

Disciplinary Procedure for Staff

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Purpose

1. Under English employment law, the University must have disciplinary rules and procedures for employees to follow and refer to.
2. This procedure provides the framework for managers to work with employees to maintain good conduct, encourage improvement where necessary and address concerns fairly and consistently.
3. To ensure transparency, accuracy, and compliance with employment law, all disciplinary meetings may be documented through a formal transcription process. This section outlines the procedures for creating, reviewing, and storing meeting notes.

Scope

4. This procedure applies only to employees and workers of Northeastern University London. It does not apply to any other Northeastern University Campuses agency workers, consultants, self-employed contractors, volunteers, interns or students.
5. This procedure does not form part of any contract of employment or other contract to provide services and we may amend it any time.
6. The HR department has day-to-day responsibility for this procedure and you should refer any questions about this procedure to them in the first instance.
7. This procedure is reviewed annually by the HR Director.

Role descriptors

8. Below are a list of descriptors for roles highlighted in this procedure:
 - **Complainant** – employee who has submitted a complaint against an employee
 - **Reporting Party** – employee who has submitted a complaint via the Report and Support platform
 - **Respondent** – employee whom the complaint is about.
 - **Witness** – employee who may have seen/ heard something relating to the complaint.
 - **Investigator** – employee asked by HR to investigate the complaint, by interviewing complainant, respondent, witnesses etc and writing a report confirming recommendations for next steps.

- **Companion** – person accompanying employee to investigation and/ or disciplinary meeting.
- **HR Business Partner** – member of HR team responsible for HR related matters during process.
- **Note Taker** – member of HR team taking notes of the meetings – this could be the HR Business Partner or another member of the team.
- **Hearing Manager** – Employee who will chair disciplinary meeting – will hear from all parties, ask questions, review paperwork, write report and make outcome decision.
- **Appeal Hearing Manager** – Employee who will chair disciplinary appeal meeting – will hear from all parties, ask questions, review original and any additional paperwork and make final appeal outcome decision.

Reasonable adjustments

9. If anyone has difficulty at any stage of the procedure because of a disability, they should discuss the situation with the HR Department or their line manager as soon as possible.

Confidentiality, Recording/Transcription and Data Protection

10. The University's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.
11. No electronic recordings of any meetings or hearings conducted under this procedure should be made by any party, including witnesses and companions, whether these meetings or hearings are conducted in person, by telephone, or using remote working platforms or technologies including Teams and Zoom.
12. **Recording Permission:** Meetings may be audio-recorded only with prior consent from all parties involved. If consent is not granted, detailed written notes will be taken.
 - Transcripts/notes will reflect the discussion accurately, including questions, responses, and any evidence presented.
 - Summaries or paraphrasing should be avoided unless clearly indicated as such.
13. **Responsibility:** The HR representative or designated note-taker is responsible for preparing the transcript.

14. Transcripts/notes are confidential and will be stored securely in compliance with [UK GDPR and University data protection policies](#), the privacy notice published on our corporate website and our Freedom of Information Policy.
15. Access will be restricted to authorised persons involved in the process.
16. Transcripts/notes will be retained for the period specified in the University's record retention policy.
17. Transcripts/notes may be used:
 - As evidence in internal appeals.
 - In external proceedings where legally required.
 - In answer to Data Subject Access Requests.
18. Transcripts/notes must not normally be shared outside the process without explicit authorisation.
19. **Non-Compliance:** Failure to adhere to these procedures may result in disciplinary action for the responsible party and could compromise the integrity of the process.
20. The respondent will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless the University believes that a witness's identity should remain confidential.

Investigations

21. The purpose of an investigation is to find out a fair and balanced view of the facts relating to any allegations. The amount of investigation will depend on the nature of the allegations and will vary from case to case.
22. Investigation meetings are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
23. There is not normally have the right to bring a companion to an investigation meeting. However, the University may allow a companion to accompany someone if it helps to overcome any disability-related disadvantage or any difficulty in understanding English.
24. Co-operation is expected fully and promptly in any investigation. This will include, among other things, informing HR/ the Investigator of the names of any relevant witnesses, disclosing any relevant documents and attending investigation meetings if required. Investigation meetings may take place in person or remotely, using remote working platforms or technologies as appropriate.

Disciplinary hearing

25. In exercising their legal right to bring a companion to a disciplinary meeting, a respondent can choose someone they work with or a workplace trade union representative certified by their union to act as a companion. The companion should be allowed to address the meeting to put and sum up the case, respond on the respondent's behalf to any views expressed at the hearing and confer with them during the hearing. The companion does not, however, have the right to answer questions on the respondent's behalf, address the hearing if the respondent does not wish it or prevent the respondent from explaining their case.
26. It may be possible to use mediation to resolve conflict or to rebuild relationships after a disciplinary meeting has concluded.
27. Examples of misconduct are set out in Appendix B of this Procedure.
28. Gross misconduct is behaviour that seriously undermines the contractual relationship between the employee and the University, which is built on trust and confidence. This could result in dismissal from employment. Examples of gross misconduct are set out in Appendix B of this Procedure.

Guiding principles

29. All approaches and decisions should be in accordance with the University's [Equality Diversity & Inclusion](#) and [Respect for the Rights and Dignity of Others](#) policies.
30. Notes taken should be shared with the respondent. If the respondent believes the notes are not an accurate representation of what was said, they can be amended as track changes on the document. If the manager agrees that the amended version is accurate, the amendments may be agreed. If not, both versions will normally be kept on record.

Employee Access:

- Employees will have the right to review the notes, normally within seven working days of the meeting.
- Employees may submit corrections or clarifications via track changes, normally within seven working days of receiving the notes or by the date stipulated in the notes.

Review and Finalisation:

- The notes must be reviewed by the chair of the meeting and HR for accuracy before being finalised.
- Once approved, the notes become part of the official record of the disciplinary or grievance process which will be available to the principal parties and others on a need-to-know basis.

Resolving disciplinary issues informally

31. Often a quiet word is all that is needed to resolve an issue. A manager who has concerns that an employee's behaviour could be a minor issue should speak to them informally about it. This must be done in a private place.
32. The manager should explain what the problem is, and what the relevant standards are. Any criticism should be constructive, with the aim being to encourage improvement.
33. The discussion should be two-way, and the manager should listen to and take account of what the employee has to say.
34. If it becomes clear that there is in fact no problem to be solved, the manager should say so.
35. If improvements are required, then the manager should explain to the employee what changes they need to make, how the situation will be monitored and for how long.
36. No formal warning may be given by the manager when dealing with a disciplinary issue informally. However, a verbal warning may be given - this is still considered an informal resolution.
37. HR can advise on the content of the warning, which should normally be placed on the employee's file on the HR system but is not normally taken into account in formal misconduct proceedings.
38. If it becomes clear during the discussion that the matter is in fact more than a minor issue, the manager should stop the informal process and advise the employee that it will have to be dealt with formally and then engage in the formal process set out in the paragraphs below.

Resolving disciplinary issues formally

39. If the informal approach has not succeeded or is inappropriate, then a formal approach may be needed.
40. It **may** be necessary to investigate the issue to establish the facts of the case. HR will appoint an Investigating Officer to carry out the investigation. To avoid any suggestion of bias, that person should not be connected in any way to the allegations or persons being investigated.
41. In exceptional circumstances, it may be appropriate for someone from the HR department or an external third party to carry out the investigation.
42. Another manager not involved in the case will chair any resulting disciplinary meeting, with support from HR.

43. Examples of Misconduct and Gross Misconduct that could warrant investigation are found in Appendix B.

44. The employee should be told the following:

- why the investigation is taking place
- who the Investigating Officer is and what they are going to do
- how long the investigation is expected to take
- what will happen next, for example, an investigation meeting
- that everything will be kept confidential
- that the employee must keep things confidential
- whether suspension is being considered.

45. The manager should be mindful that being investigated will be very stressful for the employee. This could be mitigated by explaining that the investigation is to establish the facts of the case to see if a disciplinary meeting is needed, and that no decision will be made without full consideration of all the information gathered, which the employee will be able to see and respond to usually in the disciplinary hearing. Reminding the employee that the University has a confidential Employee Assistance Programme service that might help too.

Suspension

46. There may be cases where the University may need to suspend the employee from work. This means that the employee is told to stay away from campus and not do any work or contact any employee, student, or others without the HR Director's permission.

47. It is important for the manager to stress to the employee that suspension is not a disciplinary penalty, will be for longer than necessary to investigate any allegations of misconduct against the employee or so long as is reasonable while any disciplinary proceedings against the employee are outstanding. This will be kept under regular review by the employee's line manager with help from HR and does not prejudice the outcome of the investigation or any disciplinary meeting that might follow.

48. During the suspension, the employee will normally be on full pay and all their terms and conditions of employment usually remain in place.

Preparing for the disciplinary meeting

49. In preparing for the meeting, the Hearing Manager should:

- book a private meeting room which is soundproof or where the risk of being overheard is minimised.
- liaise with HR to arrange for an HR Business Partner/ HR notetaker to attend the meeting. The HR Business Partner may also take notes of the meeting.

- consider the need for reasonable adjustments if anyone coming to the meeting has a disability.
50. The Hearing Manager should write to the employee, normally giving them at least seven days' notice so that they have time to prepare. The email or letter should let them know the time, date and place of the meeting and state that they have a legal right to bring a companion. The manager should state the allegations and their possible consequences, provide the employee with a copy of the Investigating Officer's report including any witness statements and invite them to submit any further evidence they think relevant in advance of the hearing.
51. The employee should in turn let the Hearing Manager know if they are bringing a companion or want to call in any witnesses with information relevant to the allegations and, if so, name them in advance of the hearing.
52. The Hearing Manager should read the Investigating Officer's report and other relevant material, such as any information provided by the employee, before the disciplinary meeting takes place.

Right to be accompanied

53. An employee may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. The employee must tell the manager chairing the hearing who their chosen companion is, in good time before the hearing.
54. A companion is allowed reasonable time off from duties without loss of pay, but no-one is obliged to act as a companion if they do not wish to do so.
55. If the chosen companion is unavailable at the time a hearing is scheduled and will not be available for more than seven working days afterwards, the University may ask the employee to choose someone else.
56. The University may, at their discretion, allow the employee to bring a companion who is not a colleague or union representative (for example, a family member) if this will help to overcome any disability-related disadvantage, or if the employee has difficulty understanding English.

Disciplinary hearing

57. If the employee or their companion cannot attend the hearing, they should inform HR immediately and HR will arrange an alternative time for the hearing to take place. The employee must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If the employee fails to attend without good reason or is persistently unable to do so (for example, for health reasons), the University may have to take a decision based on the available evidence including any written representations they have made.

58. The Hearing Manager will chair the hearing and should state its purpose is (a) to determine the facts; and, (b) to consider whether any form of disciplinary action should be taken.
59. The Hearing Manager should then make introductions, briefly explaining the roles of those present, including the rights of the companion (if the employee has brought one), as set out in the ACAS Code of Practice on disciplinary and grievance procedures. This is available online on the [ACAS website](#).
60. The Investigating Officer should then present their investigation findings.
61. Every person present can ask the Investigating Officer questions about their report.
62. Once the Investigating Officer has presented their report the employee can present their version of the facts answer the allegations made against them. their companion can speak on their behalf.
63. Any witnesses will individually join the hearing when called, answer questions put to them by those present and then leave.
64. The Hearing Manager, the Investigating Officer, the employee's companion and HR Business Partner can in turn ask the employee questions.
65. If new facts emerge during the hearing, it may be necessary to adjourn it to investigate them. This is a decision made by the Hearing Manager.
66. At the end of the meeting, the Hearing Manager may ask the Investigating Officer, the employee and their companion to sum up their position.
67. The Hearing Manager will then adjourn or close the meeting and deliberate in private before reaching their decision.

Disciplinary action

68. Before making a decision, the Hearing Manager should take time to consider the Investigating Officer's report and presentation, the employee's response, the statements of any witnesses and all the questions asked and answers given at the disciplinary meeting.
69. In making a decision, the Hearing Manager should carefully weigh up the following points:
 - do they genuinely believe the employee did what they are alleged to have done, and
 - are there reasonable grounds for believing that, and
 - are they satisfied that the investigation and discussion at the disciplinary meeting has been sufficiently thorough and detailed.

70. If the Hearing Manager decides that the allegations are not proven they will explain this to the employee and the Investigating Officer either verbally or in writing.
71. If the Hearing Manager believes the allegations are proven they will decide what action to take.
72. Before doing so, they should take account of the following factors:
- the employee's record - is this the first offence or part of a pattern of disciplinary warnings?
 - the employee's job - are they in a role where they are expected to lead other staff or work with students or the public?
 - their length of service - have they been working for the University for a matter of months or for many years?
 - could health or personal circumstances explain their behaviour and actions, and should that be taken into account?
 - what disciplinary action has been taken against other employees in similar cases?
 - taking everything into account, what is a fair and reasonable decision?
73. The options then available to the Hearing Manager are explained below.

Effect of a warning

74. Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.
75. A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months.
76. An employee's conduct may be reviewed at the end of a warning's active period and, if it has not improved sufficiently, the University may decide to extend the active period.
77. After the active period, the warning will remain permanently on the employee's personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.
78. In exceptional cases verging on gross misconduct, a final written warning may state that it will remain active indefinitely.
79. Dismissal - usually appropriate for gross misconduct regardless of whether any live warnings are in place. This normally means the employee's employment is ended immediately without any contractual notice or payment in lieu of notice.

HR Process

80. Once the Hearing Manager has decided what action to take, they should write to the employee normally no later than seven working days after the disciplinary hearing to inform them of this outcome. HR will usually help the Hearing Manager write the email or letter, which usually includes reasons for the decision and advises the employee of their right to appeal and how to exercise that right.
81. All correspondence and information about the disciplinary process, from the initial allegations to the written decision, will be stored on the employee's file on the HR system.
82. Please note that if an allegation of gross misconduct is upheld and results in dismissal or summary dismissal, the employee's access to all University IT systems, email accounts, and digital resources including access to the buildings will be revoked immediately upon confirmation of the decision.
83. Should the disciplinary process take place as a result of a report from another employee (either via the HR Service Centre, Report and Support platform or in another form), the University will make a data protection assessment, will inform any Reporting Party that an outcome has been decided, and communicate as much information as is considered necessary to reassure them that the University has acted proportionately, fairly, and with due regard for their wellbeing.

Appeal

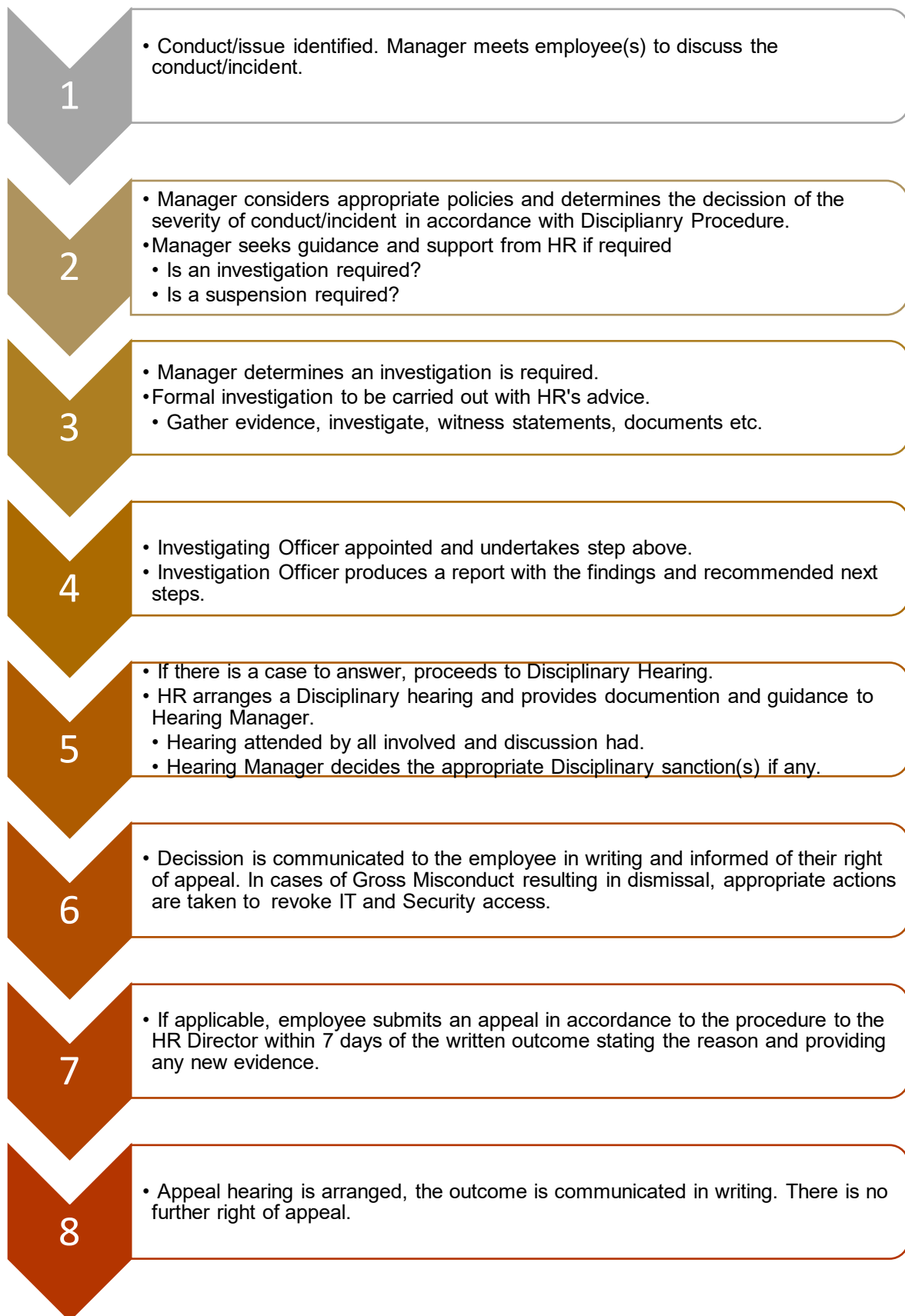
84. If the employee wishes to appeal against a disciplinary decision, they must write to the HR Director within seven working days of being notified of the decision of the Hearing Manager.
85. The employee should complete the [Staff Disciplinary Appeal Form](#), giving their reasons for appealing upon one or more of the following grounds:
 - the decision was too harsh; and/or
 - the disciplinary process was wrong or unfair; and/or
 - new evidence has only just been found.
86. HR will then arrange the appeal hearing, which will, where practicable be chaired by a manager who was not involved in the original disciplinary process. The appeal hearing will normally be held no more than two weeks after the appeal was received.
87. Other practical preparations necessary for the appeal will be similar to those set out in the section above, "Preparing for the disciplinary meeting".

88. Depending on the reasons for the employee's appeal, the appeal meeting may either consider specific points raised or reconsider the whole matter.
89. If the Appeal Hearing Manager or the employee wishes to recall witnesses rather than rely on their statements and the notes of the disciplinary meeting, that should be raised with HR before the appeal meeting takes place.
90. The manager who chaired the disciplinary hearing will normally attend the appeal.
91. If new evidence is part of the employee's appeal, it may be necessary to appoint a new Investigating Officer to investigate this. If that happens, the date of the appeal may be extended. The employee will be given a copy of the report on this additional investigation.
92. The employee has the right to bring a companion.
93. The information to be considered at the appeal will include all correspondence and information about the original disciplinary process, from the initial allegations to the written decision.
94. At the start of the appeal hearing the Appeal Hearing Manager should make introductions, explain what options they have to review the previous decision and then ask the employee to explain why they have appealed the outcome of the disciplinary hearing. All present may ask the employee questions.
95. The Hearing Manager will normally explain why they took their decision. All those present may ask the Hearing Manager any questions.
96. If an additional investigation was needed, the Investigating Officer who carried that out should present it and answer questions about it.
97. Once the relevant issues have been thoroughly explored, the Appeal Hearing Manager should ask the Hearing Manager and the employee to sum up before ending the appeal hearing.
98. The Appeal Hearing Manager should then consider the employee's written appeal, the information presented and questions and answers given at the meeting, before reaching a decision. The options available are as follows:
 - Confirm the original decision
 - Revoke the original decision
 - Substitute a different penalty
99. Once the Appeal Hearing Manager has decided what action to take, they should confirm this to the employee usually within seven working days after the appeal

hearing. Where possible the manager hearing the appeal will also explain this to the employee in person. There is no further right of appeal.

100. All correspondence and information about the appeal process, from the initial correspondence to the written decision, will be stored on the employee's HR file on the HR system.

Appendix A: Flowchart of process



Appendix B: Non-exhaustive examples of Misconduct and Gross Misconduct

Misconduct

- Minor misuse of the University's email, Internet or mailing facilities
- Poor effort or sub-standard work
- Non-serious failure to comply with health and safety requirements
- Failure to comply with a reasonable management instruction
- Failure to comply with University procedures
- Sleeping on the premises
- Foul or abusive language
- Abusive, objectionable or insulting behaviour
- Disorderly conduct
- Misuse of University equipment
- Wilful or excessive wastage of University time or materials
- Damage to equipment or material caused by carelessness

Gross Misconduct

- Repeated or persistent Misconduct
- Absence from work without leave or prior permission
- Misrepresentation of fact or lying
- Persistent absenteeism or lateness
- Failure to follow absence reporting procedures
- Serious misuse of the University's email, Internet or mailing facilities or 'hacking', including deliberate unauthorised access to computer systems
- Theft
- Fraud, bribery, misrepresentation or falsification of records
- Malicious damage to University property
- Bringing the University into disrepute
- Fighting/physical assault
- Incapacity through drink or drugs
- Supplying/possessing and/or taking illegal drugs on University premises
- Supplying/possessing and/or taking alcohol on University premises without permission
- Indecent behaviour
- Smoking in prohibited areas
- Serious non-compliance with health and safety instructions
- Bullying, harassment or discrimination of any kind
- Refusal to carry out reasonable management instructions
- Unauthorised release of, or deliberate unauthorised access to, personal, confidential or commercially sensitive information
- Undertaking private work on University premises or with University equipment without prior authorisation

- Failure to follow the Disclosure of Public Interest Matters procedure
- Negligence, breach of procedure or neglect of duty that does or could result in any loss that does or could expose the University to a serious claim
- Solicitation and/or acceptance of money, gifts, services or other inducements for personal gain or the gain of family or friends
- Failure to provide proof of right to work in the UK, either at the time of acceptance of an offer of employment or subsequently
- Failure to provide satisfactory references at the time of or following acceptance of an offer of employment
- Failure to undertake a DBS check or declare a criminal conviction, caution, anti-social behaviour order or similar matter, relevant to your employment either at the time of acceptance of an offer of employment or subsequently

The lists above are not exhaustive or restrictive. Other issues not identified in these lists may also warrant disciplinary action.

Version History

Title: Disciplinary Procedure for Staff
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Approved by: Executive Committee				
Location: SharePoint				
Version number	Date approved	Date published	Owner	Next review date
24.2.0	21/11/25 (via Chairs Action)	21/11/25	HR Director	Annually
Related documents	• Policy on Privacy for Employees, Job Applicants, Contractors, and Others Working with the University • Supplemental Privacy Notice for Northeastern University – London Employees, Job Applicants, Contractors, and Others Working With the University • Equality Diversity and Inclusion Policy • Staff Code of Conduct policy • University Data Protection policies • Policy on Disciplinary Action			
External Reference Point(s)	• Acas Code of Practice on disciplinary and grievance procedures • Acas guide to discipline and grievances at work • Acas guidance on Conducting workplace investigations • Employment Rights Act 1996 • Employment Rights Act 1999 • Equality Act 2010 • Freedom of Information Act (FOIA) 2000			