

Mandala Complementary Studies with the Institute of Crystal and Gem Therapists
Disciplinary Rules and Disciplinary Procedure
January 2009

1. Introduction

The purpose of the disciplinary procedure is to ensure that any concerns over MCS/ICGT tutors and students conduct or performance are handled in a fair, consistent and timely manner with the intention of bringing about an improvement, and to protect the proper operation of MCS/ICGT.

This procedure may be reviewed and updated from time to time. Any amendments will be notified to MCS/ICGT Tutors in writing, following consultation and/or notice where appropriate.

2. Rules and Application

The following are some examples of types of conduct that will normally be addressed through implementation of the MCS/ICGT's disciplinary procedure:

- ❑ Unsatisfactory teaching performance;
- ❑ Breaches of MCS/ICGT policies and procedures;
- ❑ Inappropriate behaviour (e.g. fighting, drunkenness, etc.);
- ❑ Bullying, harassment or victimisation;
- ❑ Discrimination on any of the grounds listed in MCS/ICGT's Equal Opportunities Policy: e.g. race, sex, sexual orientation, religion, disability, age, gender reassignment, marital status or ethnic origin;
- ❑ Serious or repeated failure to follow reasonable requests or instructions;
- ❑ Abuse, misuse or neglect of MCS/ICGT's property or facilities.
- ❑ Persistent lateness or poor timekeeping in tutored/tutoring situations

Where time limits are referred to in this procedure, they may be shortened or extended by mutual consent.

Disciplinary matters will be handled with as high a degree of confidentiality as is practicable, particularly when the issue is of a sensitive nature.

Confidential records of disciplinary matters will be kept in MCS/ICGT's Archive in accordance with Data Protection legislation. Copies of meeting notes will be provided to the person, although MCS/ICGT reserves the right to withhold certain information (e.g. to protect a witness).

MCS/ICGT reserves the right to suspend a tutor, normally for no more than one month, while a disciplinary offence is investigated.

Minor disciplinary offences and general issues of poor performance will be handled informally in the first instance, through discussion/counselling and informal warning(s). Where an informal approach fails to bring about the desired improvement, or where the offence is more serious, the formal disciplinary procedure will be followed.

3. Formal Disciplinary Procedure

There will be a careful investigation of any alleged offence before disciplinary action is taken against a tutor or student. If MCS/ICGT concludes that there are reasonable grounds to believe that the person may have committed an act of misconduct, he/she will be asked to attend a disciplinary hearing. In the event of poor performance by a tutor, disciplinary hearings will usually be undertaken only where informal approaches have failed to produce a satisfactory improvement.

In the event of a disciplinary hearing, MCS/ICGT will:-

- ❑ give the person a minimum of 28 days advance notice of the meeting in writing, making it clear that the meeting is being held under MCS/ICGT's formal disciplinary procedure and detailing the alleged misconduct;
- ❑ remind the person of their right to be accompanied at the meeting by a colleague
- ❑ give the person, at the meeting, a full explanation of the case against them;
- ❑ give the person, at the meeting, every opportunity to challenge allegations against them, state their case and put forward an explanation of their conduct and any mitigating factors;
- ❑ take all relevant factors into account before reaching decisions about any disciplinary action;
- ❑ confirm the outcome of the disciplinary hearing in writing within twenty eight days, specifying the reason for any disciplinary action, the standards of conduct, details of any objectives and timescales agreed, the consequence of failing to achieve acceptable improvements, and the period after which any warning will be disregarded

for disciplinary purposes;

- ❑ remind the person of their right to appeal against any disciplinary action;
- ❑ maintain appropriate records in MCS/ICGT's Archive.

The stages of the formal disciplinary procedure shall be as follows:

- ❑ Stage 1 – formal verbal warning
- ❑ Stage 2 – first written warning
- ❑ Stage 3 – final written warning
- ❑ Stage 4 – dismissal (or other penalty)

If a warning does not bring about the desired level of improvement in the person's conduct or performance, or for repeated minor offences, then the person will normally progress to the next stage of the formal procedure. MCS/ICGT reserves the right to implement the procedure at any stage, taking into account the nature and severity of the disciplinary offence. For example, where conduct is sufficiently serious to justify only a single written warning but insufficiently serious to justify dismissal, a person may be given a final written warning for a first offence.

Where appropriate, MCS/ICGT reserves the right to impose disciplinary penalties as an alternative to removal of a tutor or student.

4. Gross Misconduct

In the event that a person commits an act of gross misconduct, MCS/ICGT is entitled to summarily terminate a tutor's appointment or student's attendance (as appropriate) without notice. The following non-exhaustive list gives examples of offences that the Company will normally regard as gross misconduct:-

- ❑ Theft, fraud, dishonesty or deliberate falsification of records;
- ❑ Fighting, assault or other violent behaviour;
- ❑ Deliberate damage to, or misuse of, MCS/ICGT's property;
- ❑ Incapability at work due to the effect of alcohol or drugs;
- ❑ Possession, custody or control of illegal drugs on MCS/ICGT's premises;
- ❑ Serious breach of MCS/ICGT's rules, policies and procedures;
- ❑ Serious negligence which causes loss, damage or injury;
- ❑ Conviction of a criminal offence that is relevant to the person's link to ACHO and renders them unsuitable for their work;
- ❑ Conduct likely to bring MCS/ICGT's name into disrepute;

- ❑ Bullying, harassment, victimisation or discrimination;
- ❑ Serious acts of insubordination.

5. **Appeal**

People have the right to appeal against any formal disciplinary action. An appeal should be made in writing within seven working days. An appeal meeting will be arranged and the outcome confirmed in writing within fourteen working days of the meeting. Decisions made at this stage will be final. Where possible, the appeal will be handled by a different (preferably more senior) MCS/ICGT tutor other than the one involved in the disciplinary hearing. However, where this is not practicable, the same person may handle both the disciplinary and the appeal meetings and he/she will act as impartially as possible.