Discipline
Policy and Procedure

Queen Mary University of London

Contents

		Page
1	Policy	1
2.	Scope	1
3.	General Principles	1
4.	Responsibilities	3
5.	Informal Resolution	4
6.	Misconduct, Serious Misconduct and Gross Misconduct	5
7.	Precautionary Suspension	6
8.	Formal Procedure	7
9.	Disciplinary Hearings	8
10.	Hearings and Panels	9
11.	Disciplinary Sanctions	9
12.	Appeals	10
13.	Appeals (against sanctions short of dismissal)	11
14.	Appeals (against dismissal)	11
15.	Attendance at Meetings and/or Hearings	11
16.	Grievances	12
17.	Criminal Offences	12
18.	Equality and Diversity	12
19.	Equality Impact Assessment	13
20.	Revision and Termination of this Policy and Procedure	13
	Appendix 1 – Examples of Misconduct, Serious/Gross Misconduct	
	Appendix 2 – Conduct of Hearings	

Document Control

Document Detail	
Title:	Discipline Policy and Procedure
Owner:	Human Resources
Version Number:	1.2
Effective From:	1 September 2021
Review Date:	1 September 2028
Approved By:	Director of HR
Last Review:	5 November 2025 – Minor amends
Status:	Final
Review Frequency:	3 yearly
Consultation:	This document was sent out for consultation to the following: QMSE, Trade Unions, JCF, Faculty Management Teams, PS Lead Team

Discipline

1. Policy

1.1 This policy and procedure identifies standards of conduct expected from Queen Mary University of London (QMUL) employees. The policy is designed to ensure, encourage and promote proper standards of behaviour in a transparent, fair and responsible manner.

1.2 Levels of misconduct may vary from the relatively minor, to more serious, through to gross misconduct, all of which require management attention.

1.3 QMUL will ensure that the policy and the procedures are carried out in a non-discriminatory manner, taking account of individual circumstances and respecting confidentiality. The policy will be implemented in accordance with the principles of natural justice and QMUL's statements on equality and diversity, health and safety and other relevant policies and legislation in force at the time.

1.4 Line managers are responsible for managing conduct issues on a day to day basis and should be competent in managing them in an effective and sensitive way, taking advice from Human Resources (HR) as necessary. Minor issues will normally be dealt with informally, with HR consulted on formal matters.

2. Scope

2.1 This policy covers all employees who are employed by QMUL who have successfully completed their relevant probationary period, whether working full time or part-time, or on fixed term or permanent contracts. Any conduct issues which arise during an employee's probationary period should be addressed through the separate Probation Policy.

3. General Principles

3.1 The principles of natural justice underpin this Discipline Policy. All those involved in disciplinary action must act in good faith.

3.2 All employees will be made fully aware of this Discipline Policy and Procedure.

3.3 Discipline is primarily to help and encourage employees to improve their conduct and behaviour rather than just as a way of imposing punishment. Where possible, minor breaches of rules or other minor cases of misconduct should be dealt with as early as possible and informally. This will ultimately depend on the severity of the misconduct and whether it involved repeated offences.

3.4 If it is not appropriate for the line manager to deal with a particular case or they are unavailable, another manager of equal or higher seniority will be sought by HR to manage the case.

3.5 Employees have the right to be accompanied by a Trade Union Representative or work-place colleague at all formal stages of the procedure, including investigation meetings.

3.6 In all cases, investigations should take place before a decision is made whether to proceed to a formal hearing and should commence within days of any incident.

3.7 Employees will have the right to appeal at each formal sanction.

3.8 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct.

3.9 Employees, whether they are the person facing allegations or witnesses, must co-operate fully with all investigations.

3.10 Disciplinary cases must be investigated and heard in a timely manner, in any event not normally later than three months after the incident became known.

3.11 Panels will consist of one member for misconduct and three members for potentially serious and gross misconduct. Further information can be found in part 10.

3.12 QMUL aims to ensure that :

- the focus is on early resolution by taking informal action to resolve problems as soon as possible
- informal action is regarded as good management practice not as a procedure in itself
- there is consistent and fair treatment of all employees
- the discipline process is followed promptly; the aim is for it to be completed within 4-6 weeks (recognising complex cases may take longer)
- an investigation is carried out to establish the facts of a case
- employees are informed promptly of the basis of alleged misconduct and are given the opportunity to respond before any decision to proceed to a hearing is made
- line managers take responsibility for clarifying standards of behaviour and dealing with any areas of concern as they arise
- adequate training, employee involvement and information sharing to help prevent misconduct occurring in the first instance.

3.13 Appeal panels must consist of three managers who should be independent of the issues concerned. The Chair of the panel should be senior to those previously involved. See section 10.

3.14 Where a recognised Trade Union Representative may be liable to disciplinary action, the Director of HR (or nominee) must be informed immediately and must, in turn, inform the regional representative of the Trade Union, so that she/he may seek representation for the individual from the appropriate Trade Union Official.

3.15 This policy should not be used to manage capability or attendance which are dealt with under separate policies.

4. Responsibilities

4.1 Line managers are responsible for:

- dealing with discipline matters including any informal warnings and referrals to disciplinary panels
- provide support in line with reasonable adjustments such as language assistance
- ensuring that employees are informed that they may be subject to formal disciplinary processes and informing them of the detail of allegations(s) against them prior to any investigation interview and hearings
- determining, with HR advice as necessary, or via an investigation, the seriousness of allegations when an issue of misconduct occurs
- initiating disciplinary proceedings to establish the facts and determine whether there is a case to answer (HR will appoint an external investigator)
- providing, usually, 10 working days' notice of a hearing if it is decided to proceed to formal discipline. The letter informing the employee to include:
  - the nature of the allegation(s) as established by the investigation
  - the likely consequence(s) if the allegation(s) are proven
  - the date of hearing, time and venue
  - the right to be accompanied
  - the evidence relevant to the investigation

4.2 Employees are responsible for:

- attending investigation meetings and hearings as required by the Investigating Officer and Chair of the Panel
- exercising their statutory rights to secure a representative if they wish to be accompanied at formal meetings.

The representative or companion may:

- take notes
- confer with the employee
- address the hearing on behalf of the employee
- respond on behalf of the employee to any view expressed at the meeting.

The representative or companion may not:

- answer questions on behalf of the employee
- address the hearing if the employee indicates that he or she does not wish the companion to do so

4.3 Human Resources are responsible for:

- briefing and advising managers on the implementation of this policy and procedure
- ensuring that appropriate documentation is provided to the employee
- appointing an investigator where necessary
- ensuring panels are convened as necessary and arranging managers to sit on them

- attending panels to provide advice and guidance
- providing impartial advice to managers throughout the proceedings.
- keeping a record of meetings.

5. Informal Resolution

5.1 The general aim of this policy is to seek early resolution to problems in a timely manner in order to avoid formal action where appropriate. Therefore, where there are 'areas of concern', these are usually best dealt with informally which is often effective in achieving improvements in an employee's conduct. This may range from having a two-way conversation, a quiet word, to providing additional support such as mediation, mentoring, and/or coaching where necessary. Informal resolution should be explored where possible as an option to resolving the matter before initiating formal action. The employee must always have the right to state their side of any case and for it to be viewed seriously and on its merits. At this stage presumption of innocence must pertain; the employee must always have the right to state their side of any case and for it to be viewed seriously and on its merits.

5.2 The employee does not usually have the right to be accompanied to informal meetings and HR will not be present at the meetings.

5.3 The line manager should talk to the employee in private. It should be a two-way discussion, aimed at understanding the employee's perspective and discussing possible shortcomings in order to encourage improvement. Criticism should be constructive, with the emphasis being on finding ways for the employee to improve behaviour and for the improvement to be sustained.

5.4 Where improvement is required, the employee must be told:

- how their behaviour should change
- how their conduct will be reviewed; and
- over what period of time

5.5 It is important to keep notes on the content of the discussion which should be confirmed with the employee to ensure the employee is fully aware of the standard required. Notes of informal meetings may be referred to if the matter is progressed to formal action at a later stage but will not be placed on the employee's personal file. This will not form part of the individual's formal record.

5.6 Care should be taken to ensure that informal action does not drift into formal action, as this may unintentionally deny the employee certain rights to representation. If during the course of informal action it becomes apparent that the matter should be dealt with formally, the informal process should be halted in order to allow the employee the opportunity to be accompanied and to move to the formal part of the procedure.

5.7 It may not always be possible to deal with cases of misconduct informally. If an issue cannot be resolved informally it may then be referred for investigation and/or potentially the formal disciplinary process.

6. Misconduct, Serious Misconduct and Gross Misconduct

General

6.1 Aspects of misconduct exist along a spectrum, from matters that can normally be addressed informally, as they are minor transgressions with limited consequences, through to misconduct, serious misconduct and gross misconduct for the most serious issues. Examples of the types of conduct that may lead to formal action are shown in Appendix 1.

Misconduct

6.2 Misconduct is usually a breach of policy, procedure or instructions or other wilful acts of relatively minor nature, for which the consequences are not serious or too widespread or detrimental to QMUL.

6.3 The Investigating Officer would normally present the management case.

6.4 If a previous disciplinary warning is still live this could affect the eventual sanction for any subsequent allegation and hearing, up to and including dismissal if it was after a final warning. However, in these circumstances the case would be referred to a three-member panel (see Section 10). Conversely, previous good conduct and other mitigating circumstances will be taken into account when deciding an appropriate sanction.

Serious Misconduct

6.5 Serious misconduct is a breach of policy, procedure or instructions or other wilful acts of a serious nature and for which the consequences for individuals (colleagues, students, customers or others) are detrimental and significant and warrant appropriate sanctions, but usually less than dismissal for a first offence.

6.6 The hearing will be heard by a panel of three members, the Chair of which must be of higher seniority than those involved at earlier stages (see 3.10).

6.7 In cases of serious misconduct, if a final warning is still in existence, a potential outcome of a hearing could be dismissal. However, the actual sanction is a matter for the panel after mitigation (see 6.4) is taken into account.

Gross Misconduct

6.8 Some cases, known as gross misconduct, are so serious that they go to the heart of the employment relationship and if such an allegation is proven, may lead to summary dismissal i.e. without notice. Mitigating factors will also be taken into account (see 6.4).

6.9 It may be necessary to suspend the employee, with full pay, pending any investigation and/or hearing. This is a precautionary suspension not a sanction (see section 7).

7. Precautionary Suspension

7.1 Precautionary suspension may be considered in cases of potential gross misconduct where the employee is informed that they must refrain from work. The employee's suspension from duty might be appropriate if:

- an employee's presence at the workplace may interfere with the impartiality of the investigation
- an alleged misconduct may continue unless the employee is suspended
- an employee's or others health or safety is at significant risk

7.2 It should be noted that employees may be informed to refrain from work under precautionary suspension as a neutral act and **that the suspension does not mean that the allegation has been pre-judged**. The precautionary suspension may also be considered appropriate to protect the employee from being implicated in any further allegations.

7.3 An employee on precautionary suspension will be paid in full.

7.4 In cases where a period of precautionary suspension is considered necessary, this period should be as brief as possible, kept under review, communicated in writing and made clear that the suspension is not a disciplinary sanction in itself. Alternatives to suspension such as temporarily changing work location should also be considered,

7.5 The period of suspension should be as short as needed to allow a full disciplinary investigation to take place within a defined period of time (normally no longer than 2-4 weeks). Any period of suspension lasting more than four weeks should be regarded as exceptional and will be reviewed by HR regularly, not less than every 2 weeks.

7.6 During a period of suspension, the employee will not be allowed to come onto specified QMUL premises without permission from their line manager or nominated contact. Security cards and any keys should be surrendered where appropriate. Any other restrictions will be confirmed in writing. Arrangements will be made to permit the employee access to materials needed to present his or her case at any investigatory or disciplinary hearing.

7.7 Suspended employees must maintain confidentiality and should not discuss their circumstances with their work colleagues (apart from any employee whom they wish to nominate as their representative). To this end, any relevant announcements or arrangements will normally be agreed with the employee beforehand.

7.8 Any sickness or annual leave during the suspension period should be communicated by the employee to the line manager or nominated contact.

7.9 All suspensions and extensions must be approved by the Principal or Director of HR (or their nominees) pending investigation.

8. Formal Procedure

Investigation

8.1 An investigation should be carried out to establish the relevant facts before they are put to a hearing and will normally be carried out by an independent manager. Investigations should be proportionate and based on available facts.

8.2 Investigation interviews are a formal part of the procedure, therefore the employee has the right to be accompanied by a Trade Union Representative or work colleague.

8.3 The Investigating Officer should have had no previous involvement in the case and should be independent of the issues concerned. Investigations should be completed within **20 working days**. This may be extended in exceptional circumstances. The Investigating Officer will normally present the case on behalf of QMUL at any subsequent disciplinary hearing.

8.4 It is important that all those involved in investigations, including witnesses, maintain strict confidentiality. Breaches of confidentiality may lead to disciplinary action.

8.5 The Investigating Officer must:

- invite the employee to attend an investigation interview as soon as possible and inform them of their right to representation
- inform the employee of all available details of the matter under investigation
- establish the facts of the case by conducting a thorough but proportionate investigation, taking into consideration all relevant information
- if witness notes are taken the witness should be given the opportunity to agree them as a true record
- interview and/or take witness statements from relevant parties. Witness statements should be signed and dated
- conclude the investigation within the timescale agreed with HR at the outset of the investigation and inform the employee, the line manager and HR of the outcome
- reach a view and prepare a report on whether there is a case to answer based on relevant evidence
- attend the hearing

8.6 If it is established following the investigation that there is no formal case to answer, the employee should be informed as soon as possible, normally within **5 working days** of the decision being reached. The investigating officer may also recommend that it is appropriate to resolve the matter informally.

8.7 The investigation is only to establish the facts. The Investigating Officer should make no recommendations other than the appropriate level of misconduct (misconduct, serious misconduct or gross misconduct) and whether there is a case to answer and should not make any judgment on the case itself.

8.8 Any decision to proceed to a formal disciplinary hearing should be made by the line manager based on recommendations made by the Investigating Officer and in conjunction with HR. If the case is to proceed, the employee should be advised of the

outcome of the investigation as soon as possible, normally within **5 working days** of the decision being reached.

8.9 Once a decision has been reached, the employee should be sent a copy of the investigation report and all relevant documentation.

9. Disciplinary Hearing

9.1 The primary purpose of the hearing is to establish the facts and all the circumstances in order to allow a judgment to be made on the substance of the allegation(s) based on the balance of probabilities. If a hearing is deemed necessary it should be arranged as soon as practical allowing for the normal **10 days' notice period,** but not normally longer than **20 days** after the final investigation report is produced.

9.2 HR will send a notification to the employee inviting them to attend the formal disciplinary hearing. The employee will normally be given **10 working days'** notice of the hearing. The notification will include:

- confirmation of the allegation, the date, place and time of the hearing
- the reason(s) for the hearing
- the level of the allegation (misconduct, serious misconduct, gross misconduct)
- names of the panel members and anyone else present at the hearing
- the range of possible sanctions if the allegation is proven
- a copy of the investigation report, including any witness statements and relevant evidence collected as part of the investigation
- details of any witnesses being called by management to the hearing
- a statement that the employee may ask their witnesses to submit written statements in advance of the meeting (the employee must make their own arrangements in this respect)
- a requirement that where possible, all relevant evidence is to be submitted prior to the hearing
- a reference to the right of the employee to request special assistance (e.g. any reasonable adjustments in relation to disability or language assistance)
- statement advising them to take all reasonable steps to attend the hearing, but if unable to do so to give as much notice as possible before the date of the hearing with reasons for non-attendance
- a statement that the employee has the right to be accompanied by a Trade Union Representative or work colleague

9.3 The employee may submit evidence and invite appropriate witnesses to submit written witness statements prior to the hearing. Witnesses may also be invited to attend the disciplinary hearing to clarify any points or give evidence. Where possible documentation and names of witnesses should be provided at least **3 working days** before the hearing.

9.4 The Chair should introduce those present and outline the procedure to be followed. Hearings will be in accordance with the guidance set out in appendix 2.

9.5 The decision will be confirmed in writing after the panel has given the matter due consideration normally no later than **5 working days** after the hearing and will specify:

- the allegation
- whether the allegation is proven or not and the reasons for this decision
- any sanction
- the employee's right of appeal

9.6 An appeal against the decision must be submitted in writing to HR within **10 working days** from notification of the decision (see section 12).

10. Hearings and Panels

10.1 For misconduct, the hearing will consist of a single manager, of higher seniority than those previously involved who should be independent of the people and issues involved.

10.2 All other panels, including appeal, must consist of three managers who should be independent of the people and issues concerned. The Chair of the Panel should be senior to those previously involved. Where practicable all panel members should be senior to those previously involved. At least one should come from the same Faculty/Directorate as the employee.

11. Disciplinary Sanctions

11.1 Employees will not be dismissed for a first breach except for cases of gross misconduct when the penalty may be dismissal without notice.

11.2 For cases of misconduct, the potential outcomes are that the Chair may:

- dismiss the case (no case to answer)
- decide that no further formal action will be taken, although they may offer informal advice and guidance as to future conduct
- issue a written warning - to be expunged after six months of good conduct

11.3 For cases of serious misconduct, and in addition to the above, the potential outcomes are that the panel may:

- issue a written warning - to be expunged after up to 12 months of good conduct
- a final written warning (with or without additional sanctions), to be expunged after 12 months
- loss of increments
- dismiss with contractual notice or pay in lieu (in cases where a final written warning is still live)

11.4 For cases of gross misconduct and in addition to the above, the potential outcomes are:

- summary dismissal i.e. without contractual notice or pay in lieu (in cases of gross misconduct)
- demotion to a lower graded post.

11.5 Penalties should be consistently applied. The above is not hierarchical: one level of sanction need not follow another, rather it will depend on the gravity of the offence including the impact. Previous sanctions still in force at the time of awarding a further sanction may be taken into account, as will mitigating factors such as previous good conduct.

11.6 If summary dismissal without notice has been decided, the contract of employment will be terminated and pay will be stopped with immediate effect even if there is an appeal lodged against the termination. No liability to pay the employee for the period between that decision and the hearing of his/her appeal will arise. If however the appeal is successful and the decision to dismiss is overturned, the contract of employment will be re-instated and pay and any benefits (including pension payments) will be backdated to the date of the dismissal and continuity of service deemed uninterrupted.

11.7 Until the outcome of any appeal has been decided, the decision following the disciplinary hearing (including dismissal) will remain in force.

12. Appeals

12.1 The purpose of the appeal panel is not to rehear the case but to consider the grounds of appeal. An employee may appeal on one or more of the following grounds:

- the procedure was applied incorrectly
- the evidence did not support the conclusion of the hearing
- the sanction given was too severe
- new evidence has come to light that was not available at the time of the hearing

12.2 An appeal must be submitted in writing by the employee and sent to HR without unreasonable delay and normally within **10 working days** of the receipt of notification of the sanction. The grounds for appeal must be clearly stated in accordance with paragraph 12.1 above.

12.3 If appealing on a matter which resulted in dismissal with notice, any appeal will normally be held prior to the expiry of the notice period.

The appeal hearing will be as soon as practicable from the date of receipt of the appeal letter and normally within **20 working days**. The conduct of the appeal hearing will be in accordance with Appendix 2.

12.4 The employee may be accompanied at the hearing by a Trade Union Representative or work-place colleague and will have the opportunity to state the grounds for his or her appeal and to question any evidence presented during the appeal (legal representatives are not permitted unless specifically authorised by the Director of HR or their nominee).

The panel hearing the appeal will notify all relevant parties in writing of their decision and the reasons for it without unreasonable delay and normally within **5 working days** of the hearing.

12.5 If the appeal is upheld, an alternative sanction than that given at the original hearing may be imposed, but the severity of the original sanction cannot be increased or be subject to a further appeal under this procedure. No further right of appeal will be available.

13. Appeals (against sanction short of dismissal)

13.1 An appeal panel will be convened, consisting of a senior manager of the Faculty or School/Institute/Department or their nominee plus two other managers, one of whom should be from a different Faculty/Department At least one panel member should be from the same occupational group (e.g. academic or professional) as the employee. Panel members should be independent of the people and issues concerned. The Chair should be senior to those previously involved. Where practicable and without causing significant delay, all panel members should be senior to the line manager. The meeting will be convened without unreasonable delay and normally within **20 working days** of receipt of the written appeal.

13.2 Panel members should be independent of the people and issues concerned. The Chair should be senior to those previously involved. Where practicable and without causing significant delay, as many of the panel members as possible should be senior to those previously involved.

14. Appeals (against dismissal)

14.1 An appeal against dismissal for Academics, and Senior Management (at grade 8), will be heard by a panel comprising three members, one of whom shall be an external member of Council appointed by the Chairman of Council and an Academic Head of School/Institute Director and one other member of Senior Management as nominated by the Principal or Director of HR or their nominee and supported by a representative from HR.

14.2 An appeal against dismissal for all other employees (Grades 1-7) will be heard by a panel comprising of three trained members nominated by the Director of HR (or nominee) from a list approved by QMSE supported by a representative from HR.

14.3 The chair of the previous panel and the employee will be invited to make written submissions to arrive in HR no later than **3 working days** prior to the hearing. These will then be circulated to all parties prior to the hearing.

15. Attendance at Meetings and/or Hearings

15.1 The employee (and their representative) should make every effort to attend formal meetings and/or hearings. Employees have the right to be represented at all formal stages of the procedure whether investigations, formal meetings or formal hearings.

The right of the employee to be accompanied is balanced by the responsibility they have for securing any such representative. If the employee's representative cannot reasonably attend on a proposed date, they may suggest another date as long as it is reasonable and is not more than five working days after the date originally proposed. This five-day limit may be extended by mutual agreement.

15.2 Where the employee fails to attend a meeting or hearing without an adequate explanation, the panel or hearing manager may decide to continue with the meeting or hearing in the employee's absence.

15.3 Where an employee is persistently unable or unwilling to attend a meeting or hearing without good cause a decision will be made to proceed to a hearing based on the evidence available. The employee will be informed that written submissions may be used in lieu of attending a hearing or a representative may be nominated to speak on their behalf.

16. Grievances Related to Disciplinary Matters[1]

16.1 Where an employee raises a grievance in connection with or during a disciplinary process, and where the grievance and disciplinary cases are related, following consultation with appropriate parties, the Assistant Director of HR Strategy, Change & Transformation, and in complex cases following consultation with the HR Director, will give consideration to temporarily suspending the disciplinary process until the grievance is concluded, whether the two process can run concurrently or whether the complaint raised can be dealt with as part of the disciplinary process. Where the disciplinary process is temporarily suspended, the outcome of the grievance should be known before any disciplinary hearing is held.

16.2 If an employee raises a grievance during a disciplinary process and the grievance is not related to the disciplinary case, the cases will run in parallel.

17. Criminal Offences

17.1 If an employee is charged with or convicted of a criminal offence, they must inform their line manager immediately. The conviction is not normally in itself reason for disciplinary action, however, consideration will be given to what effect any charge or conviction has on the employee's suitability to do the job and their relationship with QMUL, colleagues and service users. Managers should consult HR for advice about how to proceed in these circumstances.

18. Equality & Diversity

18.1 Managers and employees have a responsibility to promote QMUL's Equality and Diversity policies and standards of conduct by treating others with respect, valuing diversity and maintaining and preserving dignity at work. Managers are required to

[1] Updated in 2021 in line with the Grievance Resolution Policy and Procedure

recognise and consider any relevant issues whilst operating the disciplinary process and during the course of day-to-day interactions with colleagues.

18.2 Wherever possible panel members and Investigating Officers should be chosen to represent the diversity of employees at QMUL.

19. Equality Impact Assessment

19.1 Statistics will be compiled and monitored on numbers of cases by type and at an organisational level and by Faculty/Schools/Institutes/Departments covering all grade groups and subdivided by equality monitoring categories as determined by the Equality and Diversity Steering Group (EDSG). These will be reported to EDSG, QMSE and the recognised trades unions as appropriate.

20. Revision or Termination of this Policy and Procedure

20.1 This policy and procedure will be periodically reviewed with the recognised Trade Unions.

Examples of what actions might constitute Misconduct, Serious Misconduct and Gross Misconduct are provided below, although each case will be considered on its own facts based on all the circumstances of each case e.g. the seniority and role of the employee involved and the environment the misconduct took place. Repeated misconduct may constitute serious misconduct or gross misconduct which can lead to dismissal if there are live warnings on file.

Examples	Misconduct	Serious Misconduct	Gross Misconduct
Unauthorised absence	x		
Consistent pattern of poor time-keeping despite informal warnings	x		
Failure to comply with QMUL's policies	x		
Breaches of health, safety or hygiene rules or acting in a manner potentially dangerous to others	x	x	x
Continued misconduct following or despite previous warnings	x	x	
Refusal or repeated failure to follow a reasonable management instruction	x	x	x
Misusing, destroying, defacing, or damaging QMUL property	x	x	x
Breach of security or of financial procedures including information security breach	x	x	x
Criminal acts	x	x	x

Discipline
Appendix 1 – Examples of Misconduct

Examples	Misconduct	Serious Misconduct	Gross Misconduct
Theft, including taking QMUL property without authorisation		x	x
Inappropriate, aggressive or offensive behaviour including vexatious conduct, harassment, or discrimination		x	x
Behaviour which is likely to bring QMUL into significant disrepute (subject to any relevant contractual conditions relating to academic freedom, freedom of speech and the provisions of the whistleblowing procedure).		x	x
Incapability due to alcohol or illegal drugs at work or possession of illegal drugs at work.	x	x	x

Legal Representation

Legal representation for the employee may be permitted in exceptional circumstances or if the ability to practice their profession could be jeopardised, but only on the express authority of the Director of HR or their nominee.

Conduct of Hearing

The Chair will ensure that everyone is aware of the purpose of the meeting.

The Chair will ensure that all documents have been received and that each party has a set plus copies of the relevant policy and procedure.

In the event that a new document and/or evidence is tabled during the hearing agreement will be sought that it is acceptable by the Chair.

The Chair and panel will keep an open mind and listen carefully to all that is said.

Procedure

The Investigating Officer will put forward the case in the presence of the employee and his/her companion and may call witnesses.

The employee (or his/her representative) will have the opportunity to ask questions of the Investigating Officer and of any of the witnesses.

The panel conducting the hearing shall have the opportunity to ask questions of the Investigating Officer and witnesses.

Witnesses will only be present to answer questions on their evidence, and will not be present for other parts of the process unless required to do so by the Chair of panel.

The employee (or his/her representative) will respond in the presence of the Investigating Officer and may call witnesses.

The Investigating Officer will have the opportunity to ask questions of the employee and of any witnesses.

The panel conducting the hearing will have the opportunity to ask questions of the employee and of any witnesses.

The Investigating Officer, will have the opportunity to sum up the case if they wish. The employee (or his/her representative) will then have the opportunity to sum up their case, including information by way of mitigation in order to inform the discussion about appropriate sanctions if relevant.

Witnesses

As a general rule witnesses will not be called unless either side asks for a witness to be present. The witness will give their evidence and answer questions but will not normally be present for any other part of the hearing. In exceptional circumstances, where sensitive issues have arisen, the Chair may agree that it would be inappropriate for one or more witnesses to be present. The Chair will discuss alternative methods for hearing evidence and allowing the employee to question that evidence.

Adjournments

Requests for adjournment should be addressed to the Chair. The Chair may adjourn the proceedings at any stage if this appears necessary or desirable.

The Decision

The panel conducting the hearing will deliberate in private only calling the Investigating Officer and the employee (and his/her representative) to clear points of uncertainty on evidence already given.

After the panel has reached a decision and before any sanction is decided, the HR representative may provide information regarding any previous decisions, formal warnings, or other remedies to conduct sought, such as redeployment or retraining in order to inform the discussion about appropriate sanctions. The panel will also be asked to consider any mitigation which has been presented by the employee.

All parties will be informed of the decision, reasons for that decision and the action to be taken in writing, **normally within 5 working days**. The employee will also be informed in writing of the right of appeal.

Conduct of an Appeal Hearing

An appeal hearing will be conducted in the same way as a hearing except that the presentation of cases will be made in reverse order with the employee presenting their case first, followed by the management representative. Appeal hearings will not be a rehearing of the case and will therefore be confined to the grounds of appeal.