

DISCIPLINARY PROCEDURE FOR TEACHERS IN INSTITUTIONS OF FURTHER EDUCATION

1. SCOPE

The procedures set out in this document are designed to deal with misconduct or indiscipline, or allegation thereof. They apply to all teachers in institutions of further education. The procedures do not apply to matters relating to a teacher's professional competence. The object of the procedures is to encourage improvement in the conduct of an individual teacher and should not be viewed primarily as a means of imposing sanctions. It is important that a teacher must always be informed of any disciplinary action taken and the reasons for it.

2. DISCIPLINARY AUTHORITY

Disciplinary procedures should normally be invoked by the person next in line in the management structure of the college to the teacher involved but disciplinary interviews conducted as part of Stages 1,2,3 and 4 of the Formal Procedure should be heard by a person (hereinafter referred to as the "disciplinary authority") senior to the person invoking the procedure.

In the case of the Vice Principal, or person carrying out the role; the person normally responsible for invoking the procedure shall be the Principal, and the disciplinary authority shall be the Chairman of the Governing Body.

In the case of the Principal, the person normally responsible for invoking the procedure shall be the Chairman of the Governing Body, and the disciplinary authority shall be a committee of the Governing Body set up for this purpose and not including the Chairman, or any member prohibited from acting in such a capacity by the terms of the Instrument and Articles of Government of the College.

3. GENERAL PRINCIPLES

3.1 Prior to taking any disciplinary action there shall be a preliminary investigation into any allegation of misconduct or indiscipline, to be carried out by the person who would in that case be responsible for invoking the disciplinary procedure.

3.2 In the operation of the Formal Procedure the teacher shall:

- i. be made fully aware of the circumstances giving rise to the possibility of disciplinary action being considered;
- ii. be given a fair hearing at a disciplinary interview with the opportunity to state his case and produce witnesses. Notice of a disciplinary interview shall be given within 5 working days of the person responsible for invoking the disciplinary procedure becoming aware of the alleged offence. Such disciplinary interview shall be held not less than 5 and not more than 10 working days from the date of giving notice; and

iii. have the right to be represented at each stage of the Formal Procedure by his teachers' union representative or a colleague.

3.3 Any disciplinary interview with a teacher shall be conducted by the disciplinary authority in the presence of the person invoking the procedure.

3.4 If the teacher against whom allegations of misconduct or indiscipline are made is a teachers' union representative, no formal action will be initiated until the full-time official has been notified and given a reasonable opportunity to discuss the circumstances of the case.

3.5 Any disciplinary action taken shall be appropriate to the degree of seriousness of the offence.

3.6 Any mitigating circumstances, including the previous record of service of the teacher concerned, shall be taken into account when considering taking disciplinary action.

3.7 There shall be the right of appeal against disciplinary action.

4. INFORMAL PROCEDURE

4.1 Every effort shall be made by those concerned with the college management, at whatever level, to assist a teacher, whose conduct seems likely to lead to formal disciplinary action, to improve by means of counselling.

4.2 Where a teacher feels that he is being unreasonably subjected to repeated counselling he may request that at any future discussions he be accompanied by his teachers' union representative or a colleague.

4.3 Where it becomes necessary because of repeated misconduct or indiscipline or where the nature or seriousness of an act of misconduct or indiscipline is such that it would not be appropriate to deal with it in an informal way, the following formal procedure shall be used.

5. FORMAL PROCEDURE

The formal procedure shall consist of 4 stages, which shall normally be followed in sequence. The following shall apply to each stage of the formal procedure.

- i. an interview shall be arranged by the disciplinary authority;
- ii. written notice of the alleged offence shall be given to the teacher;
- iii. copies of any relevant documents shall be exchanged by the parties at least 3 working days prior to the interview; and

- iv. at the interview both parties shall have the opportunity to present their cases.

6. ORAL WARNING (STAGE 1)

6.1 Stage 1 may be invoked where it is considered that a teacher's conduct or discipline is unsatisfactory.

6.2 Where Stage 1 is invoked and the teacher fails to give a satisfactory explanation the disciplinary authority may issue a formal oral warning in the presence of a witness who shall be, where possible, a member of staff holding an appointment senior to that of the teacher being warned.

6.3 A written report shall be made of the formal oral warning and a copy of this report shall be given to the teacher. The report shall state, specifically, the nature of the warning and the action required of the teacher in future relating to the action or actions for which the warning has been given.

7. FIRST WRITTEN WARNING (STAGE 2)

7.1 Stage 2 may be invoked:

- a. if the offence for which an oral warning was given is repeated within a period not exceeding 18 weeks; OR
- b. if a similar or more serious offence occurs within that period; OR
- c. where the seriousness of an act of indiscipline or misconduct merits the omission of Stage 1.

7.2 Where Stage 2 is invoked and a satisfactory explanation is not given the disciplinary authority may issue a first written warning which will advise the teacher of the consequences of any further similar offence. Receipt of the first written warning should be acknowledged by the teacher or it should be handed over in the presence of a witness.

8. SECOND WRITTEN WARNING (STAGE 3)

8.1 Stage 3 may be invoked:

- a. if the offence for which a first written warning was given is repeated within a period not exceeding 38 weeks; OR
- b. if a similar or more serious offence occurs within that period; OR
- c. where the seriousness of an act of indiscipline or misconduct merits the omission of Stages 1 and 2.

8.2 Where Stage 3 is invoked and a satisfactory explanation is not given the disciplinary authority may issue a second written warning which will advise the teacher of the consequences of any further similar offence. Receipt of the second written warning should be acknowledged by the teacher or it should be handed over in the presence of a witness.

9. FURTHER DISCIPLINARY ACTION (STAGE 4)

9.1 Stage 4 may be invoked:

- a. if the offence for which a second written warning was given is repeated within a period not exceeding 104 weeks; OR
- b. if a similar or more serious offence occurs within that period; OR
- c. where the seriousness of an act of indiscipline or misconduct merits the omissions of Stages 1, 2 and 3.

9.2 Where Stage 4 is invoked and a satisfactory explanation is not given the teacher may be subject to further disciplinary action, which may include suspension and dismissal in accordance with the provisions of the Dismissal and Suspension Procedure for Full-time Teachers in Institutes of Further Education.

10. EXPIRY OF WARNINGS

All records of warnings shall be destroyed after a period not exceeding the following:-

| TYPE OF WARNING | PERIOD NOT EXCEEDING |
|------------------------|----------------------|
| Oral warning | 18 weeks |
| First written warning | 38 weeks |
| Second written warning | 104 weeks |

11 APPEALS

11.1 There shall be the right of appeal against a decision to issue oral or written warnings. Any notice of an appeal must be lodged within 5 working days of receipt of the warning.

11.2 Where the appellant is a teacher other than the principal or vice-principal, the appeal shall be heard by the principal except where the principal has been the disciplinary authority in which case an appeal shall be heard by the Chairman of the

Governing Body. Where the appellant is the principal or vice-principal, the appeal shall be made to the Governing Body.

11.3 Any appeal under paragraph 11.2 must be made in writing (setting out the grounds), within 10 working days, to the principal who shall make appropriate arrangements for a hearing; except where the principal or vice-principal, is the appellant, in which case the Chairman of the Governing Body shall make the appropriate arrangements for a hearing.

11.4 Where the appellant other than a principal or vice-principal is dissatisfied with the result of an initial appeal made against a second written warning he may, within 10 working days of being notified of the result of the initial appeal, make a further appeal to the governing body. Any such further appeal must be made in writing (setting out the grounds) to the Chairman of the Governing Body, who shall make appropriate arrangements for a hearing.

11.5 When the appeal is made to the Governing Body it shall be heard by a committee (herein after called the "Appeal Committee") consisting of three members of the Governing Body which shall normally include the Chairman and two other members of the Governing Body. No person who has been a party to the decision under appeal shall be a member of the Appeal Committee, nor shall any member prohibited from acting in such a capacity by the terms of the Instrument and Articles of Government of the college. In the event of the Chairman of the Governing Body being for any reason unable to serve on the Appeal Committee or attend an Appeal Committee meeting, another member of the Governing Body shall substitute for the Chairman.

11.6 All appeal hearings shall be heard as soon as practicable and no later than 10 working days from receipt of the appeal unless extended by mutual agreement. The result of an appeal shall be notified in writing to the teacher within three working days of the hearing.

11.7 At any appeal hearing the teacher may be accompanied by a teachers' union representative or a colleague. In the event of an appeal being upheld, all records of the offence and warnings shall be destroyed.

11.8 Provision for appeal against a decision to take further disciplinary action following Stage 4 of the Procedure shall be in accordance with the Dismissal and Suspension Procedure for Full-time Teachers in Institutions of Further Education.

11.9 As an alternative to an appeal, a teacher shall have the right to add a note of dissent to any warning or record of disciplinary action included on file.

11.10 No decision to take disciplinary action, other than suspension or the issue of an oral or written warning shall be implemented while an appeal is pending.

FENC 19.12.91
Revised November 2000