal offence which makes you ineligible to carry out your duties.

Normally it will only be conduct at work, or on the University's premises that will be taken into account under this procedure. However, there are some external matters that can result in disciplinary action. We may take appropriate disciplinary action, including summary dismissal, in the following circumstances.:

- You bring the University into serious disrepute.
- You misuse the University's name or property.
- You breach trust and confidence.
- You're convicted of a criminal offence or a situation where there is police involvement or, as a result of legal proceedings, you have become ineligible to carry out all or some of your duties.

You should be aware that the list above is a guide and there may be other reasons where disciplinary action is considered to be appropriate.

We recognise that in their areas of academic expertise, Academic Professional and Professorial staff will have a right to 'academic freedom'. This is freedom within the law both to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without putting themselves at risk of losing their employment or being treated unfairly. However, this needs to be balanced by the need to use that freedom responsibly and professionally.

Allegations of research misconduct, for example research practice that falls short of appropriate ethical or scientific standards, will normally be considered under the University's [Research Code of Practice](#) in the first instance. Where appropriate, the conduct procedures of relevant professional bodies will be taken into account when considering disciplinary matters.

If you're a line manager who is dealing with a disciplinary matter, you can seek support from Human Resources at any stage in the process. Where appropriate, an HR representative will attend meetings under this procedure with the relevant manager to provide professional advice and ensure this procedure is being applied consistently and fairly. They will also partner with the manager on any decision-making that is required.

4. The Disciplinary Process

Wherever possible, we'll try to resolve workplace issues informally, particularly if the concern is a minor offence.

If your line manager has concerns in relation to your conduct, performance or attendance they should meet with you to discuss the matter and why this is considered unacceptable. They will advise you how to improve and/or resolve the situation.

Your manager will confirm the discussion in writing and let you know that formal action may be taken if the matter is not resolved as expected or if there are further examples of similar issues in the future.

Where an informal meeting does not resolve the matter or the issue is more serious, the formal disciplinary process will be applied. The steps involved in this process are outlined below.

4.1. Investigations

In cases where it is clear your conduct has fallen below expectations, or an investigation has taken place as part of another process (for example under the Grievance Procedure) it might not be necessary to undertake an investigation. The matter may go directly to a disciplinary hearing.

When the facts are less clear, or the situation is more complex, an investigation might need to be carried out to establish the facts.

Before an investigation starts, you'll be invited to an investigatory meeting, in writing, by Human Resources. You'll be advised of the issues or incidents that will be investigated. Your letter will also explain that you can be accompanied at an investigatory meeting(s) by a Trade Union representative or University colleague. Any witnesses will also be invited to attend a meeting as part of the investigation process. If you're a Trade Union representative and there is a need to carry out an investigation into your conduct, the full-time official will be informed. No disciplinary action will be taken until the full-time official is notified.

Notes of any formal meetings related to the disciplinary process, including investigation meetings, will be taken to summarise the key points discussed. These will not be a word-for word account of the meeting. You'll be provided with a copy of the notes and given an opportunity to comment. If it's not possible for the accuracy of the notes to be agreed, both views will be included in the record with the point of disagreement noted. All records relating to disciplinary matters will be kept in accordance with Data Protection regulations.

Just so you know, you shouldn't discuss disciplinary matters with colleagues. In addition, covert audio or video recording (recording without the permission of those involved in the discussion) is not allowed. This will be considered a disciplinary matter and may be dealt with under this procedure.

We'll aim to conclude an investigation within 4 weeks of an issue being raised. However, in more complex cases this may take longer. We'll keep you updated when this is the case.

At the end of the investigation process, a decision will be taken as to whether the matter should proceed to a disciplinary hearing. In most cases, the colleague(s) who has undertaken the investigation will not conduct the disciplinary hearing that follows.

4.2. Allegations to be Heard

You'll be advised in writing of the allegations(s) and will be invited to attend a disciplinary hearing to respond to these. This will be the initial stage in the process if there has been no need to carry out an investigation before the hearing.

If an investigation has taken place, you will be provided with any documents gathered during the investigation process so that you can respond to the allegation(s). It will also be made clear in your letter whether the allegation(s) against you are potentially considered gross misconduct.

You have the right to be accompanied at the hearing by a Trade Union representative or a University colleague.

4.3. The Disciplinary Hearing

The purpose of a disciplinary hearing is to decide whether disciplinary action is necessary and what level of action is appropriate in the circumstances.

A disciplinary hearing will normally be convened by your line manager, or an alternative appropriate manager in your area. They will be supported at the meeting by a representative from Human Resources. The allegation(s) will be explained to you, and you will be given the full opportunity to respond to these and set out your case.

If you're continually unable or unwilling to attend a disciplinary hearing, a decision will be taken in your absence based on the evidence that is available.

4.4. The Outcome

The manager that convened your disciplinary hearing, in partnership with the HR representative, will reach a decision on the outcome following the hearing. This will normally be within 10 working days of the hearing, and you'll be notified in writing. If a decision cannot be shared in this time, you will be advised of any delays.

Disciplinary action that may be taken can include the following:

- **First Written Warning:** Normally given for a first instance of misconduct or when a previous informal discussion has not resolved the matter. This warning will remain live for 12 months.
- **Final Written Warning:** This is normally issued where a first written warning is already in place or where the offence is serious. This warning will remain live for 2 years.
- **Dismissal:** This will normally be appropriate in situations where a final written warning is in place or, where there is a live first written warning in relation to serious misconduct. If the matter is considered gross misconduct, dismissal will normally be appropriate even if there is no previous warning in place. Where gross misconduct has occurred, summary dismissal will normally follow. This means you'll be dismissed without notice or pay in lieu of notice.
- Other sanctions might be considered appropriate in certain circumstances.

We can start disciplinary action at any level of warning, based on how serious the issue is or if there's been a repeated pattern of unacceptable behaviour without improvement. Warnings that have been given for different reasons will be cumulative.

Your notification of the outcome will confirm any warning that you have been given. It will also include the reasons for the warning, the improvements that we expect, the duration of the warning and the consequences of not meeting the warning requirements. A copy of this, along with any other relevant documentation will be held in your personal file within Human Resources.

4.5. Appeals

You have the right to appeal against any disciplinary action that is taken against you. You should submit this, setting out the reasons for your appeal, to the Chief People Officer or Assistant Director – People Business Partnering. You should do this within 10 days of the date on your disciplinary hearing outcome letter.

Appeal meetings to consider appeals against a First Written or Final Written warning will be heard by a senior colleague, normally within your line management structure, who has not been involved in the disciplinary decision making.

Dismissal appeals will be heard by a panel of two individuals. One will be a manager who is not within your line management structure and has not been involved in the case. The second will be a member of University Court that is not employed at the University.

At appeal stage, the original decision shall be reviewed, and the appeal may be upheld, reduced or dismissed. The decision taken will be communicated to you, normally within 5 days, of the appeal hearing. This decision will be final and exhausts University procedures,

5. Suspension

Sometimes it may be appropriate to suspend you on full pay while we investigate the allegations against you and reach a decision. This might be in cases where there are concerns around risk to your health, safety or welfare or to others. We may also decide to suspend you if we feel that your being at work could have an impact on university business or the fairness of the investigation. Your Head of Department will advise you of the suspension following discussion with a colleague in Human Resources. It will then be confirmed in writing.

Just so you know, being suspended does not stop you from attending any pre-arranged appointments with Occupational Health or Trade Unions. It is also not a disciplinary act and if you're suspended this does not mean there is a presumption of guilt.

If the period of suspension goes beyond four weeks, we'll write to you to update you on the investigatory process and when it is likely to end.

6. Further Information and Support

If, throughout any stage of the disciplinary procedure, you need support or adjustments, due to being disabled, you should raise this with your line manager or a member of the HR team as early as possible. It is also important that you highlight any medical conditions that might be relevant to ensure this is given full consideration.

Being subject to disciplinary action or being involved in the disciplinary process can be a difficult situation. If you need further support, our free and independent Employee Assistance Programme (EAP) provider can offer counselling and support. Visit our [Wellbeing Hub](#) for more information.

If you have any queries about this procedure, please talk to your manager or contact [Human Resources](#).

7. Review

This policy is reviewed by Human Resources on a regular basis. To see when the next review is due, please see our [Policy Review Schedule](#) (staff login required) on our People Hub.