

HUNTINGDONSHIRE REGIONAL COLLEGE

DISCIPLINARY RULES AND PROCEDURES

For holders of Senior Posts

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HUNTINGDONSHIRE REGIONAL COLLEGE

DISCIPLINARY RULES

For holders of Senior Posts

Disciplinary rules and procedures are necessary for promoting fairness and order in the treatment of individuals and in the promotion of good employer/employee relations. The rules set standards of conduct; the procedure helps to ensure that the standards are adhered to and also provides a fair method of dealing with alleged failure to observe them.

It is important that staff know what standards of conduct are expected of them by the Corporation. The law now requires employers to set down in writing for their employees any disciplinary rules applying to them.

A distinction can be, and is made between "gross misconduct" and "misconduct". However, it is not possible to define every act in advance, as being one or the other because the judgement as to which it is will vary according to circumstances. In addition to offences committed at work, it may sometimes be necessary to dismiss an employee unsuitable for his or her type of work, or unacceptable to colleagues. If conviction for a criminal act results in a prison or similar custodial sentence, and if the contract is not thereby frustrated, the employee may be dismissed on the grounds that he/she is unable to continue in his/her job.

1 Gross Misconduct

Gross misconduct is the committing of an act which renders it inadvisable for the employee to be allowed to remain at work. Any Senior Postholder suspected of committing an act of gross misconduct, as indicated in the list below, will be suspended with full pay pending investigation. If after proper investigation it is decided that the Senior Postholder has committed an act of gross misconduct or if the act is admitted by the Senior Postholder he/she will be dismissed without further warning, unless there are mitigating circumstances. The disciplinary procedure must be followed in all cases. The list of examples below is not intended to be exclusive or exhaustive and offences of a similar gravity will receive the same treatment.

1.1 Dishonesty associated with place of work or job being undertaken:

- a) Theft of property belonging to the Corporation, an employee or student.
- b) Deliberate falsification of timesheets or expenses claims for pecuniary advantage.
- c) Demanding or accepting monies or other considerations as a bribe for the use of property, provision of service or the showing of favour on behalf of the Corporation.
- d) Falsification of any information given on an application form for a post to gain advantage whether pecuniary or otherwise.
- e) Failure to disclose criminal convictions not exempt under the terms of the Rehabilitation of Offenders Act, 1975.
- f) Falsification of registration of students for pecuniary gain.

- 1.2 Deliberate refusal to carry out a reasonable, lawful and safe instruction or the normal agreed defined duties of the post.
- 1.3 Gross negligence in failing to attend to or carry out the agreed duties of the post or in breach of contract.
- 1.4 Wilfully ignoring responsibilities/ instructions, thus placing other employees/students in danger, eg ignoring handling instructions/safety regulations in respect of radioactive materials.
- 1.5 Wilful unauthorised disclosure of information, classified as confidential, by a Senior Postholder who, in the course of his/her duties, has access to such information, which by its release could be harmful to the Corporation, other employees or students.
- 1.6 Acts of violence or vandalism in the course of employment:
 - a) Malicious damage to Corporation/Corporation Contractor/other employees/students property.
 - b) Actual physical violence towards members of the Corporation/members of the College staff/students/other members of the public.
- 1.7 Sexual misconduct at work:
 - a) Sexual misconduct whether criminal or not.
- 1.8 Off-duty misconduct:
 - a) An act of criminal sexual misconduct by a Senior Postholder who, in the course of duty, has contact with young people.
 - b) Drug offences committed by a Senior Postholder whose jobs bring them into contact with young people.
- 1.9 A criminal offence, (or aiding or abetting an offence) which may (whether it is committed during or outside the employee's hours of work for the College) adversely affect the College's reputation, the employee's suitability for the type of work for the College he or she is employed by the College to perform or his or her acceptability to other employees or to students.

2 Misconduct

Misconduct is of a degree less serious than that which would warrant immediate suspension from duty for a first offence, but which could nevertheless lead to dismissal if persistent. The disciplinary procedure will be followed when dealing with misconduct. Some more serious acts of misconduct may be subject to the VARIATION IN PENALTIES described in the procedure. Only when it can be shown that the warnings have not been heeded will misconduct lead to action being taken which will lead to an employee's dismissal. The list of examples below is not intended to be exclusive or exhaustive and offences of a similar gravity will receive the same treatment.

- 2.1 Absenteeism and lateness, for example:
- a) Failure to remain at the place of work during normal working hours without permission or sufficient cause for absence.
 - b) Frequent failure to attend work punctually.
 - c) Failure to provide medical certificates in accordance with the Corporation's rules for the notification and verification of sickness.
- 2.2 Dishonesty – for example:
- a) Making unauthorised private telephone calls and/or sending personal mail at the College's expense.
 - b) Failure to report any loss and/or damage to any property issued to or by the employee in connection with his/her employment.
- 2.3 Neglect of duty, for example:
- a) Failure to adopt safe working practices/use protective equipment where required by law or College policies and procedures.
 - b) Negligent use of Corporation property in such a way as is likely to cause serious damage or loss.
 - c) Failure to discharge without sufficient cause the obligations which statute or the contract of employment places on the employee.
 - d) Insubordination.
 - e) Failure to exercise proper control or supervision of students.
- 2.4 Abusive behaviour/offensive language which arises directly out of or in connection with work and which is directed at members of the Corporation, colleagues, students or members of the public.
- 2.5 Victimisation of other employees in the course of duty.
- 2.6 Unlawful discrimination against other employees or members of the public in the course of duty by reference to the Corporation's Equality and Diversity policy.
- 2.7 Discrimination, whether lawful or not, in the course of duty against other members of the public on the grounds of sex, marital status, ethnic origin, disability or sexual orientation, by reference to the Corporation's Equality and Diversity policy.
- 2.8 Undertaking additional employment outside normal working hours, which would be detrimental to the work to be performed as an employee of the College or in breach of contract.

3 Lack of Capability

A distinction is maintained between misconduct, or gross misconduct and lack of capability. Separate procedures are provided in each case.

4 Alcohol or Drug-Related Problems

4.1 Alcohol or drug-related problems will primarily be regarded to be medical problems (save where a breach of the law is involved).

4.2 Behaviour deriving from alcohol or drug-related problems may require:

- a) the application of the procedure relating to misconduct, if identifiable behaviour by a Senior Postholder is in breach of discipline;
- b) the application of the procedure relating to lack of capability, if the performance of the Senior Postholder is such that he/she is not capable of performing his/her duties.

HUNTINGDONSHIRE REGIONAL COLLEGE

DISCIPLINARY PROCEDURE RELATING TO MISCONDUCT FOR HOLDERS OF SENIOR POSTS

(In accordance with Articles of Government 2001)

1 Definitions

- 1.1 The term "Chair of Corporation" also refers, in his/her absence, to the Vice Chair.
- 1.2 "Misconduct" is defined in the Disciplinary Rules, which accompany the Misconduct Procedures.
- 1.3 The term "Council" refers to the Learning and Skills Council.

2 Informal Guidance

- 2.1 Misconduct is defined in the Disciplinary Rules, to which you should refer. Informal guidance may often be a more satisfactory method of resolving problems than a disciplinary meeting.
- 2.2 Informal guidance will be given by the Chair of Corporation in respect of the Principal or Clerk to the Corporation and by the Principal in respect of any other Senior Postholder.
- 2.3 A meeting should be held in private and should be a two-way discussion, aimed at pointing out the shortcomings in conduct and encouraging improvement. Criticism should be constructive, with the emphasis being on finding ways for the employee to improve and for the improvement to be sustained.
- 2.4 The Senior Postholder will be given a reasonable opportunity to comment and explain.
- 2.5 Where improvement is required the Chair of Corporation / Principal should make sure the Senior Postholder understands what needs to be done, how their performance or conduct will be reviewed, and over what period. A clear review date should be given.
- 2.6 The Senior Postholder should be told that if there is no improvement then the next stage will be the formal disciplinary procedure.
- 2.7 The Chair of Corporation / Principal should prepare a written record of the meeting and of the agreed outcomes, a copy of which should be sent to the individual and to Human Resources for filing (not in personal file).
- 2.8 If during the discussion it becomes obvious that the matter may be more serious, the meeting should be adjourned and the Senior Postholder told that the matter will be continued under the formal disciplinary procedure.
- 2.9 Informal guidance will normally take place between the Chair of Corporation / Principal and Senior Postholder alone in order to enable the meeting to be as informal as possible.

3 First Formal Action for Misconduct

- 3.1 Where the Chair of Corporation considers on the preliminary facts that formal disciplinary action for misconduct, but NOT gross misconduct, is necessary, he/she will write to the Senior Postholder to inform him/her, at least 10 working days in advance, about:

- a) The date, time and place of the disciplinary hearing;
- b) Full details of the nature of the complaint against the Senior Postholder;
- c) The Senior Postholder's right to be accompanied by the representative of a trade union/professional association or some other person of his/her choice; the Chair's right to be accompanied by an adviser of his/her choice
- d) Copies of any documents to be used as evidence or in any other way;
- e) The names of any witnesses to be called by the Chair of Corporation;
- f) His/her right to call witnesses on his/her behalf.

(At the Senior Postholder's request an extra copy of this notice, together with any enclosures, should be provided for his/her representative.)

(The names and roles of all individuals attending shall be disclosed to all individuals attending.)

If the Senior Postholder cannot attend a meeting at the time arranged, another meeting will be arranged within five working days. If an employee fails to attend the meeting without informing the Chair of Corporation or Vice Chair, a decision may be made in their absence.

- 3.2 At the disciplinary hearing, the Senior Postholder (and his/her representative) will be given a reasonable opportunity to state his/her case and to question the Chair of Corporation and any witnesses. At the conclusion, the Chair of Corporation will state his/her decision and reasons and will confirm them in writing to the Senior Postholder and his/her representatives. If required, the meeting will be adjourned before a decision is reached to allow time for proper consideration and for further checking of any matters raised during the meeting.
- 3.3 If he/she decides the complaint was justified, the Chair of Corporation may give the Senior Postholder a first written warning which will include a statement that any further complaint of misconduct occurring within the next six months, and found justified at a disciplinary hearing, will lead to a final warning, unless there are mitigating circumstances.
- 3.4 If the Senior Postholder is given no further written warning of misconduct within six months of the date of the first written warning, then this warning is disregarded and the warning letter will make this clear.
- 3.5 The Senior Postholder shall have the right to respond with a written statement of dissent or explanation, which shall be retained on file.

4 Final Written Warning

- 4.1 If a further complaint is made about the Senior Postholder's conduct within six months of the date of the first written warning, the same procedure (as at 3.1 and 3.2 above) will be followed.
- 4.2 If the Chair of Corporation decides at the conclusion of the disciplinary hearing that this further complaint is justified, he/she may give the Senior Postholder a final written warning, which will include a statement that any further complaint of misconduct occurring within the next six months and found justified after a disciplinary hearing, will lead to dismissal, unless there are mitigating circumstances.
- 4.3 Again this final warning, together with any previous warning, will be disregarded if there is no further complaint about misconduct within six months of the date of the final warning, and the warning letter will make this clear.

5 Appeals Procedure

- 5.1 A senior Postholder may appeal against any written warning or final written warning by writing to the Clerk to the Corporation within 5 working days of the date of the decision against which the appeal is to be made, setting out in a written statement the grounds on which the appeal is based. In the event that the Clerk is the subject of this procedure the Clerk will write to the Chair of Corporation.
- 5.2 The appeal will be heard by a Committee of the Corporation ("the Appeal Committee") consisting of three members of the Corporation (excluding the Principal, the staff members, the student members and, unless not reasonably practical, any other members investigating or chairing a disciplinary hearing earlier in the procedure).
- 5.3 The appeal will be conducted as soon as reasonably possible after receipt of the written statement containing the appeal.
- 5.4 The Senior Postholder will be given at least 10 working days notice of the appeal hearing.
- 5.5 The Appeal Committee will determine the conduct of the appeal hearing and any formalities (such as the exchange of documentation in advance). The appeal hearing will be limited to consideration of the grounds of appeal unless the Appeal Committee considers that a full hearing is appropriate, in which case the relevant parties will be provided with reasonable prior warning. In any event, the Senior Postholder will be given the opportunity at the appeal hearing to state his or her case and will have the right to be accompanied as set out in section 3.1 above.
- 5.6 The Appeal Committee may review any disciplinary penalty imposed, but it cannot be increased. The Appeal Committee's decision will be notified by the Clerk to the Corporation to the Senior Postholder within 10 working days of the appeal hearing. If it is not possible for a decision to be reached within this period, the Clerk will write to the Senior Postholder on behalf of the Appeal Committee with an explanation for the delay and when the written decision can be expected. The Appeal Committee's decision will be final. In the event that the Clerk is the subject of this procedure, the Chair will write to the Clerk.

6 Suspension

- 6.1 The Chair of Corporation may suspend from duty with pay the holder of a senior post during any investigation into gross misconduct. The Chair of Corporation shall report such suspension in writing to the Corporation and the Learning and Skills Council within 2 working days or as soon thereafter as is practicable.
- 6.2 Anyone who is suspended from duty under 6.1 shall be entitled to receive from the Chair of Corporation written notification of the suspension, setting out the grounds on which the decision to suspend has been taken.
- 6.3 Nothing in this procedure authorises the suspension of a person without pay where such suspension is not expressly provided for under his/her contract of employment.
- 6.4 Procedures for the suspension of a senior postholder under 6.1 shall be specified in rules made by the Corporation after consultation with senior postholders. The rules shall include provision that:
 - a) Any person who has been under suspension for 3 weeks or more may appeal in writing to the Corporation against the suspension, save that no such right of appeal shall lie if the person is the subject of a reference to a Special Committee under 7.1.
 - b) Any appeal made under (a) above shall be considered as soon as is practicable within 10 working days;

- c) A suspension against which an appeal is made shall continue to operate pending the determination of the appeal.
- d) Any appeal shall be within the terms of Appendix 2 attached to this procedure.

7 Dismissal

- 7.1 If the Chair of Corporation, or a majority of the members of the Corporation, consider that it may be appropriate for the Corporation to dismiss the holder of a senior post from a post on the staff, then the Chair of Corporation shall refer the matter to a Special Committee of the Corporation, which shall be convened as soon as is practicable to examine the case for dismissal and to make recommendations to the Corporation.
- 7.2 The Special Committee shall hold its first meeting within 7 days of being convened.
- 7.3 The person whose dismissal is to be considered by the Special Committee shall have the right to make representations to that Committee, including oral representations, for which purpose he/she may be accompanied by a representative of a trade union or some other person of his/her choice.
- 7.4 After hearing or reading any such representations, the Special Committee shall prepare a written report for consideration by the Corporation, a copy of which shall be sent to the person to whom it relates.
- 7.5 The written report referred to in 7.4 shall be prepared within one month of the date on which the Special Committee was convened; where however it is impracticable for the Committee to prepare the report during that period they shall, during that period, prepare an interim report, a copy of which shall be sent to the person to whom it relates and any interim report so prepared shall contain a timetable for the preparation of the report referred to in 7.4.
- 7.6 The Corporation shall consider the recommendations of the Special Committee and the representations (if any) of the person concerned and take such action as it considers appropriate, which may include the dismissal of the person concerned; and the first meeting at which the recommendations of the Special Committee and any representations of the person concerned are to be considered shall be no later than 28 days after the date of the receipt of the report under 7.4.
- 7.7 The person concerned shall have the right to make representations including oral representations to the Corporation with regard to the recommendations of the Special Committee and:
 - (a) Any written representations must be made within 14 days of the date of the receipt of the report under 7.4; and
 - (b) For the purpose of making oral representations the person may be accompanied by a representative or a trade union or some other person of his/her choice.
- 7.8 The Special Committee shall consist of at least 3 members of the Corporation. However, the Chair of the Corporation, the Vice-Chair, the Principal and the Staff and Student Members of the Corporation shall not be eligible for membership of the Special Committee.
- 7.9 A failure by the Corporation or the Special Committee to take any action within a time limit specified in this procedure shall not relieve the Corporation or Committee of the duty to take such action.
- 7.10 The procedure for the conduct of the Special Committee is detailed in Appendix 3.
- 7.11 The Senior Postholder has a right of appeal to the Corporation if a decision to dismiss him/her is made.

8 Suspension and Dismissal of the Clerk

- 8.1 The Clerk, where he/she is also a member of the staff, shall be treated as the holder of a senior post but references in this procedure to the suspension and dismissal of the Clerk are references to his/her suspension and dismissal as a member of the staff.
- 8.2 8.1 is without prejudice to any action which the Corporation may take in relation to a Clerk who is also a member of the staff by way of suspension from or termination of the appointment as Clerk under the terms of any separate appointment as Clerk.

9 Variations and Penalties

- 9.1 At any stage of the procedure it may be decided that there has been no breach of discipline.
- 9.2 The Chair of Corporation may decide to issue informal guidance instead of a first written warning or to issue no form of warning at all.
- 9.3 The Chair of Corporation may decide that the first misconduct is so serious that first and final written warnings will be issued simultaneously.
- 9.5 The Chair of Corporation may decide to issue a further final written warning rather than proceeding to a proposal for dismissal or to issue no form of warning at all.
- 9.6 The Special Committee may decide to rescind a proposal for dismissal and issue a further final written warning or issue no form of warning at all.
- 9.7 An Appeal Panel may decide to rescind a dismissal, or to issue a further final written warning, or to issue no form of warning at all.
- 9.8 In every case covered by clauses 9.1 to 9.7 a written record of reasons for variations shall be made and shall be available to all parties involved at any subsequent stage of discipline procedure affecting the same Senior Postholder.

HUNTINGDONSHIRE REGIONAL COLLEGE
PROCEDURES RELATING TO LACK OF CAPABILITY

Holders of Senior Posts

1. Definitions

- 1.1 "Lack of capability" is defined as performance considered to be less than satisfactory for reasons connected with skills, knowledge, aptitude and mental and physical qualities. Incapability resulting from persistent ill-health should be dealt with under the sickness absence policy and conditions of service as set out in contracts of employment.
- 1.2 The term "Chair of Corporation" also refers, in his/her absence, to the Vice-Chair.

2 Informal Guidance

- 2.1 Misconduct is defined in the Disciplinary Rules, to which you should refer. Informal guidance may often be a more satisfactory method of resolving problems than a disciplinary meeting.
- 2.2 Informal guidance will be given by the Chair of Corporation in respect of the Principal and Clerk to the Corporation and by the Principal in respect of any other Senior Postholder.
- 2.3 A meeting should be held in private and should be a two-way discussion, aimed at pointing out the shortcomings in performance and encouraging improvement. Criticism should be constructive, with the emphasis being on finding ways for the employee to improve and for the improvement to be sustained.
- 2.4 The Senior Postholder will be given a reasonable opportunity to comment and explain.
- 2.5 Where improvement is required the Chair of Corporation / Principal should make sure the Senior Postholder understands what needs to be done, how their performance or conduct will be reviewed, and over what period. A clear review date should be given.
- 2.6 The Senior Postholder should be told that if there is no improvement then the next stage will be the formal disciplinary procedure.
- 2.7 The Chair of Corporation / Principal should prepare a written record of the meeting and of the agreed outcomes, a copy of which should be sent to the individual and to Human Resources for filing (not in personal file).
- 2.8 If during the discussion it becomes obvious that the matter may be more serious, the meeting should be adjourned and the Senior Postholder told that the matter will be continued under the formal disciplinary procedure.
- 2.9 Informal guidance will normally take place between the Chair of Corporation / Principal and Senior Postholder alone in order to enable the meeting to be as informal as possible.

3. First Formal Action for Lack of Capability

- 3.1 If, after a reasonable period, the Chair of Governors considers that the Senior Postholder's performance has not improved, or not improved sufficiently, he/she will arrange a meeting with the Senior Postholder.
- 3.2 The Chair of Governors will write to the Senior Postholder at least ten days in advance to inform him/her about:
- a) the date, the time and place of the meeting;
 - b) the basic details of the complaint about lack of capability;
 - c) the Senior Postholder's right to be accompanied by a representative or some other person of his/her choice;

- d) the Chair of Governors' right to be accompanied by an adviser;
- e) copies of any documents to be used as evidence or in any other way;
- f) names of any witnesses to be called by the Chair of Governors;
- g) his/her right to call witnesses on his/her behalf.

(At the Senior Postholder's request an extra copy of this notice, together with any enclosures, should be provided for his/her representative).

(The names and roles of all individuals attending shall be disclosed to all individuals attending.)

If the Senior Postholder cannot attend a meeting at the time arranged, another meeting will be arranged within five working days. If an employee fails to attend the meeting without informing the Chair of Corporation or Vice Chair, a decision may be made in their absence.

- 3.3 At the meeting the Senior Postholder (or his/her representative) will be given a reasonable opportunity to comment on the complaint and to ask questions. At the conclusion, the Chair of Governors will state his/her decision and will afterwards confirm this in writing to the Senior Postholder (and his/her representative).
- 3.4 If the Chair of Governors considers that the complaint about lack of capability was justified he/she will give the Senior Postholder a first written warning. The warning letter will make clear:
- a) over what period and in what manner the Senior Postholder's performance will be assessed;
 - b) what aspects of the Senior Postholder's performance will be assessed and by whom;
 - c) that failure to meet the required standards may lead to a final written warning.

At the same time consideration will be given to what help can given to the Senior Postholder.

- 3.5 The warning letter will also make it clear that if the Senior Postholder's performance becomes satisfactory before or by the end of the assessment period, the written warning will be disregarded.
- 3.6 The Senior Postholder shall have the right to respond with a written statement of dissent or explanation, which shall be retained by the Chair of Governors.
- 3.7 If the Chair of Governors considers that the Senior Postholder's performance is still not satisfactory by the end of the assessment period but that a final warning is not justified, he/she will call another meeting as outlined in paragraphs 3.2 and 3.3 above. The Chair of Governors may decide to give the Senior Postholder a further warning, or warnings, in accordance with paragraphs 3.4 and 3.5 above if he/she thinks these will be fair and effective.

4. Final Written Warning

- 4.1 If the Chair of Governors considers that the Senior Postholder's performance is still not satisfactory by the end of the assessment period, he/she will call another meeting as outlined in paragraphs 3.2 and 3.3 above.

4.2 If at the conclusion of the meeting the Chair of Governors still considers that the Senior

Postholder's performance is not satisfactory, he/she may decide to issue a final written warning which will make clear over what period and in what respect the Senior Postholder's performance will be assessed and that failure to meet the required standards will lead to a proposal to dismiss the employee.

5 Appeals Procedure

- 5.1 A Senior Postholder may appeal against any written warning or final written warning by writing to the Clerk to the Corporation within 5 working days of the date of the decision against which the appeal is to be made, setting out in a written statement the grounds on which the appeal is based. In the event that the Clerk is the subject of this procedure the Clerk will write to the Chair of Corporation.
- 5.2 The appeal will be heard by a Committee of the Corporation ("the Appeal Committee") consisting of three members of the Corporation (excluding the Principal, the staff members, the student members and, unless not reasonably practical, any other members investigating or chairing a disciplinary hearing earlier in the procedure).
- 5.3 The appeal will be conducted as soon as reasonably possible after receipt of the written statement containing the appeal.
- 5.4 The Senior Postholder will be given at least 10 working days notice of the appeal hearing.
- 5.5 The Appeal Committee will determine the conduct of the appeal hearing and any formalities (such as the exchange of documentation in advance). The appeal hearing will be limited to consideration of the grounds of appeal unless the Appeal Committee considers that a full hearing is appropriate, in which case the relevant parties will be provided with reasonable prior warning. In any event, the Senior Postholder will be given the opportunity at the appeal hearing to state his or her case and will have the right to be accompanied as set out in section 3.2 above.
- 5.6 The Appeal Committee may review any disciplinary penalty imposed, but it cannot be increased. The Appeal Committee's decision will be notified by the Clerk to the Corporation to the Senior Postholder within 10 working days of the appeal hearing. If it is not possible for a decision to be reached within this period, the Clerk will write to the Senior Postholder on behalf of the Appeal Committee with an explanation for the delay and when the written decision can be expected. The Appeal Committee's decision will be final. In the event that the Clerk is the subject of this procedure, the Chair will write to the Clerk.

6 Dismissal

- 6.1 The Chair of Governors may propose the dismissal of a Senior Postholder on grounds of lack of capability.
- 6.2 The procedure relating to dismissal due to lack of capability shall be identical to the procedure described for misconduct, save that all references to "misconduct/gross misconduct" shall be replaced by references to "lack of capability".

7. Variations

Variations shall apply as in the procedure relating to misconduct.

Disciplinary Procedure Relating to Misconduct
Holders of Senior Posts

Suspension from Duty

1. Suspension is not a penalty for the breach of discipline. It is precautionary and protective of the Senior Postholder's and the Corporation's interests. The Senior Postholder is not entitled to advance warning or to representation when informed of his/her suspension.
2. Any Senior Postholder who is suspended shall be entitled to receive written notification of the suspension, setting out the grounds on which the decision to suspend has been taken.
3. Any Senior Postholder who is suspended shall not be entitled to enter the College premises.
4. Any Senior Postholder who has been under suspension for three weeks or more may appeal in writing to the Corporation, save that no right of appeal shall exist if the person is the subject of a reference to a Special Committee under clause 7.1 of the Disciplinary Procedure relating to Misconduct. Any appeal shall be within the terms of appendix 2, attached to the procedure. The suspension shall continue to operate pending the determination of any appeal.
5. Any appeal made under 4 above shall be considered as soon as practicable and within 10 working days.
6. A suspension against which an appeal is made shall continue to operate pending the determination of the appeal.

Disciplinary Procedure Relating to Misconduct Holders of Senior Posts

Appeal to the Corporation

1. The Corporation shall establish a Panel including no less than three Members, excluding the Chair of Corporation, the Vice Chair, the Principal and the Staff and Student Members, for the hearing of any appeal made within the Disciplinary Procedure.
2. Representatives:
 - 2.1 The Senior Postholder making the appeal shall be entitled to be accompanied by the representative of a trade union or some other person of his/her choice.
 - 2.2 The Corporation shall be entitled to be accompanied by an adviser of its choice.
 - 2.3 The names and roles of all individuals attending shall be disclosed to all individuals attending.
3. The Panel shall select its Chair.
4. The case against the Senior Postholder shall be presented by the Chair of Corporation or the Vice Chair or by the Corporation's adviser.
5. The Chair of the Panel may, for good reason, adjourn the hearing of the appeal at any stage. It shall be open to the Corporation or to the Senior Postholder or his/her representative to request an adjournment. A refusal to adjourn shall be communicated subsequently, in writing, with reasons for the refusal.
6. Except during the Panel's consideration of its decision, or during an adjournment, all individuals attending, with the exception of witnesses called, shall attend throughout the hearing of the Appeal.
7. The order of business before the Panel shall be as follows:
 - 7.1 The Chair of the Panel shall introduce the Members of the Corporation Panel, the Senior Postholder, the representative of the Senior Postholder (if any) and the adviser to the Corporation (if any).
 - 7.2 The Chair of the Panel shall indicate the nature of the case.
 - 7.3 The Chair of Corporation shall make an opening statement.
 - 7.4 The Chair of Corporation shall present and question his/her witnesses, who shall subsequently be questioned:
 - a) By the Senior Postholder or the Senior Postholder's representative;
 - b) By the Panel or the Panel's adviser;
 - c) By the Chair of Corporation (re-examination).
 - 7.5 The Senior Postholder or his/her representative shall make an opening statement.

- 7.6 The Senior Postholder or his/her representative shall present and question his/her witnesses, who shall subsequently be questioned:
 - a) By the Chair of Corporation;
 - b) By the Panel or the Panel's adviser;
 - c) By the Senior Postholder or his/her representative (re-examination).
- 7.7 The Chair of Corporation shall make a closing statement.
- 7.8 The Senior Postholder or his/her representative shall make a closing statement.
- 7.9 The Panel shall consider its decision: all other parties to the Appeal, with the exception of the Panel's adviser (if any) shall withdraw.
- 7.10 The Panel will prepare a written report for the Corporation.

Disciplinary Procedure Relating to Misconduct Holders of Senior Posts

Procedure for Conduct of the Special Committee

1. The Corporation shall establish a Special Committee including no less than three Members, excluding the Chair, the Vice Chair, the Principal, Staff and Student Members of the Corporation.
2. Representatives:
 - 2.1 The Senior Postholder shall be entitled to be accompanied by the representative of a trade union/professional association or some other person of his/her choice.
 - 2.2 The Corporation shall be entitled to be accompanied by an adviser of its choice.
 - 2.3 The names and roles of all individuals attending shall be disclosed to all individuals attending.
3. The Special Committee shall select its Chair.
4. The case against the Senior Postholder shall be presented by the Chair of Corporation or by the Corporation's adviser.
5. The Chair of the Special Committee may, for good reason, adjourn the hearing at any stage. It shall be open to the Corporation or to the Senior Postholder or his/her representative to request an adjournment. A refusal to adjourn shall be communicated subsequently, in writing, with reasons for the refusal.
6. Except during the Special Committee's consideration of its decision, or during an adjournment, all individuals attending, with the exception of witnesses called, shall attend throughout the hearing.
7. The order of business before the Special Committee shall be as follows:
 - 7.1 The Chair shall introduce the Members of the Special Committee, the Senior Postholder, the representative of the Senior Postholder (if any) and the adviser to the Corporation (if any).
 - 7.2 The Chair shall indicate the nature of the case.
 - 7.3 The Chair of Corporation shall make an opening statement.
 - 7.4 The Chair of Corporation shall present and question his/her witnesses, who shall subsequently be questioned:
 - a) By the Senior Postholder or his/her representative;
 - b) By the Special Committee or the Special Committee's adviser;
 - c) By the Chair of Corporation (re-examination).
 - 7.5 The Senior Postholder or his/her representative shall make an opening statement.
 - 7.6 The Senior Postholder or his/her representative shall present and question his/her witnesses, who shall subsequently be questioned:
 - a) By the Chair of Corporation;
 - b) By the Special Committee or the Special Committee's adviser;
 - c) By the Senior Postholder or his/her representative (re-examination).

- 7.7 The Chair of Corporation shall make a closing statement.
- 7.8 The Senior Postholder or his/her representative shall make a closing statement.
- 7.9 The Special Committee shall prepare its written report for the Corporation.