



Brasenose College

Disciplinary Policy for Academic staff not covered by Statute XVI

Approved by Governing Body May 2016

A) INTRODUCTION

1. It is necessary to have a minimum number of rules in the interests of the College.
2. The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate.
3. Every effort will be made to ensure that any action taken under this procedure is fair, with staff being given the opportunity to state their case and appeal against any decision that staff consider to be unjust.
4. The following rules and procedures should ensure that:-
 - a. the correct procedure is used when requiring you to attend a disciplinary hearing;
 - b. you are fully aware of the standards of performance, action and behaviour required of you;
 - c. disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;
 - d. you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind;
 - e. other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee at all stages of the formal disciplinary process;
 - f. you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct; and
 - g. if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

B) DISCIPLINARY RULES

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this policy, a breach of other specific conditions, procedures, rules etc. that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

C) RULES COVERING UNSATISFACTORY CONDUCT AND MISCONDUCT

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:-

- a. rudeness towards members of the College, members of the public or other employees, objectionable or insulting behaviour, harassment or bullying;
- b. inappropriate behaviour towards Fellows, students, visitors and other members of staff
- c. failure to abide by the general health and safety rules and procedures including smoking in designated non- smoking areas;
- d. committing any act of discrimination
- e. fraud
- f. unauthorised use of, or negligent damage to, or loss of our property including failure to report immediately any damage to property or premises caused by you
- g. unauthorised use or misuse of E-mail and Internet
- h. persistent absenteeism;
- i. unsatisfactory standards of work;
- j. failure to carry out all reasonable instructions or follow College rules and procedures;

D) SERIOUS MISCONDUCT

1. Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.
2. You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

E) RULES COVERING GROSS MISCONDUCT

(These are examples only and not an exhaustive list.)

You will be liable to summary dismissal if you are found to have acted in any of the following ways:-

- a. grossly indecent or immoral behaviour, deliberate acts of unlawful discrimination or serious acts of harassment;
- b. dangerous behaviour or physical assault;
- c. incapacity at work or poor performance caused by intoxicants or drugs;
- d. possession, supply or use of illicit drugs;
- e. fraud and the deliberate falsification of any records
- f. theft or unauthorised possession of money or property, whether belonging to College another employee, or a third party;
- g. taking part in activities which result in adverse publicity to College, or which cause College to lose faith in your integrity;
- h. destruction/sabotage of College property,
- i. serious breaches of hygiene and health and safety rules that endanger the lives of or may cause serious injury to employees or any other person;
- j. gross insubordination and/or continuing refusal to carry out legitimate instructions; and
- k. abuse of the Harassment policy

F) DISCIPLINARY PROCEDURE

1. Disciplinary action taken against you will be based on the following procedure:-

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
UNSATISFACTORY CONDUCT	Formal verbal warning	Written warning	Final written warning	Dismissal
MISCONDUCT	Written warning	Final written warning	Dismissal	
SERIOUS MISCONDUCT	Final written warning	Dismissal		
GROSS MISCONDUCT	Dismissal			

2. We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service you may not be in receipt of any warnings before dismissal but you will retain the right to a disciplinary hearing and you will have the right of appeal usually to the Principal or in exceptional cases to a panel of two Senior College Officers will be appointed by the Principal, to include members who have not been materially involved in the process to date. The appeal will be heard as soon as is reasonable practicable. You have the right to be accompanied by a colleague or trade union representative at this hearing.
3. If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.
4. In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

G) DISCIPLINARY AUTHORITY

The operation of the disciplinary procedure contained, in the previous section, is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher or lower level of seniority, in the event of the appropriate level not being available, or suitable, progressing any action at whatever stage of the disciplinary process.

Formal verbal warning	Senior Tutor/ Bursar
Written warning	Senior Tutor/Bursar
Final written warning	Senior Tutor/Bursar
Dismissal	Senior Tutor/Bursar/Principal

H) PERIOD OF WARNINGS

1. Formal verbal warning

A formal verbal warning will normally be disregarded for disciplinary purposes after a six month period.

2. Written warning

A written warning will normally be disregarded for disciplinary purposes after a twelve month period.

3. Final written warning

A final written warning will normally be disregarded for disciplinary purposes after a twelve month period.

I) GENERAL NOTES

1. In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.
3. Gross misconduct offences will result in dismissal without notice.
4. You have the right to appeal against any disciplinary action.
5. We reserve the right to allow third parties to chair any formal hearings.

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