



# Disciplinary Procedures for Academic Staff

Version 1.1

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<b>Policy Approver</b>	QAC	<b>Effective Date</b>	19/11/2018		

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## **1 Introduction**

- 1.1 The Institute for Education (IfE) does not intend to impose unnecessary rules of conduct on academic staff. Nonetheless, certain standards of behaviour and performance are essential to maintain good order and discipline, in the interests of both the IfE, the academic staff and the course participants. When applying this procedure to its academic staff, the IfE will consider the principles of academic freedom, justice and fairness and the IfE's work to provide education and to promote student-centred learning.

## **2 Objective**

- 2.1 The objective of this Disciplinary Procedure is to provide a formal means of assisting and encouraging academic staff to achieve and maintain acceptable standards of conduct, attendance and job performance.
- 2.2 The procedure is designed to enable individual cases to be resolved fairly, consistently and in a timely manner. Wherever possible, assistance and encouragement, will be provided to allow staff to meet standards specified as a result of disciplinary action taken against them.
- 2.3 At every stage in the procedure, the employee will be kept advised of the nature of the complaint against them, and will be given the opportunity to prepare and present their case before any decision is made.

## **3 Grounds for Disciplinary Action**

- 3.1 The following are a number of grounds which may lead to disciplinary action being taken and where found to be suitable following the application of this Disciplinary Procedure, a penalty is to be imposed.
- 3.1.1 Conduct amounting to a criminal offence, whether or not there has been a prosecution and conviction, of a kind that is judged in all the cases to be appropriate to the academic staff member's employment at the IfE;
- 3.1.2 Failure, refusal, neglect or inability to perform some or all of the duties, or to comply with some or all of the conditions attached to the contract, or performing these duties or complying with those conditions in an unsatisfactory or inadequate manner;
- 3.1.3 Breach of any obligation or duty arising under the IfE's regulations regarding harassment, equal opportunities, public interest disclosure, health and safety, or data protection or any other rules, regulations or codes binding on the academic staff members;

- 3.1.4 Damage to or improper use of IfE's facilities, premises, property or equipment;
- 3.1.5 Disruption of, or improper interference with, the activities of the IfE or of any employee or course participant;
- 3.1.6 Violent, indecent, disorderly, threatening, abusive, or insulting or harassing behaviour or language (whether written, spoken or in any other form);
- 3.1.7 Fraud, deceit, deception or dishonesty in relation to the IfE or any related activity, including research and examining;
- 3.1.8 Action likely to cause injury or impair safety;
- 3.1.9 Divulging information or material received in confidence.

## **4 Procedures**

### **4.1 Informal Procedure**

- 4.1.1 Where an academic staff member's conduct or performance is of concern to the Human Resources Manager, or where a complaint about the behaviour or performance is brought to the attention of the Human Resources Manager, the Human Resources Manager may raise the concerns with that staff member in the context of an informal meeting if the Human Resources Manager, at their discretion, considers that is appropriate.
- 4.1.2 The Human Resources Manager may wish to seek the advice of the Chief Executive Officer preceding such a meeting. Normally such a meeting will be held between the Human Resources Manager and academic staff member alone, however either or both the Human Resources Manager and staff member may postpone such a meeting and seek the assistance of Human Resources Manager or a representative of the academic staff member's choice respectively.
- 4.1.3 During the informal meeting the Human Resources Manager will discuss in an informal and constructive manner the aspects of conduct or performance that are perceived to be unsatisfactory. This could include:
  - Identifying the perceived shortcomings and invite any explanations for them;
  - Outlining the standards of performance or conduct that are mandatory and clarifying the ways in which improvement is required and the period for the academic staff member to attain those standards;
  - In the absence of a satisfactory explanation by the academic staff member, an instruction to improve conduct or performance has to be provided in writing.

4.1.4 If during the informal meeting it becomes evident that the issue is more serious, the academic staff member should be properly advised that the informal session appears to be leading to the start of formal proceedings. At that point the meeting should be terminated, and after a reasonable period of time, separate formal proceedings should take place.

## **4.2 Investigation**

4.2.1 The Investigation will be carried out by the Human Resources Manager;

4.2.2 Investigations of potential disciplinary matters are carried out to establish the facts of the case;

4.2.3 If there is an investigatory meeting this should not by itself result in any disciplinary action.

4.2.4 If it is decided by the Human Resources Manager in consultation with Chief Executive Officer that there is a case to answer, the Disciplinary Procedures outlined in article 4.4 will be invoked

## **4.3 Disciplinary Meeting**

4.3.1 In the event of no improvement following the informal procedure after a reasonable time-frame or where the alleged misconduct is deemed to be of a more serious nature, a decision to initiate the following disciplinary procedure, as a consequence of the investigation, will be taken in consultation with Chief Executive Officer:

4.3.1.1 The Human Resources Manager will chair the disciplinary meeting;

4.3.1.2 The Human Resources Manager will ensure that the academic member of staff has had an opportunity to respond to the allegations, in the context of the materials collected in the investigation and provided to the academic staff member.

4.3.1.3 The academic staff member will be notified of their right to a representative.

4.3.1.4 Depending on the circumstances and the kind of allegation, the disciplinary meeting may be held immediately after the investigation is completed. However, in such circumstance, the rights of the staff member;

- To representation;
- To adequately know the nature of the allegations with time to consider their response;
- To have their response considered;

- To have the opportunity to raise any matters of mitigation in relation to both findings and penalty prior to the disciplinary decision will not be compromised by this approach.

4.3.1.5 Where, the Human Resources Manager, having considered the explanation given by the academic staff member and/or their representative finds that a form of misconduct (including unsatisfactory performance) has taken place, the Human Resources Manager will advise the academic staff member of the findings that misconduct or serious misconduct has occurred.

4.3.1.6 The Human Resources Manager will then invite the academic staff member to raise any matters of mitigation or any other matter which may be relevant prior to the decision on the appropriate disciplinary option.

4.3.1.7 The disciplinary procedures outlined in Section 4.4, include more than one of the procedures, as appropriate, and are available to the Human Resources Manager, depending on the seriousness of the offence.

## **4.4 Disciplinary Procedures**

### **4.4.1 Oral Warning**

4.4.1.1 In the event of further misconduct, the academic staff member will be given a formal oral warning by the Human Resources Manager. The oral warning shall state:

- That it is a formal oral warning within the Disciplinary Procedure for Academic Staff.
- The reasons for the warning.
- The period of time during which the warning will remain in force.
- Any consequences which may follow in the event of further misconduct being proved during the currency of the warning.
- The academic staff member's right to appeal.

4.4.1.2 The warning should be for a fixed period set by the Human Resources Manager.

4.4.1.3 The warning and its period of duration shall be recorded. A brief note will be made on record that such an oral warning has been given. Copies of the note shall be given to the academic staff member concerned and to the representative, if any, who attended when the oral warning was given.

#### 4.4.2 Written Warning

4.4.2.1 Should further misconduct ensue, a written warning will be given to the academic staff member by the Human Resources Manager. The written warning shall include the following:

- That it is a written warning within the Disciplinary Procedure for Academic Staff;
- The reason for the warning;
- The period of time during which the warning will remain effective;
- That further misconduct within the period of warning will probably result in a Final Written Warning;
- The academic staff member's right of appeal as per the IfE's [Appeals Policy and Procedures](#).

#### 4.4.3 Final Written Warning

4.4.3.1 If further misconduct occurs, a final written warning will be given to the academic staff member by the Human Resources Manager. The final written warning shall include the following:

- That it is a Final Written Warning within the Disciplinary Procedure for Academic Staff;
- The reason for the warning.
- The period of time during which the warning will remain effective.
- That further misconduct within the period of warning will result in the termination of all contracts for service that the employee has with the IfE.
- The academic staff member's right of appeal.

#### 4.4.4 Termination of Contract/s

4.4.4.1 If further misconduct occurs, then the Termination of the contract/s by the Chief Executive Officer will normally result. The academic staff member will be provided as soon as reasonably practicable, with written confirmation including the reason/s for the dismissal, and the right of appeal.

4.4.4.2 This procedure does not prevent misconduct which is sufficiently serious being dealt with a final written warning as the first and only stage short of the termination of the contract/s, in which case the requirements of shall apply.

## 5 Appeals

- 5.1 Academic Staff have
- 5.2 There shall be a right of appeal against any disciplinary action other than a verbal warning as per the [Appeals Policy and Procedures](#).
- 5.3 The academic staff member will be reminded of the right of appeal at the end of any disciplinary meeting where the right exists.
- 5.4 Any appeal must be in writing and must set out fully the grounds of appeal indicated below, accompanied by all relevant supporting documents.
- 5.5 The appeal has to be sent to the Human Resources Manager within ten (10) working days of receipt of the written notice of the disciplinary action.
- 5.6 The grounds for appeal may be one or more of the following:
  - Against the finding of the Disciplinary Meeting ;
  - The severity of the sanction applied;
  - New evidence having emerged that was not available at the Disciplinary Meeting;
  - The disciplinary procedure not having been applied correctly.
- 5.7 The Human Resources Manager will then refer the appeal to the Appeals Board for consideration.
- 5.8 The Appeals Board will write to the academic staff member to confirm that the appeal has been received and to invite him / her to attend an appeal meeting (which needs to take place before disciplinary action takes effect).
- 5.9 The member of staff will be informed in writing of the decision of the Appeals Board and its reasons.
- 5.10 The decision of the Appeals Boards will be final.

## 6 Relevant documents

- [Appeals Policy and Procedures](#)

## 7 Version history

Originator	Version	Date	Changes Done
QA Dept.	1.0	19/11/2018	Initial Release
QA Dept.	1.1	18/04/2023	Gender mainstreamed the policy Updated article 4.4.4 Included article 6: relevant documents