

The University of Bolton
Disciplinary Procedure for Designated Senior
Post Holders

1. Purpose and Scope

It should be recognised that satisfactory standards of both conduct (behaviour) and capability (performance) are necessary to undertake the University's affairs and for the well-being of all employees. It should also be recognised that management has a positive role to play in encouraging all employees to perform professionally and effectively while at work.

The purpose of this procedure is to ensure that disciplinary matters are dealt with promptly, fairly and consistently. The procedure gives guidance on how actions should be taken arising from misconduct and/or unsatisfactory performance. A separate procedure is in place in relation to Medical Incapacity which is available at <http://www.bolton.ac.uk/POD/WellBeing/Medincapa.doc>.

Further guidance should be sought from the Personnel Service in instances of short term uncertified absence.

The University of Bolton is committed to the promotion of equality, diversity and a supportive environment for all members of our community. Our commitment to equality and diversity means that this procedure has been screened in relation to the use of plain English, the promotion of the positive duty in relation to race, gender and disability and avoidance of discrimination to other equality groups related to age,

2. **General Principles**

2.1 Application

This procedure will apply to

upon a colleague or the University, then this will be seen as misconduct, and will be dealt with under the rules of this procedure.

2.2.8 A Designated Senior Post Holder will at the formal procedure stage have the right to be accompanied by a companion who shall not be a legal representative but may be a representative of a Trade Union, a full-time official of a Trade Union or by a work colleague. Acting as a companion is voluntary and employees are under no obligation to do so. A Designated Senior Post Holder will be allowed reasonable time off from duties without loss of pay to act as a companion. If the Designated Senior Post Holder's choice of companion is unreasonable the University may ask him/her to choose someone else. For example:

- (a) If in the University's opinion the companion may have a conflict of interest or may prejudice the hearing; or
- (b) If the companion works at another site and someone reasonably suitable is available at the site at which the Designated Senior Post Holder works; or
- (c) If the companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.

2.3 Notice of Hearings

2.3.1 Normally ten working days notice will be given for disciplinary or appeal hearings. It is recognised, however, that this may have to be exceeded in exceptional circumstances.

2.4 Confidentiality/Recording of Meetings

2.4.1 The University aims during an investigation or any steps under this procedure to deal with matters sensitively and in confidence, to the extent that it is able to do so. The Designated Senior Post Holder will be required to treat as confidential any information communicated to him/her in connection with an investigation or disciplinary matter. Witnesses will be required to treat as confidential any information given to them during the course of an investigation, including the identity of any Designated Senior Post Holder

support provided by the University. This may take the form of a fact gathering meeting with the employee in question. This is solely for the purpose of fact-finding, and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. The Designated Senior Post Holder will be informed of the allegations and that an investigation is taking place.

- 3.2 Any Designated Senior Post Holder involved in the investigatory stage is expected to co-operate fully and promptly and provide such assistance to the Investigating Officer. This will include informing the Investigating Officer of the names of any relevant witnesses, disclosing any relevant documents to him/her and attending any investigative interviews. The Designated Senior Post Holder and any witnesses will be advised as to the sensitive nature of the investigation and the need for confidentiality.
- 3.3 The amount of investigation and/or enquiry will depend on the nature of the allegations of misconduct and/or unsatisfactory performance and will vary from case to case.
- 3.4 Should the investigation indicate that a formal disciplinary hearing is warranted, the matter should proceed under the process set out at paragraph 5 below. Where it is determined that the matter may be dealt with informally or advised that no further action will be taken, the Designated Senior Post Holder will be informed in writing.

4. Suspension

- 4.1 Where the alleged misconduct and/or unsatisfactory performance is of such a nature that there are clear and compelling reasons or any other good and urgent cause why the Designated Senior Post Holder's continuing attendance at the University cannot be justified or where it is felt the Designated Senior Post Holder's continuing attendance may hamper an investigation, then the Chair of the Board of Governors may trigger the suspension (with full pay) of a Designated Senior Post Holder in consultation with the:
 - (a) Vice Chancellor where the Designated Senior Post Holder is not the Vice Chancellor; or
 - (b) other Designated Senior Post Holders where the Designated Senior Post Holder is the Vice Chancellor.Immediately thereafter the Chair of the Board of Governors will notify in writing:
 - (a) the Board of Governors; and
 - (b) a Special Committee of the Board of Governors, comprising of three members of the Board of Governors including the Deputy Chair (but excluding the Chair), one Independent member and the Statutory Co-opted member, of the suspension which shall then convene within five working days of the implementation of the suspension, to consider and either affirm or cancel the decision to suspend the relevant Designated Senior Post Holder. Until the determination of the Special Committee

the suspension shall, in the interest of the reputation of the University, remain a strictly confidential matter for the Board of Governors only.

- 4.2 Suspension is not in itself a disciplinary sanction and does not imply that any decision has already been made about the Designated Senior Post Holder's case.

5. Formal Procedure

- 5.1 When a decision has been taken to initiate the formal disciplinary procedure, the Designated Senior Post Holder should be informed in

active warnings on the employee's disciplinary record depending on the nature of the misconduct.

7.2.2.2 The warning will set out the nature of the misconduct.

7.2.2.3 The warning will be placed on the employee's personnel file and will remain active for six months from the date it is given, after which time it will be disregarded in deciding the outcome of future disciplinary proceedings. The employee's conduct may be reviewed at the end of this period and if it has not improved sufficiently the University may decide to taken further disciplinary action.

7.2.2.4 First written warnings may be given by the levels of authority set out in Appendix B.

7.3 First Formal Action for Unsatisfactory Performance – Improvement Notice

7.3.1 An improvement notice is the equivalent to a written warning and can be given for acts of unsatisfactory performance, which have not been corrected by informal means and where there are no other improvement notices on the employee's disciplinary record.

7.3.2 The improvement notice will set out:

The performance problem.

The improvement that is required.

The timescale for achieving this improvement.

A review date.

Any support, including training that will be provided to assist the employee.

7.3.3 The improvement notice will be placed on the employee's personnel file and will remain active for six months from the date it is given, after which time it will be disregarded in deciding the outcome of future disciplinary proceedings. The employee's performance may be reviewed at the end of the period and if it has not improved sufficiently the University may decide to take further disciplinary action.

7.3.4 An improvement notice may be given by the levels of authority set out in Appendix B.

7.4 Third Formal Action for Misconduct / Second Formal Action for Unsatisfactory Performance - Final Written Warning

7.4.1 A final written warning will usually be given for:

- (a) Misconduct and/or unsatisfactory performance where there is already an active written warning and/or improvement notice on the employee's record; or

(b)

Appendix A

The aim of this appendix is to give illustrations, which are not exhaustive, of behaviours, performance and conduct deemed by the University to be unacceptable, unprofessional and contrary to its staff charter. The unacceptable behaviour may exhibit itself in verbal, non verbal and written means of communication. This appendix specifies the likely outcome if after an investigation and formal hearing an employee is found guilty of any of the illustrations or similar conduct.

In investigating the circumstances surrounding a particular incident, and being presented with any other mitigating factors, the University may choose to impose sanctions less than those outlined in this appendix. Sanctions will differ according to the seriousness, and/or frequency of the breach. Sanctions which warrant summary dismissal for the first breach are considered to be examples of gross misconduct.

| | BREACH | First Formal Sanction | Second Formal Sanction | Third Formal Sanction | Final Formal Sanction |
|----------|---|------------------------------|-------------------------------|------------------------------|------------------------------|
| 1 | Conduct to Others | | | | |
| 1.1 | Inappropriate and/or offensive verbal or written communication to other employees, visitors, students or any people the University deals with | Verbal Warning | Written Warning | Final Written Warning | Procedural Dismissal |
| 1.2 | Use of foul or obscene language | Verbal Warning | Written Warning | Final Written Warning | Procedural Dismissal |

| | BREACH | First Formal Sanction | Second Formal Sanction | Third Formal Sanction | Final Formal Sanction |
|----------|---|------------------------------|-------------------------------|------------------------------|------------------------------|
| 3 | University Interests | | | | |
| 3.1 | Improperly using or divulging confidential information to any third party regarding the University or the University's business and commercial interests, employees or any other persons whom the University deals with o | | | | |

| | BREACH | First Formal Sanction | Second Formal Sanction | Third Formal Sanction | Final Formal Sanction |
|----------|---|------------------------------|-------------------------------|------------------------------|------------------------------|
| 4 | Performance (continued) | | | | |
| 4.6 | Failure to comply with an agreed procedure | Written Warning | Final Written Warning | Procedural Dismissal | |
| 4.7 | Negligence in the performance of duties | Final Written Warning | Procedural Dismissal | | |
| 4.8 | Gross negligence or a serious or wilful breach in t | | | | |

| | BREACH | First Formal Sanction | Second Formal Sanction | Third Formal Sanction | Final Formal Sanction |
|-----------------|---|--------------------------------------|---------------------------------------|--------------------------------------|--------------------------------------|
| 5 5.7 | Health & Safety (continued) Being in possession of or selling illegal drugs on or about University | | | | |