



ST. HUGH'S COLLEGE, OXFORD

## **DISCIPLINARY PROCEDURE**

Date Policy Ratified by Governing Body: 03 December 2025

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Date to be reviewed by: 03 December 2027

# Disciplinary Procedure

## Introduction

- 1) This procedure ensures fair, consistent, and legally compliant management of staff conduct and performance. It applies to all non-academic staff and academic staff whose employment is not subject to Statute XVII.
- 2) These rules and procedures are designed to support the proper functioning of College and to ensure a safe and appropriate working environment: disciplinary sanctions are a proportionate means to achieve this end.
- 3) The College is dedicated to ensuring that all disciplinary processes are handled with dignity, impartiality, and confidentiality. Concerns about conduct or performance will be addressed proportionately, with informal resolution pursued wherever possible. Employees have the right to be accompanied by a colleague or union representative at all formal stages of the procedure.

## Informal Resolution – Improvement Notice

- 4) The College believes that informal action, taken at an early stage, is often the most effective means of resolving concerns. Minor conduct or performance issues will be dealt with informally in the first instance, through advice, guidance, coaching, or additional training, as appropriate. Informal action serves to correct a situation and prevent escalation without invoking formal disciplinary procedures.
- 5) Where a manager concludes that a matter can be addressed informally, the employee will be informed of this outcome immediately following discussion. This is a normal part of line management and does not represent formal disciplinary action. Examples of misconduct suitable for informal management are provided in Appendix A.
- 6) The manager will make a written record of the discussion, including the agreed actions, support measures, and timescales for improvement. This record will be shared with the employee in the form of an improvement notice and retained in the employee's local file. Although there is no formal right to be accompanied at this stage, the College will consider any request on its merits and will not unreasonably withhold permission to be accompanied.
- 7) Appropriate reasonable efforts should be made to address allegations informally in the first instance. However, if concerns are too serious to be handled informally, or where issues previously addressed informally have continued or recurred, the matter may progress to the formal disciplinary procedure.

## Formal Disciplinary Process

- 8) Where conduct concerns cannot be resolved informally, the matter will progress to a formal disciplinary procedure. This process is designed to ensure that decisions are fair, evidence-based, and made in accordance with employment legislation and the ACAS Code of Practice.

## Suspension

- 9) Suspension on full pay is not a form of disciplinary penalty. It will only be considered where necessary to protect individuals, evidence, or the integrity of the investigation. Suspension will be on full pay and reviewed regularly. Alternatives — such as restricted duties or temporary relocation — will be considered where feasible. Written confirmation will be provided, including a point of contact for support.
- 10) The line manager, or more senior manager, Bursar or Principal have the authority to suspend an individual.
- 11) Once a decision is made to suspend an employee the suspending manager will:
  - consult with HR to discuss the individual case;
  - arrange to meet with the employee (and their companion if applicable) to inform them of the reason(s) why they are being suspended from duty;
  - advise the employee of the availability of support from the EAP, Occupational Health;
  - provide the employee with the reasons for the decision to suspend in writing on the day where possible.
- 12) Whilst it is expected that suspension will remain in place for the duration of the investigation, should evidence come to light that suggests the suspension should be lifted, the suspending manager will inform the employee in writing and arrange their return to work.

## Investigation

- 13) No disciplinary action will be taken against an employee until the College has investigated the allegations against them.
- 14) When an allegation of misconduct is raised, the manager who receives the allegation is responsible for determining, with advice from HR where appropriate, whether a formal investigation is required.
- 15) If an investigation is necessary, the manager may undertake the investigation themselves provided they have had no prior involvement in the matter and can act impartially.
- 16) Where the manager has been directly involved, or where impartiality could reasonably be questioned, the matter should be referred to a more senior manager to appoint an Investigating Manager. In smaller departments or teams, the Investigating Manager may be drawn from another part of College to ensure independence.
- 17) The Investigating Manager will be someone with no prior involvement in the case and will, with advice from HR, prepare Terms of Reference for the investigation and produce a report of their findings (the management report).
- 18) The nature and extent of the investigation will depend on the seriousness or complexity of the matter and whether the facts are agreed or disputed. The Investigating Manager, in consultation with HR, will determine how the investigation will be conducted.

- 19) The Investigating Manager's role is to carry out a thorough, objective investigation into the allegations establishing the facts of the case as quickly and efficiently as possible.
- 20) At the commencement of the investigation, a letter will be sent by the Investigating Manager to the employee detailing the allegation/s under investigation enclosing a copy of this procedure.
- 21) The employee will be given 5 working days' notice of the proposed date for the investigation meeting and confirmation of their right to be accompanied at the meeting.
- 22) The employee should attend the investigation meeting prepared to answer the allegations and should bring with them any information/documents that they consider relevant.
- 23) At the investigation meeting the Investigating Manager will ensure the member of staff is fully aware of the nature of the allegation/s and has the opportunity to give their account of what happened and any other information they consider relevant. The Investigating Manager will ask the employee to identify any witnesses that they feel should be interviewed as part of the investigation process and any documents that they consider relevant. It is the Investigating Manager's ultimate decision as to how the investigation is conducted.
- 24) A written record of each investigation meeting, including those held with the employee and any witnesses, will be produced. The record will constitute a summary of the discussion rather than a verbatim transcript. The employee or their companion may also take their own notes for reference.
- 25) It must be made clear to witnesses that their statements may be used as evidence in a formal disciplinary hearing and they may be required to attend as a witness.
- 26) The Investigating Manager will then prepare their findings report setting out the allegations and their findings of facts in relation to the allegations and conclusions.

### Investigation Outcome

- 27) The Investigating Manager will prepare a report summarising the findings. If there is no case to answer, the employee will be informed in writing and the matter closed.
- 28) If there is a case to answer, the matter will progress to a disciplinary hearing. The employee will be provided with a copy of the investigation report and supporting evidence.

### Personal Responsibility Framework

- 29) In cases of minor misconduct where there has been a full investigation and sufficient evidence is available, the employee may voluntarily request that a formal warning be issued without the need to proceed to a disciplinary hearing. This option reflects the

principles of the College's Personal Responsibility Framework and may only be used where:

1. the employee fully admits the misconduct,
  2. the employee accepts personal responsibility for their actions,
  3. the potential sanction is no more than a first written warning,
  4. the employee has had the opportunity to be accompanied during the investigation process (if applicable),
  5. the Head of Department or appropriate more senior manager has reviewed the investigation material in full and sought appropriate HR advice,
  6. the Head of Department or appropriate more senior manager is satisfied that any admission or acceptance has been made freely and not under duress, and
  7. the Head of Department or appropriate more senior manager determines that the sanction is proportionate in light of the misconduct.
- 30) This option is intended to provide a constructive route to early resolution and professional learning, whilst upholding the standards required of all College staff. It is only appropriate where the facts are uncontested, the employee demonstrates insight and commitment to improvement, and the matter does not potentially warrant a more serious sanction.
- 31) The Head of Department must make it explicitly clear to the employee that they retain the right to a disciplinary hearing before an impartial panel.
- 32) By choosing to accept a sanction at this stage, the employee is voluntarily waiving their right to have the case considered by a hearing panel. This must be confirmed in writing.
- 33) The employee must sign a copy of the written confirmation to demonstrate their informed agreement to this course of action. A copy will be retained securely on the employee's personal file in accordance with data protection regulations.

### Formal Hearing

- 34) If a decision is made to progress to a disciplinary hearing, the employee will receive written notice of the meeting, normally at least five working days in advance, including:
- the specific allegations
  - the evidence to be considered
  - the right to be accompanied
  - potential outcomes
- 35) The hearing will be conducted by a manager or panel not previously involved, and take into account the nature / seriousness of the alleged misconduct.
- 36) The panel will consist of an appropriately trained manager who has had no previous involvement in the procedure or alleged events and an HR representative to hear the case. The Investigating Manager may be present to present the case.

- 37) Both the Investigating Manager and the employee who is the subject of the allegation(s) may provide evidence and respond to questions. The employee may request that witnesses be called, and the College will determine whether it is appropriate for each requested witness to attend. The employee will have full opportunity to state their response and any mitigating factors.
- 38) If the employee is unable to attend the hearing for reasonable grounds (e.g. sickness) and where they give notice in advance, the hearing will be reconvened.
- 39) Where failure to attend a hearing is due to sickness absence from work an Occupational Health referral may be required to advise if the individual is fit to attend the hearing.
- 40) Where failure to attend is not notified prior to the hearing the HR representative on the panel will write to the employee requesting a reason for their non-attendance. The hearing will be reconvened at a date and time that is suitable for the panel members.
- 41) If the reconvened hearing is not attended by the employee or their nominated representative the hearing may proceed in their absence. If the employee fails to attend without good reason, or is persistently (no more than two times) unable to do so the College may have to make a decision based on the available evidence.

### Disciplinary Sanctions

- 42) The range of sanctions for misconduct are set out below. Examples of what the College considers to be acts of misconduct are set out at Appendix B. This is not an exhaustive list.
- 43) The College aims to treat all employees fairly and consistently and the sanction given to another employee for similar misconduct may be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits with consideration given to:
- the seriousness of the disciplinary breach in question;
  - the circumstances and features of the particular case;
  - the employee's current employment record;
  - fairness and consistency.
- 44) An employee will not normally be dismissed for a first act of misconduct unless the College determines that it amounts to gross misconduct.
- 45) The sanction will depend on the severity of the misconduct and whether or not the employee is currently subject to any prior warnings or sanctions:
- 46) If a disciplinary sanction is imposed it will be in line with the procedure outlined above, which may encompass a written warning, final written warning, or dismissal, as listed below:

**47) 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 an employee's disciplinary record. The employee will be warned that repetition or other subsequent misconduct may lead to further disciplinary action being taken against them, not excluding dismissal.

A first written warning will remain in force for 12 months.

**48) Final Written Warning**

A final written warning will usually be appropriate for misconduct where there is already an active written warning on an employee's record or in cases of misconduct that the College considers sufficiently serious to warrant a final written warning even though there are no other active warnings on their record. The employee will be warned that a repetition or other subsequent misconduct may lead to further disciplinary action, not excluding dismissal.

A final written warning will remain in force for 12 months.

**49) Dismissal / Termination of Employment**

Dismissal will usually only be appropriate for further misconduct where there is an active final written warning on an employee's record or in cases of gross misconduct irrespective of whether there are active warnings on an employee's record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal).

**Disciplinary Authority**

- 50) The table below sets out the level of sanction that can be imposed by managers according to their seniority. Where necessary, a manager may delegate their authority to a less-senior manager with appropriate training and experience (for example, if the availability of senior colleagues would otherwise lead to disproportionate delays in the procedure).

**ALL EMPLOYEES**

<b>Written warning</b>	<b>Grade 8 Managers and above</b>
<b>Final written warning</b>	<b>Grade 8 Managers and above</b>
<b>Dismissal</b>	<b>Grade 10 Managers and above</b>

**Notification of Outcome**

- 51) The outcome will be confirmed in writing, normally within five working days of the hearing.
- 52) Where warnings are issued, expectations for improvement and review arrangements will be clearly set out, including timescales and support offered.
- 53) The letter will include information about the employee's right of appeal.

- 54) A copy of the sanction letter kept on the employee's personal file and will remain in force for the life of the sanction at which point it will be considered spent but retained in the file for future reference.

#### Right of Appeal

- 55) Every employee who has been subject to a disciplinary sanction under this procedure has the right to appeal the decision. The purpose of an appeal is to ensure that all disciplinary actions are fair, proportionate, and procedurally sound, and that all relevant evidence has been properly considered.
- 56) The College is committed to handling appeals impartially and promptly, providing employees with a fair opportunity to challenge decisions they believe to be incorrect or unjust.
- 57) The appeals process is outlined in Appendix C.

## Appendix A: Examples of Misconduct and Guidance on the Use of the Informal Route

The following examples illustrate types of behaviour that may lead to informal or formal disciplinary action. They are not exhaustive, and each case will be considered on its individual circumstances and context.

### Examples where the informal route is normally appropriate – Unsatisfactory Conduct

Informal action should be considered where conduct or performance concerns are relatively minor, isolated, or the result of misunderstanding. Typical examples include:

- Occasional lateness or poor timekeeping;
- Minor breaches of working procedures;
- Isolated incidents of rudeness, poor communication, or lack of courtesy;
- Minor misuse of College property or resources (for example, excessive personal use of mobile phones or email);
- Unauthorised absence of short duration where there is a plausible explanation;
- Failure to follow routine management instructions or deadlines through oversight rather than wilful disregard; or
- Performance shortfalls that can be remedied through guidance, support, or further training.

In such cases, the manager should normally meet with the employee to discuss the issue, agree on expectations, and provide any necessary support. A note of the discussion should be recorded and shared.

If improvement is demonstrated within the agreed timescale, no further action will be required. If, however, the same issue recurs or fails to improve despite informal intervention, the matter may proceed to the formal stage.

## Appendix B: Examples of Misconduct, Serious Misconduct and Gross Misconduct

*(aligned with the ACAS Code of Practice on Disciplinary and Grievance Procedures, 2024 edition)*

The following examples illustrate the types of behaviour that may give rise to disciplinary action. The list is not exhaustive; each case will be considered on its individual circumstances, context, and severity.

### 1. Misconduct

Misconduct refers to conduct that falls below expected standards and may warrant formal disciplinary action. Examples include, but are not limited to:

- Repeated minor breaches of policy or procedures;
- Unauthorised absence without a satisfactory explanation;
- Disrespectful or discourteous behaviour toward colleagues or students;
- Minor breaches of confidentiality or data protection obligations;
- Minor misuse of College systems or resources;
- Neglect of duties or performance issues that are more serious than minor lapses.

### 2. Serious Misconduct

Serious misconduct describes behaviour that, while not so extreme as to constitute gross misconduct, is more serious than ordinary misconduct and may justify a final written warning or, in some cases, dismissal if repeated.

Serious misconduct typically involves deliberate or repeated disregard of College policies or conduct that causes significant harm to others or to the College's operations.

Examples of serious misconduct include:

- Repeated acts of misconduct following previous warnings.
- Insubordination or refusal to carry out a reasonable management request.
- Disrespectful, intimidating, or threatening behaviour towards colleagues, students, or supervisors.
- Serious or repeated breaches of confidentiality or data protection obligations.
- Unauthorised use or disclosure of confidential or sensitive information.
- Serious or unsafe breaches of health and safety procedures.
- Misuse of College systems or data leading to reputational or operational risk.
- Behaviour that undermines the trust or confidence required in professional relationships.
- Inappropriate use of College resources for personal or external purposes.
- Conduct outside work that adversely affects the employee's ability to perform their duties or undermines trust in their role.
- Serious neglect of duties or failure to meet required professional standards.
- Conduct that causes distress or offence but falls short of harassment or discrimination.

- Breaches of safeguarding procedures that, while not resulting in harm, indicate serious lapses of judgment.

Serious misconduct will normally warrant formal disciplinary action and may result in a final written warning or dismissal (with notice), depending on the circumstances.

### **3. Gross Misconduct**

Gross misconduct is behaviour so serious that it fundamentally breaches the employment contract and may justify summary dismissal (dismissal without notice or pay in lieu) following due process.

Gross misconduct typically involves deliberate, reckless, or grossly negligent actions that seriously damage the relationship of trust and confidence between the employee and the College.

Examples of gross misconduct include, but are not limited to:

- Theft, fraud, or deliberate falsification of records.
- Acts of dishonesty or deception in connection with employment.
- Physical violence, assault, or credible threats of violence.
- Harassment, bullying, discrimination, or victimisation relating to any protected characteristic or otherwise meeting the definition set out in the College's Harassment Policy.
- Serious breaches of safeguarding obligations or failure to report safeguarding concerns.
- Serious or deliberate misuse of confidential information or personal data.
- Deliberate or reckless damage to College property or facilities.
- Serious health and safety breaches endangering others.
- Possession, use, or distribution of illegal drugs or being unfit for duty due to alcohol or substance misuse.
- Serious insubordination or willful refusal to follow reasonable instructions.
- Gross negligence or incompetence causing or risking serious harm to people, property, or reputation.
- Misuse of College IT systems, including accessing or distributing offensive, obscene, or discriminatory material.
- Sexual misconduct, including harassment, coercion, or abuse of authority in relationships.
- Criminal behaviour relevant to the employee's role, whether committed on or off duty.
- Conduct (on or off duty) that seriously damages the reputation or interests of the College.
- Misrepresentation of qualifications, right to work status, or professional credentials.

## Appendix C: Appeal Procedure

Every employee who has been subject to a disciplinary sanction under this procedure has the right to appeal the decision. The purpose of an appeal is to ensure that all disciplinary actions are fair, proportionate, and procedurally sound, and that all relevant evidence has been properly considered.

The College is committed to handling appeals impartially and promptly, providing employees with a fair opportunity to challenge decisions they believe to be incorrect or unjust.

### Grounds for Appeal

An appeal may be made on one or more of the following grounds:

- Procedural irregularity: The disciplinary process was not conducted in accordance with College procedures, and this may have affected the outcome.
- New evidence: Relevant new information has become available which could not reasonably have been accessible at the time of the hearing.
- Disproportionate outcome: The sanction imposed is considered excessive or inconsistent with previous decisions in comparable cases.
- Factual inaccuracy: The decision was based on an incorrect understanding of the evidence.
- The decision was one which no reasonable decision-maker could have reached on the basis of the available evidence.

The appeal will not take the form of a re-hearing of the entire case unless the Chair determines that this is necessary to ensure fairness (for example, where the original hearing process was significantly flawed).

### Submission of Appeal

An appeal must be submitted in writing to the College's HR Department (or other nominated officer) within ten working days of receiving written notification of the disciplinary decision. The appeal should clearly set out:

- the grounds on which the appeal is made;
- a summary of the reasons supporting the appeal; and
- any new evidence or documents being presented.

The appeal will not normally consider issues that were not raised in the original disciplinary hearing, unless there are exceptional circumstances (for example, where new evidence has come to light that could not reasonably have been available at the time of the original hearing).

### Appeal Acknowledgement and Preparation

Upon receipt of the appeal, HR will acknowledge it in writing and arrange for it to be considered by an Appeal Panel (see below).

Both the employee and the manager who made the original disciplinary decision will receive written confirmation of:

- the composition of the Appeal Panel;
- the date, time, and venue of the hearing; and
- any documentation to be considered.

The employee will be given at least five working days' notice of the appeal hearing and may be accompanied by a trade union representative or workplace colleague.

### **Constitution of the Appeal Panel**

The Appeal Panel will be established to ensure that appeals are heard fairly, impartially, and independently of the original disciplinary decision. The composition of the panel is designed to safeguard procedural fairness and the integrity of the process.

The Chair of the Appeal Panel must be a manager or College officer of seniority higher than the manager or panel chair who conducted the original disciplinary hearing. The Chair is responsible for ensuring that the hearing is conducted fairly, that all parties have the opportunity to present their case fully, and that the panel's decision is clearly reasoned and properly documented.

In certain circumstances, the College may appoint an independent external panel member, for example where the allegations are particularly serious or complex, where there is a potential conflict of interest, or to enhance independence and transparency in high-profile cases. The external member may be drawn from a professional body, another college, or be an independent HR or legal professional. The external member participates fully in panel discussions and decisions and may also provide guidance on procedural fairness, consistency, and best practice.

A representative from Human Resources will normally attend the panel to provide advice on College policy, procedure, and employment law and may participate in discussions as required.

### **Appeal Outcomes**

Following careful consideration, the Appeal Panel may decide to:

- Uphold the original decision in full;
- Uphold the appeal, overturning the original decision and removing any sanction;
- Substitute a lesser sanction where the original penalty is deemed disproportionate;
- or
- Order a re-hearing where procedural errors or new evidence mean the case requires full reconsideration.

The panel's decision will be confirmed in writing to the employee, normally within five working days of the hearing. The outcome letter will set out:

- the decision and the reasons for it;

- any changes to the disciplinary outcome; and
- confirmation that the decision is final within the College's internal procedures.