

Disciplinary Policy and Procedure

1.0 Introduction

1.1. At the University of Westminster, diversity, inclusion and equality of opportunity are at the core of how we engage with students, colleagues, applicants, visitors and all our stakeholders. We are fully committed to enabling a supportive and safe learning and working environment which is equitable, diverse and inclusive, is based on mutual respect and trust, and in which harassment and discrimination are neither tolerated nor acceptable.

1.2. There is an expectation that all colleagues will fully conduct themselves to the standards required by the University and in line with the University's vision and values and the appended Colleague Code of Conduct. The University Strategy, 'Being Westminster', sets out the expectations in terms of desired colleague behaviours. However, if a colleague's conduct or behaviour falls below the required standards, this policy and procedure explains how the University will deal with such situations.

2.0 Purpose and Scope

2.1 The aim of this policy and procedure is to provide a consistent, fair and systematic approach to help and encourage all colleagues that are employees of the University to achieve and maintain the University's required standards of conduct and behaviour. This policy and procedure does not apply to other workers such as agency workers or contractors.

2.2 References to 'harassment', 'sexual misconduct', 'bullying', 'victimisation' and 'unlawful discrimination' have the meanings set out in Appendix 1(a) of the University's Diversity and Dignity at Work and Study Policy. Any allegation of harassment made by a student against a colleague will be deemed 'serious' for the purposes of this Policy. For any allegation of harassment by a colleague, it will be for the University to determine in each case whether it is potentially serious.

2.3 A flowchart which summarises the procedures can be accessed on [SharePoint](#).

3.0 Exclusions

3.1 This policy and procedure does not apply to:

3.1.1 holders of senior posts¹ as defined in the Memorandum of Association of the University of Westminster, or

3.1.2 workers who are not employees of the University, such as agency workers or contractors.

3.2 This policy and procedure is limited to managing instances of alleged misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance, which will be dealt with under the appropriate University policy or procedure; [Sickness Absence and Ill Health Policy and Procedure](#), [Redundancy Policy and Procedure](#) and [Capability Policy and Procedure](#).

¹ It is understood that there are a wide range of senior colleagues in the University. For the avoidance of doubt, this exclusion (3.1) *only* applies to those colleagues defined as 'holders of senior posts' in the University's Memorandum and Articles of Association, and their relevant Standing Orders (<http://www.westminster.ac.uk/about-us/our-university/court-of-governors>)

3.3 The University does not determine alleged breaches of the criminal law and does not act as a proxy Crown Prosecution Service.

4.0 Colleague Code of Conduct

4.1 This Policy and Procedure incorporates the Colleague Code of Conduct at Appendix A. The Colleague Code of Conduct contains non-exhaustive examples of misconduct and gross misconduct under this Policy and Procedure.

5.0 Informal Resolution

5.1 It is expected that wherever possible minor misconduct or unsatisfactory behaviour will be dealt with, as the matters arise, outside of the formal disciplinary process and during regular meetings between a colleague and their line manager.

5.2 Informal resolutions will normally involve a one-to-one discussion between the line manager and colleague with the intention of gaining sustained improvement to the unsatisfactory conduct or behaviour. This discussion should enable the manager to provide constructive feedback and the colleague to express views on the issue.

5.3 Where a need for improvement is identified, the manager will discuss the improvement(s) needed with the colleague, the timescale and how this is to be reviewed. At these informal line management meetings, the colleague does not have the right to be accompanied

5.4 If, following an informal resolution process, the minor misconduct or unsatisfactory behaviour does not improve, the formal disciplinary process may be initiated by the colleague's Line Manager or a senior manager within the University.

5.5 Please note that in the case of any allegation of sexual misconduct or serious harassment, the informal stage will not apply, and the allegations will be investigated under the formal stage of this procedure.

6.0 Key Principles of Formal Disciplinary Procedure

6.1 Confidentiality and Records

6.1.1 The disciplinary procedure will be carried out in confidence, unless otherwise agreed with the parties involved. This means that colleagues must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. However, it will be necessary for information to be shared in certain circumstances in compliance with data protection legislation and confidentiality requirements. Where it is necessary to do so for the purposes of investigating, determining or otherwise dealing with misconduct or disciplinary issues the University may share information provided by and/or about colleagues and others with people involved in a disciplinary matter. Information may also be shared when providing wellbeing support and protecting the health, safety, wellbeing of a colleague or student or in references, where appropriate.

6.1.2 A colleague subject to formal disciplinary procedures may also share information relating to their case for the purpose of obtaining advice and support from their trade union representative or colleague accompanying them to the meeting.

6.1.3 Electronic recordings are not normally permitted at any meetings or hearings under this procedure. To aid notetaking, and only with the express consent of all attendees obtained in advance and using appropriately secure University approved tools, may an electronic recording be permitted. Any such recording will form part of the disciplinary record. Covert recordings are not permitted. A colleague who makes a covert recording at any such meeting or hearing, or encourages or instructs another

person to do so on their behalf, may be treated as having breached the Colleague Code of Conduct (Appendix A) and potentially be subject to disciplinary action under this policy and procedure. A covert recording will not normally be admissible in proceedings under this policy and procedure.

6.1.4 Colleagues will normally be notified of any witnesses whose evidence is relevant to the disciplinary proceedings against them, unless the Chair decides that a witness's identity should remain confidential, as far as practicable.

6.1.5 Disciplinary records will be processed in accordance with the principles set out in the Data Protection Act 2018 and the General Data Protection Regulations. Disciplinary records will normally be treated as confidential. However, the University retains the authority to use disciplinary records as appropriate where it is necessary to address wider issues within the University, for example, equal opportunities monitoring, or as part of a related or subsequent University procedure or in the course of external proceedings or in preparing any reference.

6.2 Right to be accompanied

6.2.1 If required to attend a disciplinary investigation meeting and/or hearing the colleague may be accompanied at any formal stage of the procedure by a University work colleague, or an accredited trade union official.

6.2.2 Where an accredited trade union representative is liable to potential disciplinary action, they must inform their relevant People Business Partner/People Adviser immediately, in writing. Subject to that trade union representative's agreement, PCW will then contact the regional full-time trade union official and they will be provided with a copy of any communication(s) regarding the case. The normal disciplinary procedure will apply in this circumstance.

6.3 Roles and Responsibilities

6.3.1 **The Colleague²** has a contractual responsibility to achieve and maintain professional standards of conduct and behaviour. They must take all reasonable steps to attend all meetings/hearings convened under this procedure and observe the principles of confidentiality that apply to the procedure, as set out in section 6.1 above.

6.3.2 **The Line Manager** will establish and monitor standards of conduct and behaviour and ensure these are communicated clearly and consistently. Where standards are not being met, they will take appropriate and timely measures to address the issue(s), including exploring informal resolution in the first instance, where possible.

6.3.3 **The Chair/Appeal Chair** hears the disciplinary or appeal and has responsibility to perform their role promptly, fairly, impartially and consistently in accordance with this policy and procedure. The Chair of the disciplinary hearing will not hear any appeal.

6.3.4 **The Witness** provides factual information about the allegation or other evidence that may be relevant to the issues under consideration. They do so on the understanding that their evidence, where relevant, will normally be disclosed to the colleague that is the subject of the allegation. In exceptional circumstances, the Chair may choose not to disclose to that individual certain elements of the witness's evidence if deemed appropriate in the circumstances and as long as they are fully satisfied that it will not prejudice a fair hearing of the case.

² That is, the employee who is the subject of the disciplinary process

6.3.5 Subject to the terms of this policy, the Chair of the hearing or appeal has full discretion to give or make any directions, arrangements or decisions as they deem necessary for the fair, reasonable and prompt dealing with the disciplinary.

6.3.6 **The PCW Representative** provides impartial professional advice and guidance on the disciplinary procedure. The PCW Representative will not participate in the formulation of any substantive decision(s) in the case.

6.3.7 **The Companion** accompanying the colleague at the investigation meeting/hearing will be restricted to: putting the colleague's case, summing up that case, and responding on their behalf to any view expressed at the hearing, and conferring with the colleague.

6.3.8 The companion does not have the right to answer questions directed to the colleague.

6.3.9 During the investigation meeting/hearing, the colleague or their companion may ask for a short adjournment to confer before resuming the meeting.

6.4 Grievances, Student Complaints and Disciplinary Action

6.4.1 Where a grievance has been raised by the colleague who is to be investigated under the Disciplinary Procedure, and the grievance is both unrelated to and predates the incident or allegation that is to be investigated, the grievance will normally be heard first. An exception may be where the disciplinary allegation is of a sufficiently serious nature to warrant suspension and the terms of the suspension prevent the colleague from participating in a grievance process, or where the circumstances of the disciplinary allegation is such that it would not be appropriate to delay the disciplinary process.

6.4.2 If a colleague raises a grievance during a disciplinary investigation and the grievance and disciplinary are related, it may be appropriate to deal with both cases concurrently.

6.4.3 The Grievance Procedure should not be used to complain about disciplinary or dismissal action. If a colleague is dissatisfied with a disciplinary sanction against them, they should submit an Appeal under the Disciplinary Procedure.

6.4.4 In cases where an allegation of misconduct by a colleague has been investigated under the Student Complaints Procedure, the evidence produced in the course of that investigation, along with any investigation report, may form part of the evidence considered as part of an investigation and/or hearing under this policy and procedure. Where findings of fact have been made under the Student Complaints Procedure and those findings may be relevant to the conduct of the colleague that is to be considered under this Disciplinary Procedure, those findings of fact will be adopted by those considering disciplinary allegations under this procedure and may not be challenged by the colleague. As part of the Disciplinary Procedure the colleague will have the opportunity to provide evidence, make submissions and put forward representations.

6.5 Disciplinary matters involving allegations by colleagues or students of serious harassment or sexual misconduct

6.5.1 For the purposes of this policy and procedure a 'Reporting Person' is a worker or employee engaged by the University or a Student who has reported or disclosed an allegation of misconduct against a colleague and who is a victim of the alleged misconduct. A 'Student', for these purposes, means any person pursuing a course, module or programme of study or research offered by the University, whether or not currently in attendance, suspended, interrupted, or on placement or overseas study. It

includes students who have accepted an offer of a place on a programme of study or research and as such have entered into a contract with the University but who have not yet completed the formal registration processes. It also includes any former student of the University who has successfully completed their studies or who has terminated their studies for any other reason.

6.5.2 In cases involving allegations made by a Reporting Person against a colleague of serious harassment or sexual misconduct (such as sexual assault), and where those allegations have not previously been considered and subject to findings under another University procedure (including the Student Complaints Procedure), the following provisions will apply to this policy and procedure. These provisions are intended to allow the Reporting Person to participate in the disciplinary process whilst ensuring that the colleague who is the subject of the allegation benefits from appropriate procedural safeguards.

6.5.2.1 The University will appoint an Investigation Officer to carry out an investigation prior to any disciplinary hearing, as provided for under section 7.4., and the Reporting Person will be invited to give evidence as part of that investigation. Where, following that investigation, a decision is taken by the Chair not to proceed to a disciplinary hearing and to take no formal action against the colleague in relation to the alleged misconduct, the Reporting Person will, within five working days of the decision being taken, be notified of the decision and provided with a copy of the investigation report (redacted for relevance and where necessary in compliance with data protection and confidentiality obligations). The Reporting Person may request a review of that decision by the Chair setting out the reason for their request, such request to be made no more than ten working days of being notified of the decision. Where a review request is made, the colleague will, within five working days, be informed of the request and invited to respond in writing within no more than ten working days. The Chair will review their decision (on paper without a hearing) in light of the request and any response from the colleague. The Reporting Person and the colleague will be informed of the decision of the Chair in writing (normally within fifteen working days of the date of the review request) and this decision will be final.

6.5.2.2 The University will give careful consideration to whether to exercise its power to suspend or put in place other precautionary conditions in accordance with section 7.5 of this policy and procedure, including considering whether such a measure may be necessary for the purpose of protecting and/or supporting the Reporting Person's health, safety or wellbeing from a risk of serious harm and/or protecting the continuation of their work and/or studies from a risk of serious interruption or disruption.

6.5.2.3 Any disciplinary hearing under section 7.6 of this policy and procedure will be conducted by a panel of three.

6.5.2.4 Throughout the disciplinary process the University will notify the Reporting Person of any significant developments in the proceedings and provide them with sufficient information to understand the decisions reached, whilst having due regard to any data protection legislation and/or any confidentiality obligations that may be owed to the colleague who is the subject of the decision.

6.5.3 Where the Reporting Person is a student, they will be offered pastoral support from the Student Wellbeing Team and will be assigned a Sexual Misconduct Liaison Officer (SMLO) who is trained specifically to support the student under this type of procedure. Pastoral support can also be received from Disability Services, Residence Life and independent support from the Students' Union Advice Service. Where there is an allegation of harassment or sexual misconduct against a colleague, a Student Complaints Risk Panel (SCRIP) will be convened. This panel will continue to hold the case until its conclusion. Please see the

Student Complaints Policy for further information.

- 6.5.4 Support is available for any colleague who is the subject of an allegation of harassment or sexual misconduct. The colleague should contact their People Business Partner/Adviser for further information. Details of additional help and advice that is available to colleagues can also be found at section 9 of this policy.

6.6 Disciplinary offences which are also subject to criminal investigation

- 6.6.1 Where an individual, whether a colleague or a student, alleges that they are the subject of misconduct committed by a colleague that may amount to a criminal offence, the University will support that individual for example in supporting them to report the misconduct to the police, should they wish to do so and where permitted by its confidentiality obligations and obligations under data protection legislation. The University will provide information for external support services as appropriate.
- 6.6.2 Where suspected misconduct by a colleague is also subject to police investigation or criminal prosecution, the University may suspend the disciplinary process under this policy and procedure until the police investigation and/or any criminal proceedings have been concluded. The University will consider each matter on a case-by-case basis and may continue with or proceed to take action under this policy and procedure (or other University procedure), including but not limited to exercising its powers under section 7.5 below, at its discretion notwithstanding any police investigation and/or criminal proceedings.
- 6.6.3 The colleague will be reminded that whilst police investigations and/or any criminal proceedings are underway they will be obliged to keep the University informed of any progress and/or change in status regarding their case. The Director of PCW or their designated nominee will review the case on at least a monthly basis and will determine if any action is required during this review period.
- 6.6.4 When police investigations and/or any criminal proceedings have concluded, the Director of PCW or their designated nominee will decide whether the University should continue with or proceed with action under this policy and procedure (or other University procedure), taking into account the following guidance:
- 6.6.4.1 Where the colleague has been convicted of a criminal offence, the University is not precluded from taking action under this policy and procedure (or under other University procedure) and it may have regard to the criminal conviction including in respect of determining any disciplinary penalty, as relevant in the circumstances.
- 6.6.4.2 Where the colleague has been acquitted in criminal proceedings the University may take into account the decision of the court when dealing with a matter under this policy and procedure.
- 6.6.4.3 Where, following investigation by the Police, a decision has been taken not to proceed to a criminal trial, this does not preclude the University from conducting its own investigations and/or instigating proceedings under this policy and procedure or other University procedure.
- 6.6.5 Where the University investigates an allegation that also is (or has been) the subject of a criminal process, any judgements reached as part of that investigation do not constitute a legal ruling on whether or not criminal activity has taken place.

7.0 Formal Disciplinary Procedure

7.1 Where informal resolution has not been effective, or the nature of conduct or behaviour is considered to be sufficiently serious (see Colleague Code of Conduct, Appendix A), the line manager or a senior manager within the University may initiate a formal disciplinary procedure.

7.2 The disciplinary procedure has three stages: Investigation, Disciplinary Hearing and Appeal Hearing.

7.3 Where the disciplinary has proceeded to a formal hearing, colleagues should regard that hearing as the substantive hearing and as the best and most appropriate forum for their case to be heard. Appeals will normally be restricted to matters of procedure, where there is fresh evidence which arose after the first hearing or disproportionate nature of the disciplinary sanction.

7.4 Investigation

7.4.1 The purpose of investigation is to establish the facts, e.g. where, what and when incidents allegedly occurred, before deciding whether to proceed with a disciplinary hearing. The investigation will take place as soon as possible after the allegation in question has been identified by the University. A Chair will be identified at the outset of this process.

7.4.2 The Chair may consider it necessary to appoint an Investigation Officer to carry out an investigation prior to the hearing. It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases, this will require the holding of investigatory meetings with the colleague concerned, and potentially with other witnesses, before proceeding to any disciplinary hearing. In those cases, the University will notify the colleague in writing of the nature of the allegation(s) which are to be investigated and the colleague will have the opportunity to meet with the Investigation Officer to present verbal and written information in response to the allegation(s) to be considered. In other cases, the Chair will review the evidence provided by the line manager or senior manager who has initiated the procedure, and the Chair may decide that the matter will proceed straight to a disciplinary hearing.

7.4.3 Where an investigation process is undertaken prior to any disciplinary hearing, an investigation report will be prepared for consideration by the Chair. The Chair will consider the report before deciding whether the matter should proceed to a formal disciplinary hearing.

7.4.4 The University at its sole discretion reserves the right to appoint an Investigation Officer who is external to the University.

7.5 Suspension and precautionary conditions

7.5.1 While alleged misconduct is being investigated, consideration may be given to the colleague being suspended from work, on full pay. For example, this may be appropriate where the continuing presence of the colleague in the workplace causes distress or it is believed that their presence may prevent impartial investigation. The decision to suspend a colleague is only taken after careful consideration of any perceived risks posed and may only be taken by the post holders given the authority to suspend under relevant Standing Orders made under the Memorandum of Association for the University of Westminster.

7.5.2 Suspension on full pay is not considered a disciplinary sanction and does not imply that the outcome of the investigation or hearing has been pre-determined. The colleague will be notified in writing of the decision and the grounds on which the decision to suspend has been taken. Suspensions will be kept under review and

every effort will be made to ensure that it is not unnecessarily protracted.

7.5.3 In certain cases the University may put in place other temporary measures ('precautionary conditions') if it considers this necessary to protect the best interests of both the colleague and/or the University. This may arise from allegations that are subject to investigation under this policy and procedure or where they have arisen in the context of allegations being considered under another University procedure, for example the Student Complaints Policy and Procedure or the Colleague Grievance Policy and Procedure. Precautionary conditions may include, for example, restricting the colleague's access to parts of the University's premises, services and/or facilities, restricting access to University-related activities and event/s, and/or restricting or limiting contact between the colleague and a named person or persons. As for a suspension, the application of a precautionary condition does not imply that the outcome of a relevant process has been pre-determined and it will be kept under review with every effort made to ensure that it is in place no longer than is necessary.

7.6 Disciplinary Hearing

7.6.1 Following any investigation (should this be required), if the Chair considers there are grounds for disciplinary action the colleague will be required to attend a disciplinary hearing. The purpose of the hearing will be to allow the findings of any investigation to be presented and considered and the colleague will be asked to respond and present any evidence of their own.

7.6.2 Depending on the nature of the allegation/s, the investigation and hearing may form part of the same meeting, if decided by the Chair. The colleague will be advised of this in advance of the hearing.

7.6.3 The colleague will receive in writing at least five working days prior to the hearing the following information:

- The date, time and location of the hearing
- Details of the allegation(s)
- The name of the manager chairing the hearing
- Confirmation of the right to be accompanied at the hearing
- Confirmation that an PCW representative will attend the hearing.
- The investigation report (if applicable) along with any supporting evidence
- An invitation to the colleague to submit any evidence on which they wish to rely at the hearing, including any witnesses they wish to call, and details of any applicable deadline for submission of that evidence
- Any other supporting documents or information, as decided by the Chair

7.6.4 If the colleague or their companion is unable to attend the hearing on the date proposed, the Chair will make arrangements for the hearing to be re-scheduled normally no later than five working days after the original date. Due consideration will be given to the health of the colleague in scheduling meetings. If the chosen companion cannot attend on the rescheduled date the Chair may request that the colleague chooses a different companion. If the chosen different companion of the colleague has difficulty in attending the hearing on the date stipulated, the colleague must inform the Chair of this and, where the companion is a University employee, the Chair, in conjunction with the Director, or Deputy Director of PCW, will arrange for the University to take such steps as may be appropriate to release that companion from such other responsibilities as may be causing them difficulty in attending the hearing on the stipulated date. If the colleague is persistently unable or unwilling to attend the hearing, unless there are exceptional circumstances (as decided by the Chair), the Chair will make a decision based on the evidence available.

7.6.5 The colleague must make every effort to attend the hearing and failure to attend without good reason may be treated as misconduct in itself.

7.6.6 Where a colleague is sick and unable to attend work, it will not be assumed that they are also unable to attend an investigation meeting or hearing. The University may refer a colleague to Occupational Health to establish if they are fit enough to attend an investigation meeting or hearing. If it is concluded by the University (having regard to all available evidence) that they are sufficiently fit to attend the meeting and/or hearing, but fail to do so without good reason, or if they have exhausted their right to ask for a postponement, the disciplinary hearing will take place in their absence. Alternatively, they can instruct their companion to attend the hearing and represent their interests in their absence and/or make written submissions for consideration at the hearing.

7.6.7 At the hearing the Chair and the colleague will have the opportunity to raise points and questions about any information and evidence provided by witnesses.

7.6.8 In cases where an Investigation Officer has undertaken a separate disciplinary investigation prior to the hearing, the Chair may invite the investigating officer to present the investigation report at the hearing.

7.6.9 If the colleague wishes to call witness(es) to the hearing, the names and details of the witness(es), along with a written statement as to the nature and relevance of their evidence, must be sent to the Chair at least three working days prior to the hearing. The Chair of the hearing will then take a view as to whether they would benefit from hearing from that/those witness(es), and whether their evidence is sufficiently relevant. If the Chair decides they would benefit from seeing or hearing from the witness(es), the witness(es) will be called to give evidence. The University reserves the right to call its own witnesses and/or request documentary evidence. In this circumstance, the subject of the Hearing will be advised in advance of any such witnesses and/or provided with documentary evidence submitted. Neither the colleague nor their companion has the right to cross examine any witness(es).

7.6.10 If the colleague wishes to submit documentation for the Chair's consideration, they must do so at least three working days prior to the hearing.

7.6.11 The Chair is responsible for approving all meeting notes. Notes will be sent to the colleague that attended the meeting (and the companion, if the colleague requests this). In the event that the colleague does not agree with the final approved version of notes, they can lodge an amended copy with PCW to be kept on file; however, for all purposes the final Chair-approved version of the notes prevails.

7.6.12 After hearing all the evidence and submissions, the Chair may decide to adjourn the hearing to carry out further investigation, to establish further the facts of the case if they consider that necessary. This may include, where appropriate contacting other parties who have witnessed the incident or have pertinent information about the matters which gave rise to the allegation. In such cases it may be necessary to reconvene the disciplinary hearing with the colleague to seek their response to that further evidence. If the disciplinary hearing is reconvened, the Chair will share any newly obtained relevant information with the colleague in advance of the reconvened hearing.

7.6.13 Once the Chair has considered all of the evidence, they will decide whether the allegations are upheld and, if so, if it is appropriate to issue a disciplinary sanction or whether no further action is required. In all circumstances where a sanction is issued the level of the sanction will be reasonable and proportionate to the circumstances of the case.

7.6.14 The outcome of the disciplinary will be communicated to the colleague, in writing, summarising the Chair's reasoning and their decision, usually within ten working days from completion of the disciplinary hearing. If there is a delay in communicating the outcome, the colleague will be notified in writing and advised of the revised timescale.

7.6.15 In cases where the allegation may result in dismissal, the Chair will be a post holder who has been given the authority to dismiss under relevant Standing Orders made under the Memorandum of Association for the University of Westminster.

7.7 Appeal

7.7.1 The colleague has the right to appeal against any formal disciplinary sanction.

7.7.2 They must send their written notice of appeal to the Director of People, Culture and Wellbeing within ten working days from the date of the disciplinary outcome letter, clearly stating the grounds for the appeal which are limited to:

- New evidence which was not available at the first hearing. This requires an explanation as to why this evidence was not presented at the first hearing
- Disproportionate nature of the disciplinary sanction and reason why
- Procedural failure or irregularities, identifying those alleged failures and irregularities.

7.7.3 A decision to dismiss will be implemented immediately. In the event that the appeal is successful, the colleague will be reinstated and their continuous service preserved without interruption from the date of dismissal.

7.7.4 Every effort will be made to hear the disciplinary appeal as soon as reasonably possible, and the University will normally aim to acknowledge the appeal and confirm the date of the formal appeal hearing within ten working days of receipt of the appeal. The colleague has the right to be accompanied at the appeal hearing and an PCW representative will be present. The appeal will be heard by another manager (nominated by PCW) from outside the School or Department, as far as is reasonably practical and not involved in the original disciplinary. PCW will forward the grounds for appeal to the appointed Appeal Chair.

7.7.5 The Appeal Chair will set the date for the appeal hearing and will expect the colleague to make all reasonable efforts to attend on the date stipulated. If the chosen companion of the colleague has difficulty in attending the hearing on the date stipulated, the colleague must inform the Appeal Chair of this and, where the companion is a University employee, the Appeal Chair, in conjunction with the Director, or Deputy Director of People, Culture and Wellbeing, will arrange for the University to take such steps as may be appropriate to release that companion from such other responsibilities as may be causing them difficulty in attending the appeal on the stipulated date. If this still fails to enable the companion to be available, the colleague may request a postponement of up to five days, but must when doing so specify such times and dates in the following five days when both they and their companion are available, giving as many time slots as possible. The Appeal Chair has the authority to decide if there are any exceptional circumstances that should be considered before they make a decision to agree to a postponement of the hearing.

7.7.6 The appeal will ordinarily be conducted by way of a review of the decision to issue a sanction, as opposed to a rehearing. That is, the appeal will involve a determination as to whether the decision was one which a reasonable person could have made, on the basis of the evidence and arguments which were presented to that decision maker. It will not normally involve a reconsideration of all of the issues in a case, or the presentation of new evidence or documents, or the submission of arguments which could have been, but were not, advanced previously. New evidence may be introduced if it was not available at the original hearing, subject to an explanation as to why it was not available. The Appeal Chair will ordinarily expect to see only the colleague and their companion. Only in exceptional circumstances would the Appeal Chair be expected to call before them the decision maker or any other persons and this will be a matter for the Appeal Chair's discretion. The appeal hearing will be conducted such as to allow the colleague to develop orally their submissions,

and to respond to queries which may be raised by the Chair.

7.7.7 In exceptional circumstances the Appeal Chair will determine that the appeal will be conducted as a rehearing. Such a decision will be entirely at the discretion of the Appeal Chair.

7.7.8 The Appeal Chair will make their decision as soon as reasonably practicable after the appeal hearing and will communicate that decision in writing to the colleague. The Appeal Chair has the right to uphold or overturn the original sanction either in part or in full, and to apply lesser or greater sanctions if deemed appropriate. The written decision of the Appeal Chair will be final and will conclude the Appeal stage of this procedure.

8.0 Disciplinary Sanctions

The Disciplinary Chair, after careful consideration, can issue one of the following sanctions, as they deem appropriate.

8.1 First Written Warning

8.1.1 This is usually given where conduct or behaviour does not meet University standards. A copy of the warning will be kept on the colleague's PCW file from the date of formal notification. It will normally be disregarded for disciplinary purposes after six months, subject to satisfactory standards being maintained.

8.2 Final Written Warning

8.2.1 This is usually given where misconduct is of a more serious nature or where there is an active first written warning on the colleague's record. A copy of the warning will be kept on the colleague's PCW file from the date of formal notification. It will normally be disregarded for disciplinary purposes after twelve months, subject to satisfactory standards being maintained. In exceptional cases a longer period may be specified when the warning is issued.

8.3 Dismissal

8.3.1 If a colleague has been found to have committed further misconduct of any kind, where there is an active final written warning on their record, or where they have been found to have committed gross misconduct, they may be dismissed.

The decision to dismiss may only be taken by the post holders who have been given the authority to dismiss under relevant Standing Orders made under the Memorandum of Association for the University of Westminster. The post holder must also have sought professional advice and guidance from PCW. The colleague will be notified of the date on which their employment is to terminate and advised of their right to appeal. The colleague will be dismissed with notice or paid in lieu of notice, with the exception of cases where it is deemed appropriate to dismiss summarily (that is, without notice or pay in lieu of notice).

8.3.2 The colleague's salary will cease to be paid from the employment termination date. If an appeal is successful, the colleague will be reinstated on to the payroll and will be paid any arrears of salary they may be due and their continuous service preserved without interruption from the date of dismissal.

9.0 Additional Help and Advice

9.1 If a colleague or line manager requires additional help or advice on this policy or procedure they should contact a member of the People Advisory Support Team or their Trade Union Representative.

9.2 The University provides access to a confidential external Employee Assistance Programme (EAP) that is available to all University colleagues. Colleagues can also access a wide range of health and wellbeing support and further information on this, as well as information about Trade Union assistance, can be found on [SharePoint](#).

10.0 Monitoring and Review

10.1 The Disciplinary Policy and Procedure (incorporating the Colleague Code of Conduct as Appendix A) was reviewed in the academic year 2024–25, after consultation with the trade unions.

10.2 This procedure is not incorporated into the individual's contract of employment and it will be reviewed periodically to ensure it continues to reflect legislative changes and best practice. Any further changes made will be subject to prior consultation with the University's recognised trade union representatives.

Agreed by the Resources Committee on: 19 June 2025

Approved by the Court of Governors on: 16 July 2025

Effective from: 1 August 2025

Review date: 1 August 2028

Digital Accessibility

We are committed to ensuring our websites and content is digitally accessible according to the Public Sector Bodies Accessibility Regulations (2018). This policy is published on our website; and can be requested in a range of formats e.g. Word, PDF, plain text, alternative formats such as large print or Braille.

To implement this policy, users are asked to access other digital information or systems. For information on the accessibility of this system, the University has published an accessibility statement for each system which outlines accessibility issues we're aware of and how we are working to address them. You can access this from the system. This policy relates to the following digital systems with the following levels of accessibility:

- Sharepoint – partially accessible – Sharepoint Accessibility Statement
- Microsoft – partially accessible - more on Microsoft (including support from the Microsoft Disability Answer Desk)

If you need an alternative to using the system to implement the guidelines, please contact People Advisory Support or People Services on HR-Services@westminster.ac.uk and we will support you to do this.

This document has been designed to maximise usability - for example navigating by headings, meaningful hyperlinks, image descriptions, colour/contrast and display options such as magnification and reflow. Should you encounter an accessibility barrier, please report to People Advisory Support or People Services on HR-Services@westminster.ac.uk

Disciplinary Policy and Procedure Appendix A

Colleague Code of Conduct

1. Introduction

- 1.1 This Code of Conduct should be read in conjunction with and is incorporated into the University's Disciplinary Policy and Procedure. The aim of the Code of Conduct is to set out the standards of conduct that are required of all colleagues and to provide a framework within which managers can work with colleagues to maintain those standards and deliver improvement where necessary.
- 1.2 It is the University's policy to ensure that any disciplinary matter is dealt with fairly and in accordance with the Disciplinary Policy and Procedure.

2. Scope

- 2.1 This Code of Conduct applies to all employees regardless of length of service (hereafter 'colleagues'), and the principles contained within extend to the University's expectations of wider members of the University community including but not limited to: workers and contractors engaged by, or holding an office or post with the University, honorary staff, emeritus staff, examiners, volunteers, agency staff and consultants.
- 2.2 The University acknowledges colleagues' commitment to the University's values, ethos, culture and high standards of conduct. Where potential breaches of this Code of Conduct arise, the provisions of the Disciplinary Policy and Procedure will apply to employees. For non-employees who are not subject to the University's Disciplinary Policy and Procedure, the University may (having regard to the terms of any applicable contract, guidelines or other terms governing their relationship with the University) take whatever action it deems appropriate in the event of a breach by them of the terms of this Policy, which may include the termination of the relationship with the University.
- 2.3 The standards outlined in this Code of Conduct apply to any conduct that may reflect in some way on a colleague's relationship with the University, whether it occurs in the course of or outside their employment.

3. Standards of conduct

- 3.1 Colleagues are required to maintain appropriate standards of conduct as set out in this Code of Conduct. In particular colleagues are required to:
 - 3.1.1 where applicable, observe the terms and conditions of their contract of employment, particularly with regard to:
 - 3.1.1.1 duties/nature of employment and hours of work;
 - 3.1.1.2 place of work;
 - 3.1.1.3 absence reporting and recording;
 - 3.1.1.4 confidential information;
 - 3.1.1.5 data protection;
 - 3.1.1.6 intellectual property, copyright and patents and inventions;
 - 3.1.1.7 training;

- 3.1.1.8 health and safety;
 - 3.1.1.9 exclusivity of service.
 - 3.1.2 observe all applicable University policies, procedures, rules and regulations, which are notified to colleagues;
 - 3.1.3 take reasonable care in relation to the health and safety of colleagues, students, visitors and other third parties and comply with the University's Safety, Health and Wellbeing policies, which are notified to colleagues;
 - 3.1.4 comply with all reasonable instructions given by managers;
 - 3.1.5 at all times, behave professionally, compassionately, inclusively and respectfully towards others, taking responsibility for their actions and acting in the best interests of the University and its students and colleagues.
- 3.2 Failure to maintain satisfactory standards of conduct may result in action being taken under the University's Disciplinary Policy and Procedure.

4. Misconduct

- 4.1 It is expected that wherever possible minor misconduct or unsatisfactory behaviour will be dealt with, as the matters arise, outside of the formal disciplinary process and during regular meetings between a colleague and their line manager. If, following an informal resolution process, the minor misconduct or unsatisfactory behaviour does not improve the formal disciplinary process may be initiated.
- 4.2 The following are examples of matters that will normally be regarded as misconduct and will be dealt with under the University's Disciplinary Policy and Procedure:
- 4.2.1 Unauthorised absence from work;
 - 4.2.2 Poor timekeeping;
 - 4.2.3 Disruptive or offensive behaviour;
 - 4.2.4 Failure to follow a reasonable management instruction;
 - 4.2.5 Minor breaches of University policies, procedures, rules and regulations;
 - 4.2.6 Minor breaches of contract;
 - 4.2.7 Defiant behaviour and/or insubordination;
 - 4.2.8 Negligent damage to, or minor instances of unauthorised removal or use of, University property or assets;
 - 4.2.9 Neglect in the performance of duties;
 - 4.2.10 Abuse of position or authority;
 - 4.2.11 Overstepping appropriate professional boundaries when dealing with colleagues, students or others;

- 4.2.12 Minor breaches of the University's Code of Practice on Freedom of Speech; (this is not intended to undermine the other rights enshrined in this Code of Practice)
- 4.2.13 Excessive use of University phones (or other information and communication systems) for personal calls and/or excessive personal e-mail or internet/data use;
- 4.2.14 Obscene language or other offensive behaviour;
- 4.2.15 Being inaccessible to managers, colleagues and/or students during working hours;
- 4.2.16 Smoking/vaping in no-smoking areas.

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

5. **Gross misconduct**

- 5.1 Gross misconduct is a serious breach of contract and includes misconduct which, in the University's opinion, is likely to prejudice the University's activities or reputation or irreparably damage the working relationship and trust between the University and the colleague (whether it occurs in the course of or outside employment). Gross misconduct will be dealt with under the University's Disciplinary Policy and Procedure and may lead to dismissal without notice or pay in lieu of notice (summary dismissal).
- 5.2 The following are examples of matters that are normally regarded as gross misconduct:
 - 5.2.1 Theft or unauthorised removal of University property or the property of a colleague, contractor, student, or member of the public;
 - 5.2.2 Fraud, forgery or other dishonesty, including (but not limited to) deliberate falsification of records and fabrication of expense claims;
 - 5.2.3 Actual or threatened violence, or behaviour which provokes violence;
 - 5.2.4 Disorderly or indecent conduct;
 - 5.2.5 Harassment or victimisation of, or unlawful discrimination against, employees, workers, contractors, students or members of the public;
 - 5.2.6 Sexual misconduct;
 - 5.2.7 Deliberate damage to, or serious instances of unauthorised removal or use of, University property or assets;
 - 5.2.8 Unauthorised disclosure of confidential information;
 - 5.2.9 Covertly recording any internal meeting or hearing without appropriate authority, or encouraging or instructing another person to do so on their behalf;
 - 5.2.10 Bringing the University into disrepute;
 - 5.2.11 Bullying or physical violence;
 - 5.2.12 Breach of the University's Professional Boundaries and Personal Relationships Policy;

- 5.2.13 Serious misuse of the University's intellectual property, brand or name;
- 5.2.14 Deliberately accessing internet sites containing pornographic, offensive, illegal or obscene material;
- 5.2.15 Serious misuse of the University's information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet) contrary to the University's IT Security Policy/Acceptable Use Policy;
- 5.2.16 Serious breaches of the University's Code of Practice on Freedom of Speech; (this is not intended to undermine the other rights enshrined in this Code of Practice)
- 5.2.17 Repeated or serious failure to obey instructions, or any other serious act of defiant behaviour and/or insubordination;
- 5.2.18 Being under the influence of alcohol, illegal drugs or other substances during working hours;
- 5.2.19 Causing loss, damage or injury through serious negligence;
- 5.2.20 Serious or repeated breach of health and safety rules or serious misuse of safety equipment;
- 5.2.21 Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
- 5.2.22 Accepting or offering a bribe or other breach of the University's Anti-Bribery and Corruption Policy;
- 5.2.23 Conviction of any criminal offence such as is likely in the University's opinion to affect its reputation or its relationships with colleagues, students and/or the public, and/or which otherwise affects the colleague's suitability to continue to work for the University;
- 5.2.24 Possession, use, supply or attempted supply of illegal drugs;
- 5.2.25 Serious neglect of duties, or a serious or deliberate breach of the contract of employment;
- 5.2.26 Serious breaches of University policies, procedures, rules and regulations.
- 5.2.27 Unauthorised use, processing or disclosure of personal data contrary to the University Personal Data Protection Policy, and associated policies;
- 5.2.28 Refusing to communicate with managers, colleagues and/or students during working hours or to disclose information that may have a bearing on the performance of the colleague's duties;
- 5.2.29 Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
- 5.2.30 Knowingly taking parental, shared parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child;

- 5.2.31 Maliciously, for personal gain, or otherwise in bad faith raising a false complaint against a colleague, student or other individual, or making a disclosure of false or misleading information under the University's Public Interest Disclosure (Whistleblowing) Policy;
- 5.2.32 Undertaking paid or unpaid employment elsewhere during the colleague's working hours without appropriate authorisation;
- 5.2.33 Unauthorised entry into an area of the University's premises to which access is prohibited.

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