



Dev Sanskriti Vishwavidyalaya
Policy on Staff Conduct
(Version 1.0)



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1. Applicability and Scope

This policy applies to all staff members of DSVV.

This policy is not applicable for

1. Any disciplinary issues related to students.
2. Problems of absence related to genuine cases of sickness.
3. Concerns about an employees related to their ability to perform their role.
4. Matters related to drug or alcohol abuse.
5. It does not apply to individuals contracted by other companies or on secondment to the University who are covered by their own employer's procedures.
6. If an employee is charged with, or convicted of, a criminal offence (outside of employment) this will not normally in itself be considered a reason for disciplinary action. Consideration will be given to the relevance and effect the charge or conviction has to or on the employee's suitability to do their job and their relationship with the University, work colleagues, students and customers.

2. Introduction

DSVV is committed to an organizational culture where concerns and poor behavior will be addressed through this policy. This policy is designed to ensure that there is a procedure for dealing with issues of misconduct as and when they arise and is done in a fair and consistent manner for all employees. This policy details how conduct issues will be dealt with and explains the procedure to be followed by staff and management.

3. Definitions

1. **"Days"** means working days, unless clearly mentioned as calendar days, which for the purpose of these procedures are as per DSVV Calendar.
2. **"Disciplinary action"** means administration of penalty.
3. **"Employee"** means all staff members of DSVV including Karyakarta, Samaydani, Jeevandani and Swayamsevak.
4. **"Right to be accompanied"** by a work colleague to formal meetings.
5. **"Anonymity"** - employees may request anonymity when making a complaint. Those making complaint should be encouraged to act as witness to investigation and attend hearing if required.
6. **"Suspension"** means exclusion of an employee from university premises other than for the purpose of attending meetings in connection with these procedures.
7. **"Investigation Meeting"** is when investigation officer will interview an employee or a witness who is involved in, or has information, on the matter under investigation. An investigation meeting must not turn into disciplinary meeting.
8. **"Misconduct"** can be defined as improper behavior on the part of an employee that damages the proper functioning of university business.
9. **"University"** means Dev Sanskriti Vishwavidyalaya or DSVV
10. **"Data Protection"** - data collected as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the

purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organization's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.

11. **"Personal file"** means the individual's confidential employment record, both electronic and paper, maintained for each employee and held by Human Resources department.
12. **"Senior Manager or relevant Leadership team member"** means the Vice Chancellor / Pro-Vice Chancellor or Head who has overall responsibility for the Department / School in which the employee works.

4. Responsibilities

4.1 What DSVV expects from its employees

1. Employees are responsible for familiarizing themselves with the Disciplinary policy and procedure.
2. Employees are responsible for upholding the expected standards of conduct and behavior as set out by the University and complies with this policy where matters of concern are addressed with them.
3. Employees are expected to prepare for and organize representation as required at formal and disciplinary meetings.
4. Line Managers are responsible for familiarizing themselves with the Disciplinary policy, attending training and seek advice at the earliest opportunity.
5. To comply with the University's rules, policies and procedures at all times.
6. To carry out your job to the rules and standards expected of your role.
7. To behave appropriately and in line with all the University's rules, policies and procedures with colleagues, students, customers, visitors to the University and the wider University at all times, understanding the impact of your behavior on others.
8. To maintain effective and professional work and study relationships with colleagues / fellow staff and students and treat all with dignity and respect.
9. To clarify expectations, behaviors and rules with your line manager if you are unsure about them.
10. To co-operate if you are asked to be involved with a disciplinary case.
11. To co-operate with those dealing with a potential disciplinary case concerning you.
12. To treat those dealing with a disciplinary case with courtesy and respect at all times.

4.2 What employees can expect from DSVV

1. Consistent fair and reasonable treatment of disciplinary matters across the University.
2. To act promptly when potential disciplinary matters come to light.
3. To investigate the facts as may be appropriate before taking action under the formal parts of this procedure.
4. To advise a employee in writing at all stages of the formal procedure of the nature of the complaint and give them the opportunity to state their case, present any evidence, witnesses and mitigating factors before a decision is reached.
5. The right to be accompanied by a 'companion' – a university work colleague at each stage of the procedure except the informal stage.

6. For the meeting to be rearranged (on one occasion) if a employee or his / her companion cannot attend a disciplinary hearing for a reason that was not reasonably foreseeable at the time the meeting was arranged.
7. Not to dismiss an employee for a first breach of disciplinary rules except in the case of gross misconduct.
8. To have the right of appeal against disciplinary penalties awarded.
9. To be treated with courtesy and respect at all times throughout their case.
10. To be given reasonable notice of any disciplinary hearing with hearings taking place at a reasonable time and location. All parties must take all reasonable steps to attend meetings punctually.
11. To record all cases of disciplinary action taken under these procedures and to supply on request to him / her copies of any such records held which relate to them.
12. Investigation officers should have attended training prior to undertaken any investigations in the University.
13. The investigation process should be independent and ensure a fair process.
14. To identify all witnesses, questioning and have documented evidence which supports or challenges the allegations that have been made and to provide a comprehensive report in a timely manner.

4.3 Managers have a responsibility to

1. Set an example to all staff through their own conduct and behavior
2. Reinforce clear standards for the conduct of all staff that they manage and provide appropriate feedback to their staff in respect of their conduct.
3. Manage the conduct of their staff, adhering to this policy and procedure at all times.
4. Seek professional advice from Human Resources as identified in this policy and procedure (e.g., throughout a case) and where they are unsure how to proceed.

5. General Principles

1. All parties involved in this procedure must ensure that they maintain the confidentiality of the process as appropriate within and outside the University. It might be appropriate, for example, for a member of staff to discuss a procedure with his/her partner. Disclosure of information by any of the parties involved might also occur where this is required under law or where there is a circumstance involving duty of care which requires disclosure, e.g., where a manager has concerns for the well-being of the employee or others.
2. Managers should not try to solve the issues informally and are encouraged to try to resolve the issue formally within a timeframe of 10 working days.
3. The procedure may be implemented at any stage if the employee's alleged misconduct warrants it.
4. All employees will be treated in line with the Equality, Diversity and Inclusion.
5. No disciplinary action will be taken against an employee until the case has been fully investigated and the action is reasonable in the circumstances. However, in cases of alleged gross misconduct and some instances of serious misconduct, employees may be suspended on full pay prior to investigation.

6. Employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made at a disciplinary meeting.
7. Employees will be provided, where it pertains to the allegations, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
8. At all stages of the procedure the employee will have the right to be accompanied by a work colleague.
9. At all stages of the procedure an employee may also be accompanied by an appropriate person to provide support in the case of disability or language issues.
10. An employee will have the right to appeal against any disciplinary action.
11. If an employee fails to attend a disciplinary interview or disciplinary or appeal hearing without good reason, a decision may be taken in their absence.
12. It may be appropriate for relevant witnesses to attend the disciplinary meeting and the employee will be given the opportunity to raise points at the meeting about any information provided by witnesses.
13. Where an employee or the University intends to call a witness, they should notify the other party of this in writing in advance of the meeting and ensure that they attend at the appropriate time.
14. No individual can be compelled to attend a disciplinary meeting as a witness.
15. If there are equality or diversity issues that are relevant to the employee these should be made known to those involved and appropriate support provided by the University. In the case of a disability or language issue an employee may be accompanied by an appropriate person to provide support.
16. In all cases where dismissal of a member of academic or non academic staff is an option, panel membership shall include at least one person from Office of Vice Chancellor / Pro Vice Chancellor.
17. Formal action will be either:
 - a. A written warning
 - b. A final warning
 - c. Suspension
 - d. Other sanctions
 - e. Dismissal

6. Disciplinary Sanctions

The University has discretion to determine the appropriate disciplinary sanction to apply to an employee who it concluded has committed an act of misconduct. These sanctions include:

6.1 Written warning

1. Will remain live for period of one year
2. The staff member will receive written details of the nature of the misconduct, the change in behavior required, any support which will be available and the right and arrangements for appeal.
3. The warning will also inform the staff member that further consequences will be considered if further misconduct occurs.
4. A copy of the warning, may, if necessary, be kept on the individual's record but will be disregarded for disciplinary purposes after a specified period subject to achieving and sustaining satisfactory conduct.

6.2 Final written warning

1. A final written warning will remain live for two years.
2. This will usually be appropriate for misconduct where there is already a live written warning on the employee's record or where the misconduct is considered sufficiently serious to warrant a final written warning even although the employee has no live warnings.
3. The staff member will receive written details of the nature of the misconduct, the change in behavior required, any support which will be available.
4. It will also warn that further related misconduct may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal.
5. A copy of the warning, may, if necessary, be kept on the individual's record but will be disregarded for disciplinary purposes after a specified period subject to achieving and sustaining satisfactory conduct or performance.

6.3 Other sanctions

Other action short of dismissal may be considered, including for example (although this is not intended to form an exhaustive list):

1. Demotion
2. Restriction of duties/change to terms of employment
3. Withholding/loss of incremental progression for a specified period
4. If some action short of dismissal is deemed appropriate the staff member will receive written details, including any support which will be available. The letter will warn the individual that further related misconduct may lead to dismissal, and it will refer to the right of appeal.
5. In the case of action short of dismissal, a copy of the written details will be kept on the individual's record but will be disregarded for disciplinary purposes after a specified period subject to achieving and sustaining satisfactory conduct.

Other sanctions will remain live for three years.

6.4 Suspension

An employee may be suspended by Head of Human Resources on leave without pay during an investigation into a disciplinary issue, in circumstances where the presence of the employee in the workplace during the period of the investigation -

1. might prejudice the investigation, or
2. where there are difficulties in the relationship between the employee and other people (e.g., colleagues, students etc.) with whom they would normally expect to come into contact in the workplace, which would be exacerbated by continuing to work in close proximity, or
3. where the safety of staff and the University's duty of care to its employees may be compromised by the presence of the employee at work.

It is important to note that:

1. a suspension from duty is not a pre-judgement of guilt and is not a disciplinary penalty
2. a suspension can only be imposed (and lifted) by the Office of Vice Chancellor / Pro Vice Chancellor

3. The risk assessment should be reviewed throughout the course of the investigation. Where there are changes in the perceived risk, suspension may be lifted before the end of the disciplinary process.
4. the reasons for the suspension must be stated clearly to the employee in writing
5. the period of suspension will be as brief as possible and will be kept under weekly review
6. any restrictions on access to the University, its facilities or other employees in the workplace during the period of suspension, will be specified in the letter of notification, and any such restrictions will only be imposed in order to secure as objective and unprejudiced environment as possible for the investigation and/or to minimize potential difficulties in relationships with other people with whom they would normally expect to come into contact at work.
7. In circumstances where it is necessary to protect the University's interests (e.g., for reasons of safety or financial probity), and where the Head of Human Resources is not available to suspend an employee, the Registrar may instruct the employee to leave the place of work, and stay away until further notice. This will be reported to the Head of Human Resources as soon as possible so that they can determine whether the employee should be formally suspended.
8. In the event that an incident occurs outside normal office hours, a decision should be made by the most senior employee present in the light of evidence available at the time and the incident reported to the relevant senior manager and the HR the next day or at the earliest opportunity.
9. In exceptional circumstances, the Head of Human Resources and the relevant Dean may move an employee from their normal place of work during the period of the investigation in order to facilitate a more objective investigation.
10. An employee, who is suspended from work may appeal in writing, within 72 hours of receiving notice of the decision, to the Head of Human Resources.
11. During a period of suspension, employees must remain contactable and attend meetings as required. If an employee has pre-booked leaves, contact will not be made during this time.
12. Employees must not attempt to contact or influence anyone connected with the investigation or to discuss the matter with other employees or students of the university. Further advice should be sought from a designated HR.

6.5 Dismissal

1. Repeated or serious misconduct during the first 12 months of an employee's employment;
2. Further misconduct where there is a live final written warning
3. Any gross misconduct regardless of whether there are live warnings
4. Gross misconduct will usually result in summary dismissal without notice or payment in lieu of notice
5. The employee will be informed of the reasons for the dismissal and the date on which employment will end
6. In writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal and arrangements.
7. The authority to dismiss rests with the Office of Vice Chancellor / Pro Vice Chancellor.

7. Misconducts and Gross Misconduct

Misconducts

Misconduct is a less serious breach of the University's rules which would not normally result in dismissal for a first offence. The severity and frequency of the breach will be taken into account when determining the level of warning.

The following list, which is neither exhaustive nor exclusive, gives some of the offences the University deems to be misconduct:

1. Unauthorized absences from work, which have no underlying chronic medical condition and are not disability related
2. Failure to comply with reasonable and legitimate instructions
3. Unsatisfactory timekeeping.
4. Verbal abuse.
5. Misuse of the University's computer systems, including hardware, software, email, intranet and internet etc.
6. Conduct detrimentally affected due to alcohol, drug, or substance misuse.
7. Academic misconduct (including research misconduct)
8. Failure to disclose any potential conflicts of interest in personal life or that of a close family member
9. Failure to report any criminal conviction or police caution
10. On site speeding or persistent parking offences
11. Minor breach of financial regulations
12. Persistent minor breaches of university rules
13. Repeated lateness or persistent time wasting

7.1 Gross Misconduct

Gross misconduct is a breach of university policies and disciplinary rules which is so serious that it amounts to fundamental breach of trust and confidence between employee and the University.

Gross misconduct may be sufficiently serious to warrant summary dismissal, which is dismissal without notice or payment in lieu of notice, even in the absence of any prior disciplinary warnings, and which is sufficiently serious to destroy the University's trust and confidence in the employment relationship

The following are some of the offences the University considers to be gross misconduct. This list is not exhaustive or exclusive:

1. Theft or fraud
2. Deliberate malpractice, deception, cover up of deficiencies or falsification of documents or accounts
3. Serious breach of financial regulations
4. Bringing the University into serious disrepute
5. Deliberate unauthorized disclosures to a third party of any confidential information or intellectual property



6. Submission of falsified claims for overtime, expenses, advances or allowances or other fraudulent acts
7. Falsely reporting or recording sick absence
8. Acts of discrimination, bullying, harassment or victimization of employees, students or visitors to the campus which compromise that person's dignity
9. Deliberate plagiarism
10. Using or dealing in illegal substances on university premises
11. Willful damage to property belonging to the University, its students, customers, visitors or fellow employees
12. Serious insubordination
13. Abusive behavior
14. Continued absence without leave
15. Recording of staff, meetings etc. – i.e., without expressing consent
16. Unauthorized possession of goods belonging to the University, its staff or students.
17. Any form of assault or physical violence
18. Deliberate falsification of records
19. Corruption or bribery
20. Bullying where this is intentional and of a serious and/or prolonged nature.
21. Victimization where this is intentional and of a serious and/or prolonged nature.
22. Unlawful and/or serious harassment of other members of the University community, including staff, students and visitors.
23. Deliberate unlawful and/or serious discrimination.
24. Gross and deliberate misuse of university property or name
25. Serious misuse of the University's IT resources such as deliberately accessing internet sites for personal use which contain pornographic, offensive or obscene material.
26. Dereliction of duty
27. Unreasonable behavior that causes serious damage to the reputation of the University, including both off duty and off campus incidents, and including through the improper use of social media.
28. Deliberate and serious damage to property
29. Unlawful discrimination, harassment, bullying or intimidation against employees, contractors, students or members of the public on the grounds of sex, sexual orientation, marital or civil partner status, pregnancy and maternity, gender reassignment, race, disability, religion, belief, or age
30. Defamatory and /or abusive comments regarding the University or its staff through the inappropriate use of social networking technology, electronic web logs (blogs) or other internet sites
31. Intentional or malicious refusal to comply with reasonable instructions or requests made by a line manager within the workplace
32. Bringing the University into serious disrepute such as serious misuse of university property, name or reputation
33. Giving false information as to qualifications or entitlement to work (including immigration status); using fraudulent identity or withholding information that would be relevant
34. Incapability to work due to being under the influence of alcohol, illegal drugs or other substances during working hours
35. Causing loss, including loss of life, damage or injury through serious negligence
36. Serious or repeated breach of health and safety rules or serious misuse of safety equipment;



37. Serious breach of confidence including unauthorized use or disclosure of confidential information or a serious failure to ensure that confidential information in the employee's possession is kept secure
38. Acceptance of bribes or other secret or undeclared payments
39. Conviction for a criminal offence that in the University's opinion may affect the University's reputation or its relationships with staff, students or the public, or otherwise affects the employee's suitability to continue to work for the University
40. Possession, use, supply or attempted supply of illegal drugs
41. Serious neglect of duties, or deliberate breach of the University's procedures
42. Deliberate or malicious unauthorized use, processing or disclosure of personal data which contravenes the University's Data Protection Policy
43. Making a disclosure of false or misleading information maliciously, for personal gain, or otherwise in bad faith
44. Making untrue / vexatious allegations in bad faith against a colleague
45. Serious misuse of the University's information technology systems (including misuse of developed or licensed software, use of unauthorized software and serious misuse of e-mail and the internet)
46. Serious and/or malicious misconduct in connection with research activities

8. Investigation

An investigation can be a simple gathering of relevant documents, or it can involve interviewing yourself and relevant witnesses. If you are interviewed, you will be made aware of the allegation(s) and be given notice of the interview. It is important to make the investigators aware of any special requirements you may have or reasonable adjustments that might be required for you to attend the interview.

You are encouraged to co-operate with any investigation process, and answer any questions as fully as you can, setting out any special circumstances. Where limited facts are provided, it can mean that decisions about possible disciplinary action are reached on the basis of partial information.

If you feel that it would be beneficial that you should be accommodated by a companion or colleague, request for same should be submitted to the investigator, along with the proposed individual's name/designation, at least 24 hours in advance of any investigation meeting.

Should you wish to provide a written submission or submit any related evidence to assist with the investigation in advance of (or during) the meeting, you may usually do so.

8.1 Disciplinary Meeting

The purpose of the disciplinary hearing is to give the employee the opportunity to respond to the findings of the investigation and to the allegations that have been made

The Investigating Officers will advise the employee, his/her representative, the line manager (if they are not one of the Investigating Officers), and the Dean/Director in writing that there will be a hearing under the terms of this procedure and a copy of the procedure will be enclosed.

The letter of notification will also include:

1. The date, time and venue of the disciplinary hearing, giving a minimum of three working days' notice
2. The names and job titles of the panel members who will normally be the Head of Human Resources (as Chair) and another Dean or Director who has had no previous involvement with the case; if the Head of Human Resources has had to be involved, the other will be the Panel member. If the case relates to an employee in the Department of Human Resources, the Registrar (as Chair) and a Dean or Director (other than the Director of Human Resources) will form the panel.
3. A statement of the allegation
4. Copies of all statements from witnesses and other relevant evidence
5. Names of the people who will attend the hearing
6. Names of any witnesses who will attend the hearing
7. Reference to the right to be accompanied by a fellow employee
8. Notice of the potential outcomes under the disciplinary procedure

At the hearing you may:

1. Have reasonable adjustments if you are disabled or have other special requirements
2. Rely on a written statement of case (a brief summary of the most important points that the panel should consider, including special circumstances)
3. Call witnesses in support of your case

Ahead of the hearing you should:

1. Advise the disciplinary panel of your accompanying person (if you wish to be accompanied)
2. Advise the disciplinary panel of any special requirements or circumstances (e.g., disability, language requirements)
3. Provide a copy of your written statement of case
4. Advise the disciplinary panel of any witnesses that you wish to call

At the hearing:

1. Management representatives will present the allegations, and you will have the opportunity to ask questions of them and any witnesses.
2. You will then have the opportunity to present your case. This is typically a summary of the main points set out in your written statement, which the panel will have read in advance of the hearing.
3. The panel and management representatives may then ask questions relating to your evidence, or that of your witnesses.
4. You can ask for an adjournment at any time during the hearing. A nearby room will be made available for you and your representative should you wish to exercise this option.
5. A hearing may be adjourned by the Chair if new evidence is introduced and one or both sides request an adjournment to consider how to respond.
6. Witnesses may be re-called by the Chair if one side or another requests the right to ask additional questions
7. Witnesses will only be present when they are giving evidence and will normally be interviewed individually.



The panel will take one of the following courses of action:

1. Dismiss the case and take no further action
2. Give a first written warning
3. Give a final written warning if there has been an unsatisfactory response to previous warnings, or if there has been a first and very serious breach of discipline
4. Impose a disciplinary penalty - disciplinary suspension without pay, withholding of incremental progression, demotion or recommend dismissal
5. In the event of a disagreement the Chair may exercise a casting vote and the decision letter will record the area of disagreement.

Confirmation of the decision of a disciplinary hearing:

1. The panel may inform you of its decision at the end of the hearing, but it's more likely that you will be informed of the outcome by letter after the hearing.
2. The panel will dismiss the allegation where it finds there is no supporting evidence or where there is appropriate mitigation. Alternatively, if it finds that the allegations are well founded it may issue a disciplinary sanction, which could be a warning, dismissal, or other sanction short of dismissal.
3. The Head of Human Resources or his/her nominee will inform the employee, in writing, of the decision of a disciplinary panel within five working days of the hearing. The letter will cover:
 - a. the allegations
 - b. any penalty that has been proposed and the reasons for the penalty
 - c. any remedial action required of the employee and the consequences of any recurrence of misconduct, including any dates for review
 - d. the procedure for exercising the employee's right of appeal and
 - e. a confirmation that the warning will be disregarded for further disciplinary purposes after time period mentioned in disciplinary sanctions section
4. Records of formal disciplinary action will be held by the Department of Human Resources until the end of the disregard period or longer duration depending on seriousness of misconduct.

9. Appeals

9.1 Lodging an Appeal

Note - The appeal is not a rehearing of the original hearing, but rather a consideration of the specific area with which the staff member is dissatisfied in relation to the outcome of the original hearing. The appeal panel will therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

Time limits are indicated in calendar days and are included in the procedures in order to ensure that matters are dealt with promptly and without undue delay. Neither the University nor staff members should unreasonably delay meetings, decisions or confirmation of those decisions. However, in complex matters it may be appropriate to extend time limits provided in the Procedure.

A staff member's written outcome letter will include details of the arrangements to follow should the staff member decide to appeal, e.g., to whom to appeal.



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If an employee wishes to appeal the outcome of a decision made at any hearing held under the disciplinary procedure, they should submit an appeal in writing outlining their full grounds for appeal, to the Head of Human Resources within 10 working days of receipt of the University's decision. Employees will be notified that their appeal has been received within 3 working days.

As the appeal stage is not intended to be a rehearing of the original case. Hence the grounds for appeal should typically fall within one of the following:

1. Procedural error
2. The outcome and recommendations are unreasonable and significantly out of line with the issues considered
3. New information is now available which could not have reasonably been provided when the original outcome was communicated
4. Where the appeal relates to new evidence there should be a clear statement provided outlining the reason why this was not available for consideration at the previous stage.

9.2 The Appeal Meeting

DSVV will invite the employee in writing to attend an appeal hearing, normally within 10 working days of receipt of an appeal. The notice will usually be provided no later than 5 calendar days in advance.

Appeals will be heard by an independent and normally more senior manager (appeal manager, as designated by HR or Office by Vice Chancellor / Pro Vice Chancellor) who will consider the hearing outcome with an open mind. Appeals in relation to dismissals will be heard by a minimum panel of 2 members, the chair being a senior member of university staff and the other being an appropriately trained member of staff.

If the employee is unable to attend the appeal meeting, steps will be taken to rearrange this as soon as possible. However, if the employee is persistently unable or unwilling to attend a meeting, the Appeal Manager may review the available materials and reach an outcome based on the information available to them. A decision to proceed in this way will be communicated in writing to the employee in advance.

If a staff member is absent due to sickness prior to the hearing, s/he may be invited to visit the University's Occupational Health Service to assess his/her fitness to attend a hearing, and to give advice on any special requirements or adjustments for the hearing.

Where a staff member believes that disability (e.g., hearing difficulties, chronic fatigue etc.) or language skills (e.g., English is not his/her first language) may impact on the ability to participate as appropriate in the procedure, it is the individual's responsibility to raise this with Human Resources as soon as possible. In such cases the University will consider providing appropriate reasonable support/adjustments during formal proceedings. Panel members shall be advised of any reasonable adjustments to be made.

Witnesses may only be called with the permission of the Appeal Chair which shall usually only be given where there was good reason for the witnesses not being called to give this evidence at the disciplinary hearing. If the staff member requests a witness to be called, s/he should name the individual and explain the reasons for the request in the grounds for appeal.



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At the appeal meeting the documentary evidence made available at the original hearing will be made available for reference purposes. As the purpose of the appeal is not a reconsideration of all matters, it is the responsibility of the staff member to state their case and bring to the attention of the panel all relevant documentary evidence that should be considered.

Based on the appeal case presented and the associated evidence, the appeal officer / panel will have the authority to reach the following conclusions or to make other recommendations:

1. Confirm the outcome and decision of the original meeting
2. Uphold the appeal of the employee if there is evidence to prove the case is not proven or if the conduct of the procedure has been unfair
3. Apply a lesser sanction than that originally imposed
4. Adjourn the appeal due to new evidence which requires further consideration
5. Recommend a rehearing, in consultation with HR, as a result of significant new evidence put forward during the appeal hearing
6. Where a full or partial rehearing is required, the appeal panel may conduct such a rehearing should the panel deem it appropriate. The staff member can request that such a rehearing takes place at a later date.

Appropriate training/guidance will be provided to few senior staff members to play role of Appeal Managers and members of Appeal Panels by Human Resources. Further information and guidance on the appeal process is available from the appropriate College/University Services HR team.

9.3 The Appeal Outcome

Once the Appeal Manager has considered all the points raised, they will normally provide a response, in writing, within 5 working days. The decision of the Appeal Manager is final and there is no further right of appeal.

Records of disciplinary action will be kept confidential and retained in accordance with the University's Information Security Policy. The handling of personal data is controlled by the Data Protection Regulations.

10. Appendix

10.1 Guidance For Managers Conducting Disciplinary Investigations

- The purpose of a disciplinary investigation is to establish the relevant facts where there is an allegation of misconduct. The investigation is not a hearing to make a decision about a disciplinary sanction.
- The individual undertaking the investigation should not have previously been involved in the case and care should be taken to avoid conflicts of interest.



- When undertaking a disciplinary investigation, it is important that you keep an open mind regarding the outcome and ensure impartiality, fairness and confidentiality throughout the process.
- It is also important to ensure that you stay focused on investigating the specific allegations of misconduct.

10.2 Planning an Investigation

Start by deciding what evidence you will require to establish the facts.

Think about whom you need to interview, what questions you want to ask them and in what order you wish to see individuals. Also consider what other evidence or documentation you might require. Where evidence is likely to perish or be removed or destroyed this should be gathered as a priority.

Try to see people as quickly as reasonably possible before their recollection of events fade. You should ensure that interviews take place in a venue that provides appropriate privacy and allows them to take place without interruptions. Arrange for administrative support to take notes of any meetings to allow you to focus on conducting the interviews.

Where significant delays in concluding the investigation are anticipated this should be notified to the affected employee and where possible a timescale for completion given.

You should interview the employee accused of misconduct to understand their version of events. You should ensure that you give them advanced warning of the meeting and time to prepare. The employee should be made aware of the allegations against them and be provided with any documentation that you would want to speak to them about. An employee accused of misconduct may be accompanied at investigatory meetings by a work colleague.

10.3 Witness

When questioning witnesses care should be taken to maintain confidentiality. The full circumstances regarding the allegations should only be revealed if required.

Witnesses are not normally expected to be accompanied at investigatory interviews. You cannot insist that individuals participate as witnesses. If a potential witness raises concerns you should seek to address these. In some circumstances witness statements may be anonymized to protect the witness. If a witness wishes to remain anonymous you should discuss this with Human Resources.

10.4 Formal Procedure Hearing

The following list provides suggested areas to cover when undertaking interviews.

10.4.1 Opening

1. Explain who you are and the other people in the room
2. Outline the format of the meeting



3. Advise that adjournments may be requested if required
4. Highlight an expectation of honesty and confidentiality
5. Explain why you are carrying out the investigation
6. Clarify that your role is to establish what happened and not to make a judgement about what to do
7. Advise that a note of the meeting will be provided and the interviewee will be asked to confirm that they are accurate
8. For witnesses - advise that the notes of the meeting will normally be shared with the employee accused of misconduct

10.4.2 Questioning

The manager conducting and hearing the case will be able to question all those involved. S/he will consider all representations then decide if (on the balance of probabilities) the allegation(s) are found and if so what level of sanction, including and up to dismissal is relevant.

The manager conducting and hearing the case should:

1. Ask the interviewee to tell you what happened in their own words
2. Let the individual speak even if they are not describing things in order
3. Focus questioning on the allegations and the facts relating to these
4. Only explore issues in more detail that are relevant to the case
5. Do not make assumptions and interpret what they are saying
6. Use questions to clarify the issues and to check that what has been said is understood.
7. Encourage the employee to speak freely to establish all the facts
8. Establish if there is any explanation for the alleged misconduct
9. Ensure all evidence and points for all parties have been put forward
10. Establish if there are any special circumstances to be taken into account
11. Ask the employee if they have anything further to say or to be taken into account

10.4.3 Rounding up

1. Summaries back to the witness what you have understood / written
2. Ask if there is anything else relevant that they wish to add or any additional witnesses that may be relevant
3. Explain what will happen next
4. Confirm if the employee is aware of any other witnesses to the incident and any other relevant documents that may be relevant.

10.4.4 Adjournment

Before a decision is taken an adjournment allows the manager time for reflection and proper consideration of the available evidence and facts of the case. If new facts have emerged or there is any dispute over facts, it may be necessary to adjourn the hearing in order to investigate them and reconvene

the hearing at a later date when this has been completed. Any new evidence must be shared with both parties prior to the reconvened hearing.

10.4.5 Records of Meetings

Notes of any interviews should be taken. These should capture the responses to questions. While it is important to capture key points reflecting the interviewee's words, the notes are not intended to be a verbatim record of the interview. You should ensure that notes are agreed as an accurate record of the meeting and that these are signed and dated.

Meetings will not normally be electronically recorded. Where an employee asks if a meeting can be recorded you should advise them that they or their companion may take notes if they wish. Any witness statements provided should also be signed and dated as accurate.

10.4.6 Investigation Outcome

After completing the investigation, the evidence should be collated together, to form the basis of a report. It is important take into account all the evidence and to take care to view the matter objectively. The relevance and validity of information collected should also be considered.

The report would normally provide a summary of your investigation findings and a recommendation on whether the case should proceed to a disciplinary hearing. You should not recommend what level of penalty is warranted.

Decisions should be based on the principle of the balance of probabilities rather than beyond reasonable doubt. Your recommendations can include:

1. no further action is appropriate
2. informal action e.g., coaching or
3. that you consider appropriate evidence in support of the allegations to warrant the case proceeding to disciplinary hearing.
4. Advice on the layout of the investigatory report is available from Human Resources.

10.5 Guidance on Disciplinary Suspension

In cases regarding allegations of serious or gross misconduct employees may be suspended on full pay or temporarily deployed to alternative duties. The decision to suspend a member of staff is not taken lightly and this must be agreed in advance with the appropriate HR manager.

Suspension is not a disciplinary action nor does it infer any guilt. Where an employee is suspended, care should be taken as to how this is communicated to other staff. As far as reasonably possible the suspension and the reason for it should be kept confidential to minimize any risk to the employee's reputation.

The period of suspension should be kept as brief as possible and kept under review. This means that the investigation process should be carried out as quickly as possible while ensuring that the process is sufficiently thorough and fair.

When an employee is suspended, they should be kept updated with progress on the investigation and notified of any significant delays in concluding the investigation.

10.6 Accompaniment

A member of staff has a statutory right to be accompanied by a representative where the disciplinary meeting could result in:

1. a formal warning being issued
2. the taking of some other disciplinary action
3. the confirmation of a warning or some other disciplinary action (an appeal hearing)

The representative will be able:

1. to address the hearing to put and sum up the member of staff's case
2. to respond on behalf of the member of staff to any views expressed at the meeting
3. to confer with the member of staff during the hearing

The representative will not however have the right:

1. to answer questions on the member of staff's behalf unless the chair of the panel deems that this is appropriate
2. to address the hearing if the member of staff does not wish it
3. to prevent the University's representative from explaining the case

10.7 Roles and Responsibilities

1. **Manager authorized to act** - As detailed in this procedure, line managers, including but not limited to, Heads of Department, will usually deal with complaints or allegations when they become known. They may consult with HR and if necessary, appoint an investigatory manager and following receipt of their report be authorized to make decisions in relation to the complaint or allegation.

Manager authorized to hear a disciplinary case and issue a sanction, action or warning. Will lead and direct the hearing and decide if the allegation(s) against the employee are proven, by questioning and challenging all available evidence in order to make an informed, fair and reasonable decision. To decide on the level of disciplinary sanction if appropriate.

2. **Manager who made the original decision being appealed** - May present the case or be a witness to explain the decision being appealed. May be accompanied by advisor.
3. **HR representative** - member of the HR team usually HR Manager or HR Advisor - The HR representative will provide advice in respect of the application of this procedure. S/he will support the manager in the process of making an informed, fair and reasonable decision. He/she will ask questions at the hearing and challenge evidence where required.
4. **Employee** - Will answer allegations or complaints made under this procedure. Will be provided with the opportunity to put his/her case at hearing and appeal and provide the necessary



information in relation to the appeal. S/he may question the witnesses and/or the presenting manager and may make representations to the appeal officer. Representative or companion

5. **Representative or companion or work colleague** - S/he will support and advise the employee, and may address the meeting/hearing to put the employee's case, ask questions or make any representations, respond on the employee's behalf but s/he cannot answer questions that are directly put to the employee.
6. **Witnesses** - To provide evidence in relation to the matter of the appeal.
7. **Note taker** - To take notes of the hearing. These will be notes of key points and will not be a verbatim record. The notes will be provided to both parties who will have the opportunity to submit their comments.
8. **Appeal Panel** - In cases of Dismissal there will be an appeal panel of three senior managers appointed by the Vice-Chancellor, including a chair.
9. **Appeal Officer / Appeal panel** - To lead and direct the hearing, decide if the employee's appeal is justified, by questioning and challenging all available evidence in order to make an informed, fair and reasonable decision. The appeal officer should encourage all parties to speak freely to establish all the facts and determine if there are any special circumstances to be taken into account.
10. **Investigatory manager** - Manager appointed to investigate an allegation or complaint. At hearing will present the statement of complaint, and all related evidence. He/she will answer questions relating to the investigation and may be required to carry out further investigation as directed by the manager who initiated the investigation.
11. **Senior Manager** - Member of the University Executive Board, Dean of Faculty, Associate Dean, Head of Support Directorate (Senior Management Group), Head of Department.

10.8 Appeal Procedure

1. The appeal officer (or chair of the appeal panel) will open the hearing with introductions and explain:
 - those present and their roles
 - the purpose of the meeting is to consider the employee's case for appeal against the University's procedure
 - how the meeting will be conducted
 - what the possible outcomes of the hearing are
2. The employee or his/her representative will first present, stating his/her case for appeal and any evidence in support of the case. Witnesses may be called and questioned by the employee and the other parties to the appeal.
3. The manager presenting the University case and his/her advisor will present the reasons why the original decision was taken and call any witnesses. Questions may be put to the presenting manager and any witnesses as above.

4. The manager presenting the University case will make a final submission and then the employee will make his/her final submission.
5. If new facts have emerged or there is any dispute over facts, it may be necessary to adjourn the appeal hearing in order to investigate them and reconvene the hearing at a later date when this has been completed. Any new evidence must be shared with both parties prior to the reconvened hearing.
6. When the appeal officer has all the relevant evidence s/he will consider his/her decision after those presenting have withdrawn. This adjournment before a decision is taken allows the appeal officer time for reflection and proper consideration of the case for appeal and any additional evidence that has been presented.
7. The decision of the appeal officer may be conveyed verbally to the employee after a period of adjournment unless the appeal officer requires more time for reflection and consideration. The decisions will be conveyed (or confirmed) in writing within 3 working days of the hearing. The correspondence will contain the reasons for the appeal officer's decision as to whether the employee's appeal is upheld.

10.9 Interviewing the employee and witnesses

Preparation

- Interviews should take place in private where you will not be disturbed / interrupted
- Before meeting the employee / witness consider what information you need and plan your questions. Decide in which order you will interview witnesses and it may be necessary to meet some more than once
- The end result should be a written witness statement and / or notes of the interview, signed and dated by the person being interviewed

Starting the interview

- Introduce everyone in the room
- Explain why you are carrying out the investigation – clarify that you are there just to establish what happened, not to judge what to do about it
- Explain what will happen with the information that the witness gives to you. You may need to reassure the witness if they are concerned about reprisals, however, you should not promise anonymity. If a witness wants anonymity speak to HR for advice
- Answer any preliminary questions.

The interview

- Ask the employee / witness to tell you what happened
- Keep notes: use their words, and write down key quotes where possible
- Do not make assumptions or interpret what they are saying: ask for clarification

Summing up

- Explain what will happen next i.e., they will be asked to sign a copy of the notes of the interview.
- Final questions / thanks

10.10 Role and responsibilities of the investigating Manager

The investigating Manager should:

- Establish the precise nature of the allegations and identify the evidence that would substantiate or refute them.
- Gather all the relevant facts
- Make the investigation a priority and ensure it is carried out as quickly as possible.
- Remain impartial and objective. Do not pre-judge
- Keep all matters and information confidential (except as is strictly necessary to carry out the investigation)
- Consider both sides of the story, i.e., look for evidence that is favorable to the employee as well as that which supports the allegations made
- summarize their findings in an investigatory report, concluding with their decision as to whether the case should continue to a disciplinary hearing and giving reasons for that decision
- Be prepared to be present at (or available for) the disciplinary and / or appeal hearing to answer questions relating to their findings

The investigating Manager should not:

- Allow themselves to be influenced by others
- Be implicated or involved in the allegations (e.g., a witness)
- Express a view on whether the accused employee is guilty or not (this is for the chair of the disciplinary hearing to decide)

10.11 Tips on questioning witnesses

You should:

- Use open / non-leading questions
- Start your questions with words like “Who, What, When, Where or Why?” as it helps to establish the facts
- Allow the individual the opportunity to give their version of the events
- Let them speak even if they are not describing events in order
- Do not interrupt unless what they are saying is clearly irrelevant
- Encourage them to concentrate on the main facts
- Revisit the parts of what they have said that you are confused about, have not understood or require more detail about
- Identify the gaps in what they have told you and ask about these
- Challenge any inconsistencies. The inconsistencies maybe in what they are saying or with other evidence or witnesses
- summarize back to the witness what you have understood / written down

You should not:



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- Do not be accusatory
 - Do not just accept unclear or ambiguous statements
 - Ask for clarification or corroboration
 - Do not ask questions that are not relevant to the issues that are the subject of the investigation (e.g., personal questions)