

CANTERBURY COLLEGE POLICY

Corporation Member's Disciplinary Procedures for Senior Post-holders

EFFECTIVE DATE: March 2011

LAST REVIEWED: December 2008

REVIEWED BY: Clerk to the Corporation

NEXT REVIEW: March 2014

POLICY LEAD: Clerk to the Corporation

Disciplinary procedures for Senior Post-holders

1 Scope and purpose

- 1.1 This procedure applies to the Principal and all Senior Post-Holders as defined in the Corporation's Articles of Government. References to section numbers are to the numbered sections of this document.
- 1.2 Where the Clerk to the Corporation is also a member of staff at the institution, the Clerk is to be treated as a Senior Post-Holder. In such circumstances the Corporation shall appoint an appropriate person to fulfil the tasks of the Clerk to the Corporation under these sections when the Clerk is the Senior Post-holder involved in the disciplinary procedure.
- 1.3 These rules and procedures will be reviewed regularly and applied in accordance with the Articles of Government of the Corporation; taking into account developments in employment legislation and in accordance with the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice, 'Disciplinary and Grievance Procedures', dated April 2009.
- 1.3 The purpose of the procedure is:
 - 1.3.1 To help and encourage Senior Post-Holders to achieve and maintain acceptable standards of conduct.
 - 1.3.2 To ensure that fair, consistent and reasonable action is taken where acceptable standards of conduct are not maintained.
 - 1.3.3 To ensure consistent and fair treatment for Senior Post-Holders in relation to disciplinary action taken in response to unacceptable standards of conduct.

2 General principles

- 2.1 Every effort will be made to avoid the use of disciplinary action where alternatives are appropriate. Where the matter is not resolved informally or is of a serious nature, the formal procedure will be implemented.
- 2.2 The Corporation will ensure that its members are familiar with the provisions in this procedure.
- 2.3 A Senior Post-Holder has the right to be accompanied by a representative of a trade union or work placed colleague at formal disciplinary meetings. (*Please refer to Appendix 1 for guidance on the role of the companion*). The College should remind the Senior Post-Holder of the right to be accompanied prior to a disciplinary meeting.

- 2.4 In the interest of ensuring that disciplinary matters are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for guidance. If it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement. Due regard will be given to the personal circumstances of all parties involved in the procedure.
- 2.5 Where appropriate, the Corporation should consider alternative means of resolving problems, for example with training, counselling or use of other more suitable Corporation procedures, before implementing disciplinary action.
- 2.6 Informal action will be considered, where appropriate, to resolve problems before moving to the formal disciplinary procedure.
- 2.7 For formal action, the Senior Post-Holder will be advised of the nature of the complaint against him or her and there will be an investigation and the Senior Post-Holder will be given the opportunity to state his or her case at a disciplinary meeting, before any decision is made.
- 2.8 Senior post-holders will be provided with written copies of any evidence and relevant witness statements at least 5 working days in advance of a formal disciplinary meeting.
- 2.9 Normally, the formal disciplinary procedure will be followed in the order of the stages set out in Section 7 below. However, offences of a serious nature may be brought into the procedure at any stage, if any earlier stage would not be severe enough or appropriate to deal with it. For example, there may be occasions when misconduct is considered not to be so serious as to justify dismissal, but serious enough to warrant only one written warning which will be both the first and final written warning. At every stage of the procedure, the Senior Post-Holder will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- 2.10 No Senior Post-Holder will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty may be summary dismissal without notice or payment in lieu of notice. Before imposing any disciplinary penalty, all relevant factors will be considered including the extent to which standards have been breached; the Senior Post-Holder's general record, position and length of service and any special circumstances which might make it appropriate to adjust the severity of the penalty.
- 2.11 A Senior Post-Holder will have the right to appeal against any formal disciplinary action.
- 2.12 Accurate and timely records will be kept of all meetings and correspondence.
- 2.13 All reasonable steps will be taken to maintain confidentiality and written records of any disciplinary proceedings will be kept and maintained by the Corporation in accordance with the Data Protection Act 1998.

3 Investigations

- 3.1 No disciplinary action will be taken against a Senior Post-Holder until the matter has been fully investigated by an individual nominated by the Chair of the Corporation, having regard to the Senior Post-Holder's response to allegations.
- 3.2 An investigatory meeting is not a formal disciplinary hearing. If, following an investigation, the Chair of the Corporation believes that there may be a case to answer, a formal disciplinary hearing will be arranged in accordance with this procedure.
- 3.3 The Senior Post-Holder will be informed as soon as possible that an investigation is to be conducted and once the investigation has been concluded.
- 3.4 The investigation should be conducted by an appropriate individual. This could be the Principal (where the Principal is not the Senior Post-Holder in question), a Governor, an independent external investigator or another Senior Post-holder not connected with the matter under investigation. It is noted that it is preferable that the same individual who conducts the investigation, does not Chair the disciplinary meeting.
- 3.5 The Senior Post-Holder must be offered the opportunity to be accompanied by a work placed colleague or trade union representative at an investigation meeting.
- 3.6 Depending on the circumstances of the allegations, it may not always be necessary to conduct an investigation meeting with the Senior Post-Holder. If a meeting is held, the Senior Post-Holder will be given at least 5 working days prepare.
- 3.7 If appropriate, the Corporation, or the Principal where the power to suspend has been delegated by the Corporation, may suspend a Senior Post-Holder, in accordance with Section 4 below, whilst the investigation is carried out.
- 3.8 An investigation carried out following a student complaint, staff complaint or grievance, or under any of the Corporation's other procedures may form all or part of an investigation under this procedure, as appropriate.

4 Suspension pending a disciplinary meeting

- 4.1 There may be circumstances during an investigation where suspension from duty pending the holding of a formal disciplinary meeting may be appropriate. Examples of circumstances in which suspension may be appropriate, depending on the facts of the situation, include some gross misconduct cases; situations where there are risks to an employee's or the College's property; or where there are reasonable grounds for concern that evidence has been tampered with, destroyed or witnesses pressurised.
- 4.2 The decision to suspend is ultimately the responsibility of the Corporation, but may be exercised by the Chair or Vice-Chair, or by the Principal when the responsibility has been delegated.

- 4.3 Suspension should only be imposed after careful consideration and it should be made clear to the Senior Post-Holder that it is not considered a disciplinary act.
- 4.4 If the Corporation (or Principal, where the power is delegated) decides to suspend a Senior Post-Holder from duty, he/she shall:
- i. confirm the suspension in writing to the Senior Post-Holder without unreasonable delay; and
 - ii. inform the Senior Post-Holder in writing of the reasons for the suspension, without unreasonable delay.
- 4.5 A period of suspension pending a disciplinary meeting should be kept as brief as possible and will be kept under regular review (please refer to the Notes section for further details).
- 4.6 A Senior Post-Holder who is suspended from duty shall, throughout the period of suspension, continue to be entitled to his/her full pay unless there is a provision in the contract to the contrary.

5 Informal procedure

- 5.1 If appropriate, before taking formal disciplinary action, reasonable effort will be made to resolve matters by informal discussions with the Senior Post-Holder. This will be dealt with either by the Principal or, if the Principal is the Senior Post-Holder concerned, by the Chair of the Corporation, or in his or her absence the Vice-Chair of the Corporation.
- 5.2 The College recognises that cases of minor misconduct are often best dealt with informally. Therefore, minor lapses from acceptable standards of conduct may result in an informal oral warning or reprimands, which will not be recorded on the Senior Post-Holder's Personnel file.
- 5.3 If, despite informal discussions (or if informal discussions are not appropriate), the Senior Post-Holder's conduct does not meet acceptable standards, the formal procedure, described below, should be used.

6 Formal procedure for disciplinary meetings

- 6.1 If, upon completion of an investigation, there are reasonable grounds to believe that a Senior Post-Holder has committed an act of misconduct, the Principal (or where the Principal is the Senior Post-Holder in question, the Chair of the Corporation) will invite the Senior Post-Holder to attend a disciplinary meeting. The Senior Post-Holder will be advised in writing of the nature of the alleged misconduct, the possible consequences of the meeting and any relevant papers (such as written evidence and witness statements) to enable the Senior Post-Holder to prepare for the meeting. The Principal (or where the Principal is the Senior Post-Holder in question, the Chair of the Corporation) will write to the Senior Post-Holder with all the above information at least 5 working days before the meeting. The written notification

should also detail the date and venue of the meeting and the Senior Post-Holder's right to be accompanied.

- 6.2 If the Senior Post-Holder wishes to call relevant witnesses to the meeting, he / she should advise the Clerk to the Corporation (or the Deputy Clerk if the grievance is against the Clerk) of this at least 3 days in advance of the meeting. The Senior Post-Holder will be informed at least 3 days prior to the meeting if the Principal (or where the Principal is the Senior Post-Holder in question, the Chair of the Corporation) intends to call relevant witnesses.
- 6.3 Before the meeting takes place, the Senior Post-Holder should notify the Clerk to the Corporation if he or she is to be accompanied and provide the name and contact details of the companion.
- 6.4 At any disciplinary meeting, the Senior Post-Holder will be given an opportunity to state his or her case and will have the right to be accompanied by a trade union representative or work placed colleague of his or her choice, subject to a reasonable request being made (*please refer to Appendix 1 for further guidance*). However, if the chosen companion of the Senior Post-Holder is unavailable on the date of the initial meeting, the Senior Post-Holder may delay the date of that meeting once by up to five working days to enable the chosen companion to attend. The location and timing of any alternative meeting should be convenient to both the Principal (or where the Principal is the Senior Post-Holder in question, the Chair of the Corporation) and the Senior Post-Holder, but should not unduly delay the process.
- 6.5 The Principal (or where the Principal is the Senior Post-Holder in question, the Chair of the Corporation), the Senior Post-Holder and the Senior Post-Holder's companion should make every effort to attend the meeting. If the Senior Post-Holder fails on two or more occasions, without good reason, to attend a disciplinary meeting which the Principal (or where the Principal is the Senior Post-Holder in question, the Chair of the Corporation) has instructed him or her to attend, the meeting will take place, and a decision will be made, in his or her absence. In other circumstances where it seems likely that for a period exceeding two months, the Senior Post-Holder will be unable to attend a disciplinary meeting, the Principal (or where the Principal is the Senior Post-Holder in question, the Chair of the Corporation) reserves the right to go ahead with that meeting, affording the Senior Post-Holder the right to either submit written representations and/or be represented by a workplace colleague or trade union representative.
- 6.6 The disciplinary meeting will be chaired as follows:
 - i. where disciplinary action short of dismissal is being considered: the meeting will be with the Principal (or where the Principal is the Senior Post-Holder in question, the meeting will be chaired by a Special Committee of the Corporation consisting of three Corporation members) .
 - ii. Where dismissal is a possible outcome: the meeting will be chaired by a Special Committee of the Corporation consisting of three Corporation members.

The Special Committee shall not include the investigating officer or the staff or student Corporation members.

- 6.7 The individual who conducted the investigation may attend the disciplinary meeting in order to present the findings of the investigation and any supporting material.
- 6.8 The outcome of the disciplinary meeting will be confirmed in writing to the Senior Post-Holder. Where disciplinary action is the outcome, the Senior Post-Holder will be informed of the nature of the action and the right to appeal under this procedure.

7 Disciplinary action

- 7.1 Normally the stages described in Section 7 will be cumulative; however, the Principal (or where the Principal is the Senior Post-Holder in question, the Chair of the Corporation) reserves the right to implement the procedure at stage 2 or 3 if the Senior Post-Holder's alleged misconduct warrants this. The right will also apply in circumstances where a Senior Post-Holder commits a further act of alleged misconduct, that is sufficiently serious, whilst a formal warning is in place.

Stage 1: Verbal Warning

- 7.2 If it is established through the disciplinary meeting that the Senior Post-Holder's conduct (see 7.3) does not meet acceptable standards, the Senior Post-Holder will normally be given a formal verbal warning by the Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee).
- 7.3 This formal verbal warning will give details of the Senior Post-Holder's misconduct, the improvement required and the time limit within which such improvement must be achieved. The warning will clarify that, if the Senior Post-Holder commits a further offence of misconduct during the period specified in the warning, action under Stage 2 will be considered. However, the Senior Post-Holder will also be advised that if any further act of misconduct is sufficiently serious, the Principal (or where the Principal is the Senior Post-Holder in question, the Chair of the Corporation) reserves the right to go to a further stage in the procedure. The Senior Post-Holder will be advised of the right of appeal in accordance with Section 9 below.
- 7.4 A brief note of the verbal warning will be placed on the Personnel file relating to the Senior Post-Holder. The warning will be spent, and will be disregarded for disciplinary purposes after 6 months, subject to the Senior Post-Holder's conduct having been satisfactory throughout that period.

Stage 2: First written warning

- 7.6 A first written warning will usually be given to the Senior Post-Holder by the Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee) if:
- i. the Senior Post-Holder commits a serious act of misconduct;

- ii. the Senior Post-Holder fails to comply with a formal verbal warning given under Stage 1;
 - iii. or despite having been given, under Stage 1, a formal verbal warning as the result of either misconduct, the Senior Post-Holder commits a further offence of misconduct.
- 7.7 This written warning will give details of the Senior Post-Holder's misconduct, the improvement required and the time limit within which such improvement must be achieved. The warning will state that, if the Senior Post-Holder commits a further offence of misconduct during the period specified in the warning, action under Stage 3 will be considered. The written warning will also advise the Senior Post-Holder of the right of appeal in accordance with Section 9 below.
- 7.8 A copy of the written warning will be placed on the Personnel file relating to the Senior Post-Holder. The warning will be spent, and will be disregarded for disciplinary purposes after 12 months, subject to the Senior Post-Holder's conduct having been satisfactory throughout that period.

Stage 3: Final written warning

- 7.10 A final written warning will normally be given to the Senior Post-Holder by the Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee) if:
- i. the Senior Post-Holder fails to comply with a first written warning given under Stage 2;
 - ii. despite having been given, under Stage 2, a first written warning as the result of misconduct, the Senior Post-Holder commits a further offence of misconduct; or
 - iii. the Senior Post-Holder's misconduct, although not considered to be serious enough to justify summary dismissal, is sufficiently serious to warrant a final written warning.
- 7.11 This final written warning will give details of the Senior Post-Holder's misconduct, the improvement required and the time limit within which such improvement must be achieved. The warning will state that, if the Senior Post-Holder commits a further offence of misconduct, during the time limit specified in the warning, his or her employment may be terminated. The final written warning will also advise the Senior Post-Holder of the right of appeal in accordance with Section 9 below.
- 7.12 A copy of the written warning will be placed on the Personnel file relating to the Senior Post-Holder. The warning will be spent, and will be disregarded for disciplinary purposes after 18 months (although, in exceptional cases, the period may be longer), subject to the Senior Post-Holder's conduct having been satisfactory throughout that period.

Stage 4: Dismissal

- 7.14 The Special Committee may, following a disciplinary meeting, give notice of dismissal to the Senior Post-Holder if:
- i. the Senior Post-Holder fails to comply with a final written warning given under Stage 3;
 - ii. or despite having been given, under Stage 3, a final written warning as the result of either misconduct, the Senior Post-Holder commits a further offence of misconduct.
- 7.15 The decision to dismiss will be communicated in writing to the Senior Post-Holder and will specify the reasons for dismissal and the date on which the employment will terminate. The communication must also notify the Senior Post-Holder of his/her right of appeal against the decision in accordance with Section 9 below.

8 Gross misconduct / summary dismissal

- 8.1 The Corporation may summarily dismiss the Senior Post-Holder without notice or pay in lieu of notice if, on completion of an investigation and a disciplinary meeting, it is established that the Senior Post-Holder has been guilty of gross misconduct.
- 8.2 In the event of summary dismissal the Corporation shall, without unreasonable delay, provide the dismissed Senior Post-Holder with a written statement of the alleged gross misconduct which has led to the dismissal and the reasons why the Corporation considers that the Senior Post-Holder was guilty of such misconduct and notifying that Senior Post-Holder of the right to appeal against the dismissal.
- 8.3 Any steps which the Corporation can take under sections 8.1 – 8.2 can also be taken by a Special Committee of the Corporation to whom the responsibility has been delegated by the Corporation, and the provisions of sections 8.1 – 8.2 shall be read accordingly.
- 8.4 The following offences are examples of offences which are normally regarded as grounds for summary dismissal:
- Theft or unauthorised possession of any property or facilities belonging to the College, or to any employee or student.
 - Serious damage deliberately sustained to College property.
 - Deliberate falsification of College registers, reports, accounts, expense claims, self-certification forms or other documents.
 - Bribery or corruption.
 - Deliberate refusal to carry out duties or reasonable instructions or to comply with College rules.
 - Serious acts of insubordination.
 - Serious negligence/incompetence which causes unacceptable loss, damage or injury.

- Serious incapability and/or misconduct as a result of being intoxicated by reason of alcohol or illegal drugs.
- Violent, dangerous or intimidating conduct.
- Bullying.
- Violation of the Corporation's rules and procedures concerning health and safety at work.
- Unlawful discrimination or harassment.
- A criminal offence, which may (whether it is committed during or outside the Senior Post-Holder's hours of work for the Corporation) adversely affect the Corporation's reputation, the Senior Post-Holder's suitability for the type of work he or she is employed by the Corporation to perform or his or her acceptability to other employees or to students.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material.

The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

9 Appeal

- 9.1 A Senior Post-Holder who wishes to appeal against a disciplinary decision must do so within 10 working days of the date of the decision. To do so, the Senior Post-Holder should inform the Clerk to the Corporation (or the Deputy Clerk if the grievance is against the Clerk) in writing, stating the grounds for appeal.
- 9.2 The appeal will be heard by an appeal committee of the Corporation. In so far as is reasonably practicable, the committee will not include any member of the Corporation who has been involved in the disciplinary process in question so far. The committee shall not include the Principal, staff members or student members of the Corporation (*please refer to Appendix 1 for further guidance*).
- 9.4 The appeal meeting will be held as soon as reasonably practicable after the notice to appeal has been received. The Senior Post-Holder will be given at least five days notice of the meeting date to allow him or her to prepare for the meeting.
- 9.5 At the appeal meeting, the Senior Post-Holder will be given the opportunity to state his or her case and has the right to be accompanied by a representative of a trade union or work placed colleague (please see Notes Section for further guidance).
- 9.6 If the chosen companion of the Senior Post-Holder is unavailable on the date of the initial meeting, the Senior Post-Holder may delay the date of that meeting once by up to five working days to enable the chosen companion to attend. The location and timing of any alternative meeting should be convenient to both the Corporation and the Senior Post-Holder, but should not unduly delay the process.
- 9.7 At the appeal, the disciplinary penalty imposed will be reviewed, but it cannot be increased. The appeal decision will be notified to the Senior Post-Holder (and, where it is a decision of a committee of the Corporation, also notified to the Corporation) in writing without unreasonable delay following the appeal meeting. The appeal decision is final.

Appendix 1

Notes relating to the model disciplinary procedure

Section 2

All employees, including Senior Post-Holders, have the statutory right to be accompanied by a work placed colleague or trade union representative, where they are required or invited by the employer to attend a formal disciplinary meeting and when they make a reasonable request to be so accompanied.

The trade union representative can be an officer employed by a trade union, or a lay trade union officer, so long as (in the latter case) they have been reasonably certified in writing by their union as having experience of, or as having received training in, acting as a Senior Post-Holder's companion at disciplinary meetings.

A Senior Post-Holder may ask an official from any trade union to accompany them at a disciplinary meeting, regardless of whether or not he or she is a member or the union is recognised by the College.

A work placed colleague or trade union representative who is to accompany the Senior Post-Holder at the disciplinary meeting should be permitted to take a reasonable amount of paid time off to fulfil this. This should cover the disciplinary meeting and it is also good practice to allow time for the companion to familiarise themselves with the case and confer with the Senior Post-Holder before and after the meeting.

To exercise the statutory right to be accompanied, a Senior Post-Holder must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for a Senior Post-Holder to insist on being accompanied by a companion whose presence would prejudice the meeting nor would it be reasonable for a Senior Post-Holder to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

The companion should be allowed to address the meeting to put and sum up the senior post-holder's case, respond on behalf of the Senior Post-Holder to any views expressed at the meeting and confer with the Senior Post-Holder during the meeting. The companion does not, however, have the right to answer questions on the Senior Post-Holder's behalf, address the meeting if the Senior Post-Holder does not wish it or prevent the Corporation from explaining their case.

Section 4

Under the ACAS Code of Practice (April 2009), suspension with pay should only be used where necessary. This means that suspension should not be used as a matter of course in all disciplinary investigations.

The supplementary ACAS guidance explains that suspension should only be used after careful consideration, in circumstances where it is deemed necessary. Section 4.1 of this procedure outline some examples of situations where paid suspension may be deemed necessary.

In addition, the Code of Practice states that any period of suspension should be kept as brief as possible and must be kept under review. Colleges should monitor each instance of paid suspension to ensure that is still necessary for the Senior Post-Holder to be removed from the workplace and that this is not unduly prolonged.

Suspension **without** pay cannot be used unless both (i) this is expressly provided for in the contract of employment and (ii) the Senior Post-Holder has been notified of the grounds for the proposed suspension, invited to a meeting to discuss the proposed suspension and that the meeting has taken place. If a Senior Post-Holder is suspended without pay, then he/she shall have a right to appeal against that suspension, and the appeal shall be heard and action taken in a timely manner.

Sections 6 to 9

Below is a summary of the committees that can hear relevant stages of the formal disciplinary procedure:

Level of Action	Hearing	Appeal
Formal disciplinary: action short of dismissal (warning)	The Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee, Special Committee, consisting of three Corporation members	Appeal Committee
Dismissal	Special Committee, consisting of three Corporation members	Appeal Committee, ideally chaired by the Chair of the Corporation

None of the panels or committees referred to above shall include the staff and student members of the Corporation. Similarly, the investigating officer should not be a member of the Special Committee or Appeal Committee.

Section 7

The period during which warnings should be kept on the Personnel Department’s file might, for example, be as follows:

- Verbal warning 6 months
- First written warning 12 months
- Final written warning 18 months

Section 9

Wherever possible, the Chair of the Corporation should be held in reserve for an Appeal Committee, rather than sitting on the Special Committee. In this way, the most senior member of the Corporation is able to take part in the final stage of the formal disciplinary procedure.

Appendix 2

Example procedure for a disciplinary meeting

1. During the meeting, adjournments may be requested by either party or by the manager conducting the meeting and will not be refused unreasonably. Where such a request is denied, an explanation will be given.
2. Each party shall inform the other party prior to the meeting if they wish to call witnesses.
3. The Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee members) conducting the meeting will ask whether any new evidence has been made available that could not be circulated prior to the meeting and will make a judgement as to whether an adjournment is necessary to allow consideration of such evidence.
4. The Principal (or where the Principal is the Senior Post-Holder in question, the chair of the Special Committee conducting the meeting) will introduce all those present, including each person's role in the meeting, and will explain the purpose of the meeting.

Not every meeting will be conducted in exactly the same way and will depend on the particular circumstances and nature of the allegations. However, a typical procedure to be followed at a disciplinary meeting is outlined below:

Meeting procedure

- (a) The Investigating Officer (IO) will present the details of the allegation and a report on the investigation undertaken.
- (b) The Senior Post-Holder and his/her companion may question the IO.
- (c) The Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee members conducting the meeting) may question the IO.
- (d) The Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee members conducting the meeting) may call witnesses individually and ask questions of them.
- (e) The Senior Post-Holder or companion may question the witness.
- (f) Each witness will attend only for his/her own evidence and will withdraw once his/her evidence is given.
- (g) The Senior Post-Holder and/or companion will present the case against the allegations and explain any special circumstances which may exist.

- (h) The Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee) may ask the IO if he/she has any comments on what has been said by Senior Post-Holder or the witnesses.
- (i) The Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee) may question the Senior Post-Holder.
- (j) The Senior Post-Holder and/or companion may call any witness.
- (k) The Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee) may question the witnesses.
- (l) The Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee) may ask the IO if he/she has any comments on what has been said by the witnesses.
- (m) As above, each witness will attend only for his/her own evidence and will withdraw once his/her evidence is given.
- (n) Should the Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee conducting the meeting) wish to clarify any issue with either the Senior Post-Holder or IO they will do at this point.
- (o) The IO will summarise the case against the Senior Post-Holder without introducing any new factors.
- (p) The Senior Post-Holder and/or companion will summarise the case against the allegation.
- (q) The Principal (or where the Principal is the Senior Post-Holder in question, the chair of the Special Committee) will conclude the meeting.
- (r) After the meeting, the Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee members) will decide whether or not an offence has been committed. The Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee members) may seek guidance from an HR representative on procedural matters.
- (s) If, in the opinion of the Principal (or where the Principal is the Senior Post-Holder in question, the Special Committee) conducting the meeting an offence has been committed, relevant factors will take into account the following before deciding upon an appropriate disciplinary sanction. Examples of relevant factors include:
- any mitigating factors, e.g. health, domestic, bereavement;
 - current disciplinary record of the Senior Post-Holder;
 - length of service at the College;
 - nature of the offence;
 - evidence produced by either party at the meeting;
 - statements and answers provided by witnesses;
 - any sanctions imposed in the past for similar offences.

- (t) Once that decision is made, written confirmation of the decision will be sent to the Senior Post-Holder without unreasonable delay.
- (u) The Senior Post-Holder will be advised of his or her right to appeal against the decision and informed who that appeal should be lodged with and in what timescale.

Example procedure for appeals

Where the appeal is against a written warning, it will be heard by an Appeal Committee whose members have not been involved in the disciplinary process in question so far. The Appeal Committee shall not include the Principal, staff members or student members.

Not every meeting will be conducted in exactly the same way and will depend on the particular circumstances and nature of the allegations. However, a typical procedure to be followed at an appeal meeting is outlined below:

Meeting procedure

- (a) The chair of the meeting will introduce those present, including each person's role in the meeting, and will explain the purpose of the meeting.
- (b) The Senior Post-Holder or companion will state the precise nature of the appeal. He/she will then explain his/her case and any special circumstances which may exist.
- (c) Where appropriate, the Senior Post-Holder or companion may introduce any witnesses.
- (d) The chair of the meeting, or Appeal Committee member, may question any witnesses.
- (e) Each witness will attend only for his/her own evidence and will withdraw once his/her evidence is given.
- (f) The chair of the meeting, or Appeal Committee member, may question the senior post-holder.
- (g) If necessary, the chair of the meeting may call the chair of the panel who made the original disciplinary decision in order to ask any relevant questions.
- (h) The Senior Post-Holder or companion may question the chair of the panel who made the original disciplinary decision.
- (i) The chair of the panel who made the original disciplinary decision will withdraw.
- (j) The Senior Post-Holder or companion to summarise the appeal, with no new factors to be introduced.
- (k) After the meeting, the appeal committee will review case before making decision. The appeal committee is to take account of the original disciplinary decision and the Senior Post-Holder's representations from the appeal meeting.
- (l) Once that decision is made following the meeting, written confirmation of the decision will be sent to the Senior Post-Holder without unreasonable delay.