



This revised Disciplinary Policy (dated 1 October 2024) should be used for all new cases being initiated on or after 1 October 2024.

The original Disciplinary Policy (dated November 2021) should continue to be used for any case that was initiated prior to 1 October 2024.

The original policy is still on display in this file and follows immediately after the revised policy.

DISCIPLINARY POLICY

October 2024

DISCIPLINARY POLICY

October 2024

Contents

1 Introduction	4
2 Disciplinary Rules - Misconduct and Gross Misconduct	5
3 Minor Conduct Issues.....	5
4 Criminal Allegations	5
5 Confidentiality and Note Taking	6
6 Personal Conduct During the Disciplinary Process.....	6
7 Suspension	7
8 Investigations.....	8
9 Notification of a Hearing.....	9
10 The Right to be Accompanied.....	10
11 Procedure at Disciplinary Hearings	11
12 Disciplinary Action.....	11
13 The Effect of a Warning	12
14 Appeals.....	13
15 Grievances.....	13
16 Disciplinary Action Involving a Trade Union Representative or Relating to Trade Union Activities.....	14
17 Additional Support	14
Annex 1 - Flow Chart.....	15
Annex 2 - Standards of Conduct	16
Annex 3 - Examples of Misconduct.....	17
Annex 4 - Examples of Gross Misconduct.....	18

Document title	
Disciplinary Policy	
Document author and department	
HR Department	
Approving body	
People, Culture and Engagement Committee	
Date of approval	
19 September 2024	
Review date	
1 October 2027	
Edition no.	
007	
ID code	
048	
Date of effect	
1 October 2024	
For a) public access online internet or b) staff only intranet?	Both
<p>External queries relating to the document to be referred in the first instance to the Corporate Governance team: email corporate-governance@port.ac.uk</p> <p>If you need this document in an alternative format, please email corporate.communications@port.ac.uk</p>	

The latest version of this document is always to be found at:

<https://policies.docstore.port.ac.uk/policy-048.pdf>

1. Introduction

- 1.1 We will deal with any disciplinary matter fairly by taking steps to establish the facts and giving employees the opportunity to respond before taking any formal action. The purpose of this Disciplinary Policy is to provide a framework within which managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary. The principles within this policy mirror the principles contained within the ACAS guidance.
- 1.2 This policy is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases, reference should be made to the appropriate policy or procedure.
- 1.2 This policy applies to employees who have passed their probationary period only*, however it does not apply to senior post holders (as defined in the Articles of Government). It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns. In addition, this policy also does not apply to those on secondment to the University, in this case the policies and procedures from the original employer are applicable.

*Employees who are within their probationary period will be managed under the Probationary Policy.
- 1.4 This procedure has been implemented following consultation with UCU and Unison, the unions recognised by the University. However, this policy does not form part of any contract of employment and we may amend at any time, following consultation with the unions recognised by the University.
- 1.5 If you have difficulty at any stage of the policy because of a disability, you should discuss the situation with your line manager or nominated HR representative as soon as possible.
- 1.6 Timescales set out in this policy are for guidance only and, if it is not practicable to adhere to these time limits, extensions may be made and all parties informed of the reason for the delay. Our aim is to ensure that the process does progress without unreasonable delay.
- 1.7 Annex 1 to this policy sets out a flow chart which summarises the stages of this policy.

2. Disciplinary rules – misconduct and gross misconduct

- 2.1 While working for us you should at all times maintain professional and responsible standards of conduct, examples of which are set out in annex 2. Failure to maintain satisfactory standards of conduct may result in action being taken under this policy.
- 2.2 Annex 3 sets out examples of matters that will normally be regarded as misconduct and will be dealt with under this policy. This may include misconduct committed outside of work if it has an effect on your employment with us.
- 2.3 Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our business or reputation or irreparably damage the working relationship and trust between us. This may include misconduct committed outside of work. Gross misconduct will be dealt with under this policy and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal). Annex 4 sets out examples of matters that are normally regarded as gross misconduct.
- 2.4 When considering acts and/or behaviours that may amount to misconduct or gross misconduct, we shall ensure that as part of any investigation and/or process followed we consider the context of the act and/or behaviour as well as any mitigating factors which may have contributed towards and/or led to the act and/or behaviour to ensure a fair process is followed.

3. Minor conduct issues

- 3.1 Minor conduct issues can often be resolved informally between you and your line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel record, within the HR department. In some cases, informal action may be taken for example a professional advice note may be given. An informal action/warning will not form part of your disciplinary records. Formal steps will be taken under this policy if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

4. Criminal allegations

- 4.1 Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.

- 4.2 If we choose to take formal action this will usually run parallel to any criminal investigation. We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.
- 4.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

5. Confidentiality and note taking

- 5.1 Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. Breach of confidentiality by the parties or a witness may be treated as a disciplinary matter.
- 5.2 You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.
- 5.3 You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this policy, whether these meetings or hearings are conducted in person, by telephone, or using remote working platforms or technologies. In certain limited circumstances, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. Any breach of this provision may lead to further disciplinary action, which could include dismissal.
- 5.4 We will take a written record of all meetings conducted under this policy. We will use our best endeavours to arrange for an additional person to attend the meeting and take notes, where this is not possible notes will be taken by the chair of the meeting or someone else already attending. The notes from the meetings are intended to be balanced but not intended to be verbatim. The notes will be a summary of what was said within the meeting and capture all the salient points. We will send you a copy of the notes as soon as possible following the meeting, unless a factual error has been made within the notes, no amendments shall be made to the notes. Any comments you may have on the notes will be recorded separately on the file.

6. Personal conduct during the disciplinary process

- 6.1 We recognise that a disciplinary process can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect and dignity.

6.2 We will not tolerate abusive or insulting behaviour from anyone taking part in a disciplinary process and treat any such behaviour as further potential misconduct.

7. Suspension

7.1 In some circumstances we may need to suspend you from work. Suspension will usually only be considered if there is a serious allegation of misconduct and in the absence of suspension there is a risk:

- (a) To the integrity of the evidence;
- (b) That witnesses will be influenced;
- (c) To other employees, students or property; or
- (d) An investigation could be swayed by the employee's presence.

These examples are not exhaustive. Alternatives to suspension will always be considered such as, working under supervision, from home and/or temporary relocation to another workplace and you shall be notified in writing, why alternatives to suspension are not appropriate (if that is the case).

7.2 Suspension must be authorised by the Chief People Officer or a person delegated by them if they are unavailable.

7.3 The suspension will be for no longer than is necessary to investigate any allegations of misconduct against you or so long as is otherwise reasonable while any disciplinary proceedings against you are outstanding. We will confirm the arrangements to you in writing. While suspended you should not visit any University of Portsmouth premises or contact any University staff, students or other third parties working for us unless you have been authorised to do so by the Chief People Officer or a person delegated by them. For the avoidance of doubt this does not prevent you from contacting your trade union representatives. If you have friends and/or family working at the University who you would like to continue to contact (about unrelated matters) during your suspension please discuss this with the author of the suspension letter that you receive.

7.4 Suspension of this kind is not a disciplinary action and does not imply that any decision has already been made about the allegations or that you are guilty of the allegations being investigated. You will continue to receive your full salary and benefits during the period of suspension.

8. Investigations

- 8.1 The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. By way of example, it may involve interviewing and taking statements from you and any witnesses, reviewing relevant documents and email correspondence, and/or reviewing any CCTV or other footage. A member of the HR Business Partnering Team will usually appoint an Investigating Officer to carry out the investigation. The Investigating Officer will consider the allegations and decide the scope of the investigation and create an investigation plan.
- 8.2 Investigation meetings are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- 8.3 You do not have a statutory right to bring a companion to an investigation meeting. However we shall allow you to be accompanied by a companion, in accordance with paragraph 10, to an investigation meeting if you wish.
- 8.4 You must co-operate fully and promptly in any investigation. This will include, among other things, informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigation meetings if required. Investigation meetings may take place in person or remotely, using remote working platforms or technologies as appropriate.
- 8.5 Once the investigation is complete, the Investigating Officer will produce an investigation report. The length and detail of such document shall vary depending on the specific circumstances. A copy of the investigation report will usually be passed to your line manager and a member of the HR Business Partnering Team. Your line manager will decide if it is necessary to proceed to a formal disciplinary meeting or whether the matter can, in fact, be resolved informally or without any further action. The HR Business Partnering Team will assist your line manager as necessary in making this decision. You will be informed of the decision as soon as possible. If the HR Business Partnering Team believe a conflict of interest arises by your line manager making this decision, for example due to their involvement with the investigation, another employee, of the same level as your line manager, shall be appointed to review the investigation report. You will be notified if these circumstances have arisen and provided with details of the person who has been appointed.

9. Notification of a hearing

- 9.1 Following any investigation, if it is decided that there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. This stage of the process will usually be conducted by a manager who has not been previously involved in the investigation and, where possible, is senior to the individual who conducted the investigation.
- 9.2 We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are well-founded. We will also include the following where appropriate*:
- (a) Details of the person(s) chairing the disciplinary hearing;
 - (b) A copy of the investigation report;
 - (c) A copy of any relevant documents or other evidence which will be used at the disciplinary hearing; and
 - (d) A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.
- *We reserve the right, where necessary, to redact sections of any of the documentation listed above, to ensure our compliance with GDPR and other obligations relating to confidentiality.
- 9.3 If a potential outcome from the disciplinary hearing is that you may be dismissed, the hearing will be chaired by a panel of at least two individuals. The panel members shall have had no previous involvement in the matter to date and where possible, the composition of the panel shall be as follows:
- (a) The panel members will be selected from a different faculty/department to you;
 - (b) The panel members composition will reflect equality and diversity principles; and
 - (c) At least one of the panel members shall be more senior than the decision maker in the original process.
- 9.4 We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually between 7 and 14 calendar days' notice, to prepare your case based on the information we have given you.

- 9.5 If there are reasons for conducting any hearing remotely (for example, by using remote working platforms or technologies), we will confirm these reasons to you and notify you of the relevant arrangements and instructions for joining the hearing. If you have any questions regarding how to join the hearing remotely, you should let us know before the hearing date. We recognise that, in some cases, the use of remote working platforms or technologies may not be appropriate (for example, where an employee has a medical condition or does not have access to relevant equipment or software). In these cases, the hearing will take place in person where possible. If you believe there is a reason the hearing should be held remotely, you may request this and we will consider any request reasonably, however we do reserve the right to confirm the hearing shall take place in person.
- 9.6 If you or your companion (as identified in paragraph 10) cannot attend the hearing, you should inform us immediately and we will try, within reason, to agree an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend the hearing, we will arrange a second hearing date. If you fail to attend again, without good reason, we will normally proceed to hold the hearing, on the second date, in your absence and will have to make a decision based on the available evidence including any written representations you have made.

10. The right to be accompanied

- 10.1 You may bring a companion to any appeal meeting under this policy. You may choose to bring a trade union representative or a University of Portsmouth work colleague. You must advise the person holding the disciplinary hearing who your chosen companion is, in good time before the hearing.
- 10.2 At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may talk privately with your companion at any time during the meeting and may ask for a brief adjournment to do so.
- 10.3 Acting as a companion is voluntary and your University of Portsmouth work colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 10.4 If your chosen companion is unavailable at the time a hearing is scheduled and will not be available for more than 7 calendar days afterwards, we may proceed with the hearing and we shall explain to you that you may wish to choose someone else to accompany you.

- 10.5 We may, at our discretion, allow you to bring a companion who is not a University of Portsmouth work colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

11. Procedure at disciplinary hearings

- 11.1 In addition to yourself and the chair/panel, usually the Investigating Officer, a note taker and a member of the HR Business Partnering Team will also be present to provide procedural advice. You may bring a companion with you to the disciplinary hearing (see paragraph 10).
- 11.2 At the disciplinary hearing, we will go through the allegations against you and the evidence that has been gathered. You will be able to respond, ask questions and present any evidence of your own. Your companion may make representations to us and ask questions but should not answer questions on your behalf. You may talk privately with your companion at any time during the hearing.
- 11.3 You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice so that we are able to arrange their attendance. Any witnesses to be called at a hearing must have submitted a written statement of their knowledge of the case a minimum of 3 calendar days (excluding weekends) in advance of the hearing, which has been exchanged with all parties. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.
- 11.4 We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 11.5 We will inform you in writing of our decision and our reasons for it, usually within 14 calendar days of the disciplinary hearing. Where possible we will also explain this information to you in person.

12. Disciplinary action

- 12.1 The usual actions taken when there has been misconduct are set out below. No action should be imposed without a hearing. We aim to treat all employees fairly and consistently, and an action imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

- 12.2 You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period, in which case we may choose to terminate your employment.
- 12.3 **Stage 1: first written warning.** A first written warning will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.
- 12.4 **Stage 2: final written warning.** A final written warning will usually be appropriate for: (a) misconduct where there is already an active written warning on your record; or (b) misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.
- 12.5 **Stage 3: dismissal.** Dismissal will usually only be appropriate for:
- (a) any misconduct during your probationary period;
 - (b) further misconduct where there is an active final written warning on your record; or
 - (c) any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal).
- 12.6 **Alternatives to dismissal.** In some cases, we may at our discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include (this is not intended to be an exhaustive list):
- (a) Demotion
 - (b) Transfer to another department or job
 - (c) Loss of seniority
 - (d) Loss of future pay increment or bonus

13. The effect of a warning

- 13.1 Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

- 13.2 A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months.
- 13.3 In the case of alternatives to dismissal, a copy of the written details will be kept on your personnel record, within the HR Department, but will be disregarded for disciplinary purposes after a specified period subject to achieving and sustaining satisfactory conduct. This period will normally be for a maximum of 12 months unless exceptional circumstances apply.
- 13.4 After the active period, the warning will remain permanently on your personnel record, within the HR Department, but will be disregarded in deciding the outcome of future disciplinary proceedings.

14. Appeals

- 14.1 If you feel that disciplinary action taken against you is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to the Chief People Officer within 7 calendar days of the date on which you were informed of the decision.
- 14.2 The appeal will be dealt with in accordance with the Appeals Policy (October 2024).
- 14.3 If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated with no loss of continuity of service or pay.

15. Grievances

- 15.1 If you have a grievance that relates to ongoing disciplinary proceedings, you should raise this during the disciplinary procedure and not immediately through our separate Grievance Policy (for example you should raise it during the disciplinary meeting or appeal stage so that it can be considered).
- 15.2 If you raise a grievance during disciplinary proceedings that is unrelated to the disciplinary proceedings, the disciplinary proceedings and grievance policy will normally run independently in parallel, unless it is felt necessary that the disciplinary process is temporarily suspended, this will only be in exceptional cases.

16. Disciplinary Action Involving a Trade Union Representative or Relating to Trade Union Activities

- 16.1 If you are an accredited trade union officer or if the allegation relates to trade union activity, no formal action under this Disciplinary Policy will be taken until the matter has been discussed with a full-time official of the relevant union. If consent is withheld we may proceed in any event.

17. Additional support

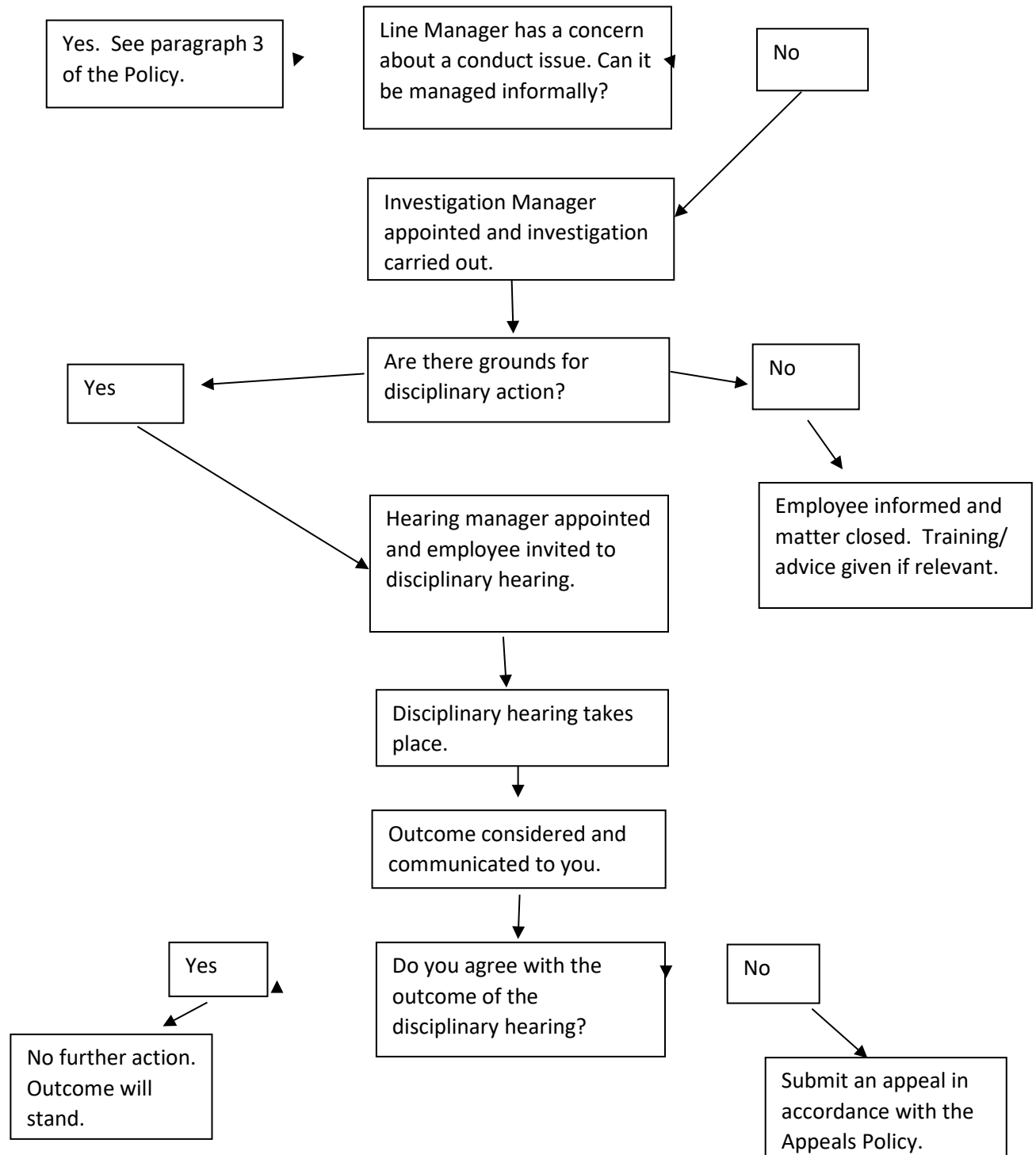
- 17.1 Employees are able to seek additional support from recognised trade unions. We recognise the following unions:

(a) UCU: <http://ucu.port.ac.uk/> or www.ucu.org.uk/

(b) Unison: www.port.ac.uk/unison/ or www.unison.org.uk/

17.2 We understand that circumstances arising from this policy can cause stress and feelings of insecurity. If you are concerned about your wellbeing or that of a colleague you should speak to your line manager or member of the HR Business Partnering Team. Alternative confidential counselling/support/assistance is available, for any employee, through the Employee Assistance Helpline – Vivup – further information can be accessed via this link: <https://staff.port.ac.uk/departments/services/humanresources/myrole/mybenefits/#healthandwellbeing>

Flow chart



Standards of Conduct

The normally accepted rules of behaviour, which apply in society as a whole, apply equally to the work situation. Any breach of your contract of employment, any conduct which is prejudicial to our interests or reputation or any failure to meet accepted professional, research and academic standards may render you liable to disciplinary action.

You are required at all times to maintain professional / professional body and responsible standards of conduct. In particular, you must:

- Observe the terms and conditions of your contracts, particularly with regard to duties, confidentiality and data protection.
- Observe all of our policies, procedures and regulations which are notified from time to time by means of handbooks, the staff intranet or otherwise.
- Act in accordance with the:
 - University Vision 2030 & Strategy 2025 (available at: <https://sites.google.com/port.ac.uk/vc-communications/home/our-university-strategy>) and
 - Leadership Attributes (available at: https://policies.docstore.port.ac.uk/policy-197.pdf?_ga=2.93805849.523045554.1723731274-700937334.1637577246)
- Comply with accepted Codes for research standards within the academic and scientific communities.
- Take reasonable care in respect of the health and safety of colleagues, students and third parties.
- Comply with all reasonable instructions given by managers.
- Act at all times in good faith and in the best interests of the University and its students and staff. Failure to maintain satisfactory standards of conduct may result in action being taken under this disciplinary policy.

Examples of misconduct

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Policy:

- (a) Minor breaches of any of our policies or procedures.
- (b) Minor breaches of your contract.
- (c) Damage to, or unauthorised use of, our property.
- (d) Poor timekeeping.
- (e) Time wasting, including but not limited to when working from home or as part of a hybrid working arrangement.
- (f) Unauthorised absence from work.
- (g) Working from home contrary to the terms of your employment contract and without the prior written approval of your line manager.
- (h) Refusal to follow reasonable instructions.
- (i) Excessive or inappropriate use of our telephones or other information and communication systems for personal calls and messages.
- (j) Excessive or inappropriate personal email or internet usage on University property and/or systems.
- (k) Failure to provide completed time sheets or comply with other instructions, whether in writing or otherwise, or requirements to account for your working time and activities, including but not limited to in respect of time spent working from home or as part of a hybrid working arrangement.
- (l) Failure on reasonable notice to attend the workplace or other reasonably accessible location for meetings, training courses or other events when you would otherwise be working from home.
- (m) Obscene language or other offensive behaviour.
- (n) Negligence in the performance of your duties.
- (o) Smoking in no-smoking areas on University premises.
- (p) Failure to comply with any reasonable instructions or measures that we implement in response to an emergency or other critical situation.
- (q) Rudeness/unprofessional behaviour/language towards students, visitors or colleagues.

This list is intended as a guide and is not exhaustive.

Examples of gross misconduct

The following are examples of matters that are normally regarded as gross misconduct:

- i. Theft or unauthorised removal of our property or the property of a colleague, contractor, customer or member of the public.
- ii. Fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets.
- iii. Actual or threatened violence, or behaviour which provokes violence, and bullying.
- iv. Deliberate damage to our buildings, fittings, property or equipment, or the property of a colleague, contractor, customer or member of the public.
- v. Serious misuse of our property or name.
- vi. Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- vii. Repeated or serious failure to obey instructions, or any other serious act of insubordination.
- viii. Unlawful discrimination, harassment or victimisation.
- ix. Bringing the University or any of its group companies into serious disrepute.
- x. Causing loss, damage or injury through serious negligence.
- xi. Serious or repeated breach of health and safety rules or serious misuse of safety equipment.
- xii. Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure.
- xiii. Accepting or offering a bribe or other secret payment.
- xiv. Accepting a gift from a customer, supplier, contractor or other third party in connection with your employment without prior consent from your line manager.
- xv. Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our staff, customers or the public, or otherwise affects your suitability to continue to work for us.
- xvi. Possession, use, supply or attempted supply of illegal drugs.
- xvii. Serious incapacity at work brought on by alcohol or drugs.
- xviii. Serious neglect of duties, or a serious or deliberate breach of your contract or our policies/procedures.
- xix. Working from abroad without our prior written approval and satisfaction of any relevant requirements (including but not limited to any applicable immigration requirements) or failing to return to the UK and your normal place of work in accordance with any agreed overseas working arrangement.
- xx. Repeatedly working from home contrary to the terms of your employment contract and without the prior written approval of your line manager.

- xxi. Knowing breach of statutory rules affecting your work.
- xxii. Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy.
- xxiii. Harassment or victimisation of, or discrimination against, employees, workers, contractors, clients or members of the public, related to sex, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age contrary to our policies or guidance relating to Equal Opportunities or Anti-harassment or bullying.
- xxiv. Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties.
- xxv. Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits.
- xxvi. Repeatedly or seriously failing to comply with any reasonable instructions or measures that we implement in response to an emergency or other critical situation.
- xxvii. Failing to work your contractual hours while working from home or as part of a hybrid working arrangement, or giving false or misleading information relating to your hours of work and activities while working from home.
- xxviii. Knowingly taking parental, shared parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child.
- xxix. Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith.
- xxx. Making untrue allegations in bad faith against a colleague.
- xxxi. Victimising a colleague and/or manager/leader who has raised concerns, made a complaint or given evidence or information under our policies, procedures or guidance relating to Whistleblowing, Anti-corruption and/or Bribery, Anti-harassment and/or Bullying Policy, Grievances or Disciplinary's or otherwise.
- xxxii. Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet) contrary to our rules and policies in place.
- xxxiii. Undertaking unauthorised paid or unpaid work during your working hours with us, including but not limited to being engaged in unauthorised work, whether as an employee, worker, or self-employed independent contractor or consultant, and whether or not you appoint a substitute to undertake that work for you or otherwise delegate your duties, when you are working from home or as part of a hybrid working arrangement with us.

- xxxiv. Intentional/negligent breach of accepted research standards including plagiarism, piracy by exploitation of ideas, fraud by the manipulation of data or findings and serious departure from legal, institutional and ethical practices in research involving human or animal subjects.

This list is intended as a guide and is not exhaustive.

University of Portsmouth
University House
Winston Churchill Avenue
Portsmouth PO1 2UP
United Kingdom

T: +44 (0)23 9284 3195
E: corporate-governance@port.ac.uk
W: www.port.ac.uk

DISCIPLINARY POLICY

November 2021

Contents

1.	Introduction.....	4
2.	Purpose.....	4
3.	Scope	4
4.	Guiding Principles.....	5
5.	Definitions and separation of roles	6
6.	Minor Conduct Issues.....	8
7.	The Right to Be Accompanied.	8
8.	Grievances	8
9.	Confidentiality	8
10.	Suspension.....	9
11.	Disciplinary Action Involving a Trade Union Representative or Relating to Trade Union Activities	9
12.	Criminal Allegations.....	10
13.	Notification of Disciplinary Hearings	10
14.	Procedure at Disciplinary Hearings	11
15.	The Hearing Outcome	12
16.	Disciplinary Sanctions.....	12
17.	Appeals	13
18.	Notification of the Appeal Hearing.....	15
19.	Appeal Documentation	15
20.	The Appeal outcome	15
21.	Appendix 1 - Disciplinary Rules, Misconduct and Gross Misconduct.....	17
22.	Appendix 2 Disciplinary Policy Flowchart.....	20

Document title		
Disciplinary Policy		
Document author and department		
Human Resources Department		
Approving body		
People, Culture and Engagement Committee		
Date of approval		
November 2021		
Review date		
November 2024		
Edition no.		
006		
ID Code		
048		
Date of effect		
November 2021		
EITHER For public access online (internet)? <i>Tick as appropriate</i>		YES
For public access on request copy to be mailed <i>Tick as appropriate</i>		YES
OR For staff access only (intranet)? <i>Tick as appropriate</i>		YES
Password protected <i>Tick as appropriate</i>	NO	
External queries relating to the document to be referred in the first instance to the HR team: email hrenquiries@port.ac.uk If you need this document in an alternative format, please email corporate.communications@port.ac.uk		

The latest version of this document is always to be found at:

<https://staff.port.ac.uk/accesstoinformation/policies/>

1. Introduction

- 1.1** The Board of Governors has delegated responsibility to the People, Culture and Engagement Committee for the effective operation of this policy and for its subsequent revision and amendment. Day to day responsibility for the effective operation of this policy and ensuring its maintenance and review has been delegated to the Chief People Officer.
- 1.2** This policy has been implemented following consultation with the recognised trade unions, UCU and UNISON
- 1.3** This policy does not form part of any contract of employment although there are statutory entitlements contained within it.
- 1.4** The University Equality Impact Procedure was used in the development of this policy.

2. Purpose

- 2.1** The University aims, wherever possible, to informally resolve matters of potentially unsatisfactory conduct, without resorting to formal policy. Recognising however, that this is not always possible, the purpose of this policy is to provide a formal means of supporting and encouraging employees to achieve and maintain acceptable standards of conduct.
- 2.2** The aim of the Disciplinary Policy is to provide a clear and transparent framework to address conduct issues which may arise as part of the employment relationship. The Disciplinary Policy ensures that issues are managed fairly, reasonably and consistently and follows the ACAS Code of Practice for handling disciplinary issues. Employees need to know what is expected of them in terms of standards of conduct which are set out at Appendix 1 together with the likely consequences of failure to meet these required standards.
- 2.3** Managers are responsible for ensuring that an employee performs to the standards of conduct expected of them, and that they provide the relevant support and training. The responsibility for ensuring that these standards are observed and maintained by all employees rests with both the individual employee and with the appropriate manager in each department.

3. Scope

- 3.1** This policy applies to all employees., however it does not apply to Senior Postholders (as defined in the Articles of Government) or employees within their probationary period for whom there is a separate policy nor does it apply to agency workers or self-employed contractors.
- 3.2** This policy is used to deal with misconduct. It does not apply to situations concerning work performance and capabilities for which there are separate policies.

3.3 Conduct by employees outside of working hours may also fall within the scope of this policy. For example, where conduct has an effect on the employee's ability/and or suitability to do their job or the University considers that an employee's actions bring the University into disrepute or prejudices its business/reputation or irreparably damages the working relationship of trust and confidence between the parties.

3.4 Statutory/regulatory requirements may make it necessary for the University to refer conduct matters to regulatory authorities and to the Disclosure and Barring Service (DBS) in cases involving employees engaged in regulated activity where the threshold for referral is met.

4. Guiding Principles

4.1 In accordance with the Equality Act 2010 appropriate adjustments will be made to this policy and its implementation where Occupational Health (OH) or Human Resources (HR) advise that this is reasonably required and management are able to accommodate any proposed adjustment in line with consultation with the employee.

4.2 If informal action does not bring about the required improvement, or the misconduct is considered too serious to be classed as minor (see section 6), the manager should refer to HR.

4.3 Employees will not normally be dismissed for a first act of misconduct unless the conduct amounts to gross misconduct or the employee is within their probationary period.

4.4 Where a disciplinary process is being followed it is important to manage issues fairly and act consistently. The Disciplinary Policy may be implemented at any stage if the employee's alleged misconduct warrants this.

4.5 The principles of natural justice should apply to the policy including that those against whom allegations are made should have copies of the allegations and evidence relied upon in advance of any disciplinary hearing.

4.6 The employee will have the opportunity to challenge allegations and evidence before decisions are reached.

4.7 There will be a right of appeal against any disciplinary decision taken.

4.8 Where an employee is persistently unable or unwilling to attend a formal disciplinary hearing without good cause, this may be treated as misconduct and a decision may be made on the basis of the evidence available at that time. In the absence of the employee a representative i.e. a union representative or University of Portsmouth (UoP) work colleague may represent the employee provided that they have authorised this in writing. Arrangements can be made for the UoP work colleague or accredited union representative to be in attendance where it is known the employee will absent from the hearing.

4.9 In the event that an employee is unable to attend a disciplinary hearing by reason of absence through ill-health or disability advice will be sought from Occupational Health (OH) as to whether the employee is fit to attend a disciplinary hearing either with or without reasonable adjustments. If a point is reached at which no further delay can be withstood consideration will be given to alternative ways to conduct the disciplinary hearing. Ultimately, the hearing may be held in the employee's absence but a representative i.e. a union representative or UoP work colleague may represent the employee provided they have authorised this in writing.

4.10 Appeals which are based on decisions made in the absence of an employee will usually be conducted by way of re-hearing.

5. Definitions and separation of roles

5.1 There are several distinct roles and responsibilities to be taken during disciplinary proceedings. It is essential they are clearly defined and that the person carrying out the role is clearly identified.

5.1.1 The University Executive Board (UEB) - This is the Senior Executive Committee of the University. Membership comprises the Vice Chancellor, Deputy Vice Chancellor, Chief Operating Officer and Deputy Vice Chancellor, Pro Vice Chancellor Research and Innovation, Pro Vice Chancellor Global and Partnership, Executive Director of Finance, Chief People Officer, Executive Director of Corporate Governance and the Executive Deans. It is from this body that Appeal Panels are drawn in relation to appeals against dismissal.

5.1.2 The Commissioning Manager - The Commissioning Manager will often, but not necessarily be, the employee's line manager, or their line manager if the line manager is a witness or is otherwise conflicted. The Commissioning Manager will decide, in conjunction with HR, whether an allegation is sufficiently serious as to warrant the possible instigation of this policy, whether suspension is required and whether a formal investigation is necessary.

5.1.3 The Investigating Officer and Investigation - The Commissioning Manager in conjunction with HR will appoint an appropriately trained Investigating Officer and agree Terms of Reference. The purpose of an investigation is to establish a fair and balanced view of the facts based on the evidence relating to any disciplinary allegation before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses and/or reviewing relevant documentation. It may be necessary for a note taker to support the Investigating Officer with records of interviews.

5.1.4 The Hearing Manager/Panel Members – The Hearing Manager(s) and panel members will be impartial and not already involved in the case, and will hear cases of misconduct and appeals. When the investigation is complete, the Investigating Officer will submit a report to the Commissioning Manager presenting all the evidence.

5.2 Conclusion of the investigation

- 5.2.1 Upon receipt of the investigation report the Commissioning Manager, with advice and guidance from HR, will consider whether there is a case to answer. If the Commissioning Manager concludes that the allegation is without foundation or is not sufficiently serious to warrant the instigation of the disciplinary policy no further formal action will be taken and the employee will be informed of this in writing. Informal advice may be provided and noted on the employee's personnel file (see section 6) which may include, where appropriate, advice to reduce the risk of similar allegations being made in the future and /or recommendations as to training issues.
- 5.2.2 If the Commissioning Manager believes that there is a case to answer they will instruct HR to arrange a disciplinary hearing at which the employee will be invited to attend.
- 5.2.3 Having considered the investigation report and the nature of the allegation, the Commissioning Manager will decide what the likely range of possible sanctions of the hearing could be and the employee will be advised of this in the letter inviting them to the hearing.

5.3 The Person or Panel who conducts the disciplinary/appeal hearing.

- 5.3.1 Where dismissal is a possible outcome the disciplinary hearing will be conducted impartially by a panel of at least two senior managers at Grade 10 or above who have had no previous involvement in the case and are more senior than the manager/s who issued any previous live warnings (if applicable). The panel members will be drawn from a different faculty/department to the employee and the panel composition will reflect equality and diversity principles. Appeals against dismissal will be determined by a panel of at least two UEB members, who have had no previous involvement in the case and are more senior than the panel members who made the dismissal decision and who will be drawn from a different faculty/department to the employee. Where possible the composition of the panel will reflect equality and diversity principles.
- 5.3.2 In all other cases involving conduct which could result in the imposition of a first or final written warning the disciplinary hearing will be conducted by an appropriate impartial Hearing Manager with no prior knowledge of the case. Appeals against first or final written warnings will be conducted impartially by a panel of at least two senior managers at Grade 10 or above who have had no previous involvement in the case and are more senior than the manager who issued the warning which is the subject of the appeal. The panel members will be drawn from a different faculty/department to the employee and the panel composition will reflect equality and diversity principles.
- 5.3.3 Chief People Officer or Deputy Directors of HR will nominate the manager/s who will conduct the disciplinary hearings and appeals, and the UEB members who will conduct appeals against terminations.

6. Minor Conduct Issues

- 6.1** Minor conduct issues should be resolved informally. It is the responsibility of the manager to inform the employee that their conduct has fallen below an acceptable standard. These discussions should be held in private and without undue delay whenever there is cause for concern. The discussions will clarify the shortcomings in conduct and explain any required changes to future behaviour. A note should be made of any agreed informal action and placed on the personnel file. A copy should be provided to the employee who should be made aware that a formal process may be commenced if the problem does not resolve. This informal record will not form part of the disciplinary record and will not be taken into account in determining future disciplinary proceedings but may be referenced within such proceedings in order to evidence that the informal process has been tried and/or standards of conduct explained within this forum.

7. The Right to Be Accompanied.

- 7.1** At all stages of the formal policy the employee who is the subject of the allegation will have the right to be accompanied by an accredited trade union representative or a UoP work colleague. Any request made by an employee to be accompanied must be within reasonable timescales. What is reasonable will depend on the circumstances of each individual case.
- 7.2** A companion is allowed reasonable time off from duties without loss of pay but no one is obliged to act as a companion if they do not wish to do so.
- 7.3** The trade union representative or UoP work colleague will be allowed to address the hearing to sum up the employee's case and confer with the employee during the hearing. The trade union representative or UoP work colleague does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employee from explaining their case. If the employee's representative cannot attend on a proposed date for a meeting the employee must notify the person arranging the meeting as soon as possible and is able to suggest an alternative time and date so long as it is reasonable and it is not normally more than 5 working days after the original date.

8. Grievances

- 8.1** If an employee raises a grievance after disciplinary proceedings have started against them the University will consider suspending the disciplinary proceedings for a short period to consider the implications of the grievance (if any) on the disciplinary process. If the grievance and disciplinary issues are unrelated they can be heard separately but if connected they may be dealt with concurrently.

9. Confidentiality

- 9.1** Throughout every stage under this policy all employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. Breach of confidentiality may be considered as misconduct and lead to disciplinary action under this policy.

9.2 Where the Disciplinary Policy has been instigated after a grievance complaint has been upheld, feedback may be given on the progress of the disciplinary process to the complainant but only if appropriate and within the principles of data protection legislation.

9.3 The employee, anyone accompanying them and witnesses must not make electronic recordings of any meetings conducted under this policy. Covert audio recording will be considered misconduct and dealt with under this policy.

10. Suspension

10.1 In some circumstances suspension may be necessary. The decision to suspend may be made by the Commissioning Manager in conjunction with the Chief People Officer or the Deputy Directors of HR. The suspension will be for no longer than is necessary to investigate any allegations of misconduct or so long as is otherwise reasonable whilst any disciplinary procedure is outstanding. Suspension arrangements will be confirmed in writing, including why alternatives to suspension are not appropriate. This will include a named HR contact who will be assigned to keep in touch with the employee.

10.2 Suspension is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. During suspension salary and benefits will continue to be paid.

10.3 Suspension should usually only be considered if there is a serious allegation of misconduct and in the absence of suspension there is a risk:

- To the integrity of the evidence
- That witnesses will be influenced
- To other employees, students or property

These examples are not exhaustive. Alternatives to suspension will always be considered such as, working under supervision, from home, temporary relocation.

While suspended the employee should not attend University premises or contact any of staff/students/governors unless authorised to do so by the Commissioning Manager.

10.4 Suspension will be reviewed regularly by the Commissioning Manager to consider whether circumstances surrounding the suspension have changed.

11. Disciplinary Action Involving a Trade Union Representative or Relating to Trade Union Activities

11.1 If the employee is an accredited trade union officer or if the allegation relates to trade union activity, no formal action under this disciplinary policy will be taken until the matter has been discussed (with the employee's consent) with a full-time official of the relevant union, or where the employee is a senior trade union representative, with a Senior Branch Officer. If consent is withheld the University may proceed in any event.

12. Criminal Allegations

12.1 Unless required to do so by a regulatory body/police the University will not usually await the outcome of any prosecution before deciding what action, if any, to take. However, before instigating the Disciplinary Policy the facts will be investigated.

12.2 Where the employee against whom the allegations have been made is unable or has been advised not to attend a disciplinary hearing or say anything about the pending criminal matter, the University may have to take a decision based on the available evidence.

12.3 A criminal investigation, charge or conviction relating to conduct outside of the work place may be treated as a disciplinary matter if it is considered that it is relevant to the employment.

The Formal Procedure

13. Notification of Disciplinary Hearings

The employee will receive a minimum of 5 and a maximum of 10 working days' notice of the disciplinary hearing. The letter will set out the allegations, the basis for those allegations and the likely range of outcomes of the hearing. The following will be included in the letter inviting the employee to the hearing:

Details of the time and venue for the formal hearing

- Confirmation of the right to be accompanied
- The names and roles of those who will attend the meeting including management witnesses if applicable
- Any supporting documentation including the investigation report and any management case.
- A copy of any relevant witness statements.

13.1 Upon receipt of the hearing notification the employee will be expected to:

- Confirm attendance
- Confirm who (if anyone) is accompanying the employee (this will enable work cover arrangements to be made where necessary)
- Request relevant witnesses to appear at the hearing. Any witnesses to be called at a hearing must have submitted a written statement of their knowledge of the case a minimum of 3 days in advance of the hearing, which has been exchanged with all parties. Testimonials regarding an employee's personality and character will not be accepted as witness

statements. A witness who is not a University employee may provide a witness statement but would not usually attend a disciplinary hearing

- Provide copies of any documentation upon which they intend to rely and which have not been included within the management papers

14. Procedure at Disciplinary Hearings

14.1 The management case will normally be presented at the disciplinary hearing by either the Commissioning Manager, Investigating Officer or both. At the hearing the employee will have:

- The right to be accompanied
- The opportunity to set out their case and answer any written allegations that have been made
- A reasonable opportunity to ask questions, present evidence and call relevant witnesses
- The ability to request adjournments to the hearing
- An opportunity to respond to any information provided by witnesses, however, cross examination of witnesses will not normally be permitted.

14.2 The Chair/Hearing Manager conducting the meeting will:

- Never prejudge the outcome of the meeting before hearing the employee's case
- Start the meeting by stating the allegation to the employee and referring to the documentation in support. The investigating officer will usually be in attendance and may present the management case and will usually stay for the duration of the hearing
- Give the employee reasonable opportunity to put forward their position and call any supporting witnesses. The Chair may also call witnesses if appropriate. Witnesses can only be in the room for the relevant part of the meeting – not the duration
- Decide whether adjournments are necessary for further investigation, such as re-interviewing witnesses in the light of any new points that are raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

14.3 At any disciplinary hearing, including during subsequent deliberations leading to a decision, the person or panel who conducts the hearing may be advised by a member of HR who has not previously supported management of the case.

14.4 A written record of the hearing will be taken by a note taker. This will not include the confidential deliberations of the decision-maker/s. The University does not support the audio recording of disciplinary hearings unless there are exceptional circumstances for doing so. Covert audio recording will be considered as misconduct and dealt with under this policy.

15. The Hearing Outcome

15.1 The hearing will usually be adjourned for a short period to enable the Hearing Manager/Panel to arrive at a decision. The method for communicating the outcome will be indicated by the Hearing Manager at the hearing. The decision may be conveyed orally in the presence of the parties and will be confirmed in writing with full reasons and details of the right of appeal as soon as reasonably practicable, usually within 5 working days. However, after a lengthy hearing, the process may be adjourned and reconvened at another time to consider the decision. In such cases it may be agreed to communicate the outcome by further meeting/telephone before confirming the decision in writing.

16. Disciplinary Sanctions

16.1 Stage 1 First Written Warning

16.2 This will usually be appropriate for a first act of misconduct where there are no other active disciplinary sanctions on record. A first written warning will remain active for a period of 12 months, unless the employee is notified to the contrary, and will be recorded on the employee's personnel file.

16.3 The employee will be informed that during the period that the first written warning is active the likely consequence of further misconduct could be a final written warning. After the expiry of the warning period, the warning will be removed from the personnel file. The employee will be advised of their right of appeal.

16.4 Stage 2 Final Written Warning

This will usually be appropriate for:

- Misconduct where there is already an active first written warning on the employee's personnel file
- Misconduct that is sufficiently serious to warrant a final written warning even though there are no other active warnings on the employees personnel file.

A final written warning will remain active for a period of 12 months, unless the employee is notified to the contrary, and will be recorded on the employee's personnel file. The employee will be informed that during the period that the final written warning is active the likely consequence of further misconduct could be dismissal. After the expiry of the warning period, the warning will be removed from the personnel file. The employee will be advised of their right of appeal.

16.5 Stage 3 Dismissal

This will usually be appropriate for:

- Further misconduct where there is an active final written warning on the employee's personnel file
- Any gross misconduct regardless of whether there are active warnings on file. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal)
- Any misconduct during a probationary period

In some cases, in the exercise of discretion and in consultation with the employee, alternatives to dismissal may be considered which would usually be accompanied by a final written warning. Examples include:

- Demotion
- Transfer to another Faculty/Department or role
- Withholding an annual increment

17. Appeals

17.1 At every stage of the formal procedure there is a right of appeal which will be heard without unreasonable delay. To exercise this right the employee should set out their full grounds of appeal in writing to the Chief People Officer within 10 working days of the issue date of the letter confirming the sanction.

17.2 The appeal notification and grounds of appeal will be forwarded to the HR Employment Practice Team who will assist in the coordination of the case and the compilation/distribution of the documentation for the appeal hearing.

- 17.3** In the event of an appeal against a first or final written warning the appeal will be conducted impartially by a panel of at least two senior managers at Grade 10 or above who have had no previous involvement in the case and are more senior than the manager who issued the warning which is the subject of the appeal. The panel members will be drawn from a different Faculty/Department to the employee and the panel composition will, where possible, reflect equality and diversity principles. Any appeal will not result in an increase in the level of sanction.
- 17.4** In the event of an appeal against termination of employment the appeal hearing will be conducted impartially by a panel of at least two UEB members who have had no previous involvement in the case and are more senior than the panel members who terminated the employment. The panel members will be drawn from a different Faculty/Department to the employee and composition will, where possible, reflect equality and diversity principles.
- 17.5** Panel membership will be nominated by the Chief People Officer or Deputy Directors of HR. At any appeal hearing, including during subsequent deliberations leading to a decision, the panel may be advised by a member of HR.
- 17.6** In relation to dismissal the date on which termination of the contract of employment takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful the employment will be reinstated with no loss of continuity or pay.
- 17.7** The employee has the right to be accompanied at the appeal hearing by a UoP work colleague or accredited union representative. The procedure is as set out at section 7.
- 17.8** If the grounds of appeal raise new matters any documentary evidence in support must be included with the appeal notification and if this involves new witnesses their evidence must be submitted within a written statement. New evidence will only be considered if relevant and there is good reason why this had not been included as part of the original hearing. This may delay the listing of the appeal as management may need to undertake further investigation in order to respond. If management provide new information this will be disclosed as a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will be provided with a reasonable opportunity to consider the information.
- 17.9** The appeal hearing will normally be dealt with by way of review of the fairness of the original decision in light of the procedure that was followed and any new information that may have come to light. However, there may be some circumstances where the hearing will be dealt with by way of a re-hearing, for example, where the employee was absent from the original termination hearing. This will be at the discretion of the University depending upon the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.
- 17.10** The appeal panel may need to adjourn the appeal hearing to allow further investigation into any new and relevant points raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is convened.

18. Notification of the Appeal Hearing

18.1 The employee will be provided with written details of the appeal hearing which will be arranged without unreasonable delay. This notification will normally be within 10 working days of receipt of the appeal notification and grounds and will include:

- Details of the date time and venue for the appeal hearing
- Confirmation of the right to be accompanied by a UoP work colleague or accredited union representative
- The names of the panel members
- The names of the persons who will be present at the hearing
- The format that the appeal will take
- A guidance note as to the procedure that will be followed

18.2 Upon receipt of this notification, by return, the employee must confirm their attendance, or propose an alternative date in accordance with section 7, and provide details of their companion. The employee must take all reasonable steps to attend the appeal hearing and an unreasonable refusal to do so may result in the panel making a decision in the employee's absence in line with the Guiding Principles at section 4.

19. Appeal Documentation

19.1 The appeal documentation comprising the documentation upon which the parties will rely will be prepared by the HR Employment Practice Team and sent to the employee, where authorised by the employee, the employee's representative, management and the panel members not less than 10 working days before the hearing date.

20. The Appeal outcome

20.1 The appeal hearing will usually be adjourned for a short period to enable the Panel to arrive at a decision. The decision may be conveyed orally in the presence of the parties and will be confirmed in writing with full reasons as soon as reasonably practicable, usually within 5 working days. However, after a lengthy hearing, the process may be adjourned and reconvened at another time to consider the decision. The method for communicating the outcome will be indicated by the Panel Chair at the hearing. The panel may:

- Confirm the original decision
- Revoke the original decision
- Substitute a different sanction

20.2 The appeal decision is final. There is no further right of appeal.

21. Appendix 1 - Disciplinary Rules, Misconduct and Gross Misconduct

The normally accepted rules of behaviour, which apply in society as a whole, apply equally to the work situation. Any breach of an employee's contract of employment, any conduct which is prejudicial to the University's interests or any failure to meet accepted professional, research and academic standards may render an employee liable to disciplinary action.

Employees are required at all times to maintain professional / professional body and responsible standards of conduct. In particular, employees must:

- Observe the terms and conditions of their contracts, particularly with regard to confidentiality and data protection
- Observe all University policies, procedures and regulations which are notified from time to time by means of handbooks, the staff intranet or otherwise
- Act in accordance with the Portsmouth Hallmark values and leadership attribute values as appropriate
- Comply with accepted Codes for research standards within the academic and scientific communities
- Take reasonable care in respect of the health and safety of colleagues, students and third parties
- Comply with all reasonable instructions given by managers
- Act at all times in good faith and in the best interests of the University, its students and staff

Failure to maintain satisfactory standards of conduct may result in action being taken under this disciplinary policy.

Misconduct

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under this Disciplinary Policy:

- Breaches of University policies
- Breaches of contract
- Poor timekeeping
- Time wasting
- Unauthorised absence from work
- Refusal to follow reasonable instructions
- Excessive use of University communication facilities, telephone, email or Internet usage for personal use
- Obscene language or other offensive behaviour
- Negligence in the performance of duties
- Smoking in a no smoking area on University premises
- Rudeness/ unprofessional behaviour/language towards students and colleagues

This list is intended as a guide and is not exhaustive.

Gross Misconduct

Gross Misconduct is a serious breach of contract and includes misconduct which, in the opinion of the University, is likely to prejudice University business, reputation or irreparably damage the working relationship of trust and confidence between the parties. Gross misconduct will normally lead to dismissal without notice or pay in lieu of notice (Summary dismissal).

The following are examples of matters that are normally regarded as gross misconduct:

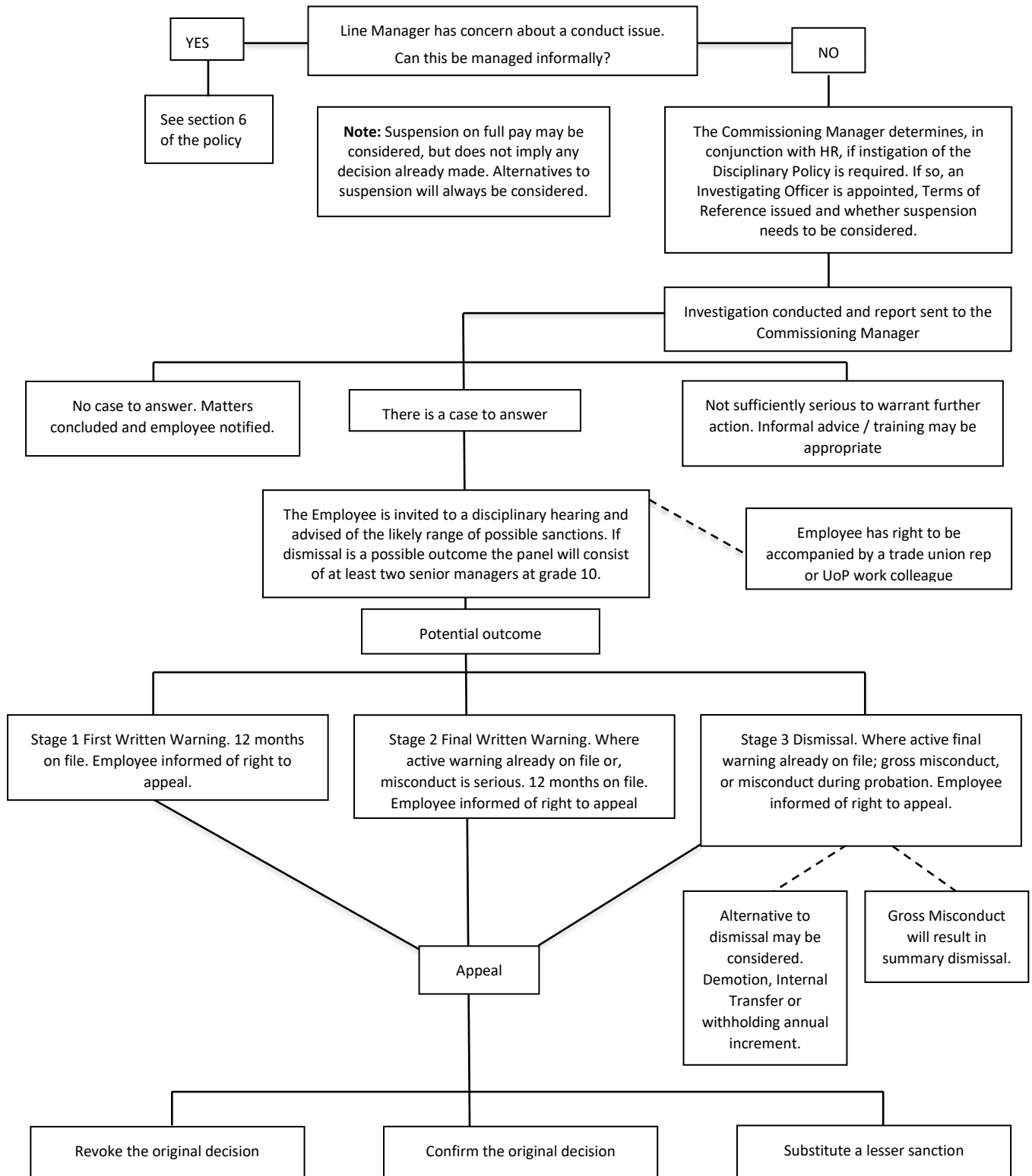
- Theft or fraud, forgery or other dishonesty including with regards students work, assessments or examinations, grant applications, fabrication of expense claims, relocation expenses, and overtime claims
- Actual or threatened violence or behaviour
- Deliberate and serious damage to University or student or colleague's property
- Serious misuse of University property or name
- Deliberate and illegitimate accessing of Internet sites containing pornographic, offensive or obscene material
- Repeated or serious failure to follow instructions or any other serious act of insubordination
- Bringing the University into serious disrepute or likely to bring the University into serious disrepute
- Unlawful or irresponsible exercise of an employee's official position in the university
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- Serious or repeated breach of health and safety rules or serious misuse of safety equipment
- Accepting or offering a bribe
- Discrimination, harassment or bullying behaviour (including cyber bullying)
- Conviction for a criminal offence that affects the University reputation or University relationship with staff, students or the public or otherwise affects suitability to continue to work
- Possession, supply or attempted supply of illegal drugs
- Breach of statutory/third party contractual rules affecting work
- Unauthorised use, processing or disclosure of personal data contrary to data protection legislation and/or University Data policy or a failure to ensure that confidential information is kept secure
- The provision of false information relating to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits
- Victimising a colleague who has raised concerns, made a complaint or given evidence or information under our Whistleblowing policy or Dignity and Respect policy
- Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software misuse of email and the Internet)
- Intentional/negligent breach of accepted research standards including plagiarism, piracy by exploitation of ideas, fraud by the manipulation of data or findings and serious departure from legal, institutional and ethical practices in research involving human or animal subjects.

- Covert recordings of meetings/ hearings.

This list is intended as a guide and is not exhaustive.

22. Appendix 2 Disciplinary Policy Flowchart

Wherever possible and appropriate the University seeks to resolve minor conduct issues informally (see section 6 for details). The purpose of this policy is to provide a formal means of supporting and encouraging employees to achieve and maintain acceptable standards of conduct.



University of Portsmouth
Department of Human Resources
University House
Winston Churchill Avenue
Portsmouth PO1 2UP
United Kingdom

T: +44 (0)23 9284 3141
F: +44 (0)23 9284 3122
E: university.secretary@port.ac.uk
W: www.port.ac.uk