



Marbella International University Centre (MIUC)

Code of Professional Conduct for Faculty and Staff

Responsibility of:	MIUC Chief Operating Officer
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1. Introduction

MIUC aims to meet the highest ethical standards in relation to its decision making, how its decisions are put into practice and the behaviour of its members. Ethical decision making and behaviour are key to the achievement of our values, particularly of transparency and accountability. This is underpinned by propriety in its management and governance structures and an appropriate policy framework.

This code articulates the ethical principles which help ensure that our values are put into practice in the running of MIUC. It sets out the policies designed to embed ethical practice and the issues that should be taken into account in any decision making at all levels within MIUC. This code also sets out the MIUC disciplinary procedures in [Appendix 1 - The MIUC Disciplinary Procedure for Faculty and Staff](#).

2. Applicability

This MIUC Code of Professional Conduct for Faculty and Staff applies to these groups of people, referred to as "members of the MIUC Community". This category includes, but is not limited to, faculty, staff and other individuals who are working for MIUC; additionally, when required by contract, it also includes consultants, vendors, and contractors when they are doing business with MIUC; and individuals who perform services for MIUC, including volunteers and who have an association with MIUC.

a. Expectations

As members of the MIUC community, all faculty, staff, officers and associates are responsible for sustaining the highest ethical standards expected by MIUC, and of the wider community in which MIUC functions. This includes the University of West London Academic Regulations, applicable local and national laws and regulations. MIUC values integrity, honesty and fairness and strives to integrate these values into its teaching, research and business practices.

b. Purpose

It is the intent of the Code of Professional Conduct for Faculty and Staff to protect academic freedom, to preserve the highest standards of teaching and scholarship, and to advance the mission of MIUC as an institution of higher education. This MIUC Code of Professional Conduct is a shared statement of MIUC's commitment to upholding the ethical, professional and legal standards. The MIUC Community must be cognisant of and comply with the relevant policies, standards, laws and regulations (as amended from time to time) that guide daily work. Key policies are outlined in [Appendix 2 - Applicable Policies for MIUC Faculty and Staff](#). All staff representing MIUC are individually accountable for their own actions and, as members of the MIUC community, are collectively accountable for upholding these standards of behaviour and for compliance with all applicable laws and policies. Members of the MIUC Community will be investigated under MIUC's disciplinary procedures – [Appendix 1 - The MIUC Disciplinary Procedure for Faculty and Staff](#) and disciplinary action may be undertaken under this MIUC Code of Professional Conduct where a breach has been determined. Examples of misconduct are outlined in [Appendix 3 - Examples of Misconduct and Gross Misconduct](#).

c. Violations

In accordance with this MIUC Code of Professional Conduct, every member of the MIUC Community is expected to notify suspected violations of expected standards, policies, laws or regulations to the attention of the Chief Operating Officer and/or the Dean of MIUC. Members who raise genuine concerns will be treated respectfully. Members who raise vexatious concerns will be subject to MIUC's Disciplinary Procedure outlined in [Appendix 1 - The MIUC Disciplinary Procedure for Faculty and Staff](#).

Where concerns are found to be justified, violations will result in appropriate disciplinary action in accordance with MIUC's Disciplinary Procedure outlined in Appendix 1. In some circumstances, civil and criminal charges and penalties may apply.

3. Ethical Behaviour

Ethical behaviour involves demonstrating respect for key moral principles, including honesty, fairness, dignity and diversity. By behaving ethically, faculty, staff and others associated with MIUC can ensure that their personal behaviour supports the collective representation of MIUC and its reputation. Individuals should also abide by the standards in public life: integrity, objectivity, openness, selflessness, accountability, honesty and leadership.

All Members of the MIUC Community may not make public comment or representations on behalf of MIUC, without the prior expressed permission of the Chief Operating Officer or the Dean. MIUC aligns with the University of West London's Social media policy (Staff) available here: [Social media policy for staff | University of West London](#). All MIUC staff are required to comply with this policy.

Ethical behaviour helps to build trust and, in the context of MIUC, is associated with individuals acting with integrity. Unethical behaviour is commonly associated with selfishness, seeking personal satisfaction/gain and the fulfilment of personal objectives to the detriment of colleagues, MIUC itself, or third-party individuals or organisations.

Policy framework

[Appendix 1 - The MIUC Disciplinary Procedure for Faculty and Staff](#)

MIUC aligns with the University of West London's:

[Policy on staff - student relationships | University of West London](#)
[Anti-bribery policy](#).

4. Accountability and ethical decision making

If you are taking decisions on behalf of MIUC, you should be prepared to be transparent, to take responsibility and to be accountable for those decisions. You should also ensure that any ethical issues are discussed appropriately.

Personal and professional interests should be declared up-front, and you should normally exempt yourself if any decision will affect you, your family or other interests you may have.

When taking decisions, particularly where there are ethical implications, you should question:

- Can you justify your behaviour to your manager, colleague, friend or students?
- What would your actions look like if made public?
- What could go wrong as a result of your decision?
- Are there any reputational risks for MIUC or yourself?

When taking difficult decisions, you should discuss with your colleagues and your line manager to ensure that you have thought of all issues, as a different perspective can help clarify issues. You should also ensure that you are following the appropriate policy. If necessary, you should take further advice: contact MIUC's Chief Operating Officer or the Dean if you are concerned about a particular issue or the decisions of others.

5. Financial integrity

To ensure MIUC's ongoing financial sustainability and integrity, it is essential that all decisions made and actions taken in relation to its financial affairs are handled appropriately and in accordance with Spanish legislation. This includes fundraising and the acceptance of donations. All MIUC accounts, financial reports, tax returns, expense reimbursements, time sheets and other documents, including those submitted to government agencies must be accurate, clear and complete. All entries in MIUC books and records, including departmental accounts and individual expense reports, must accurately reflect each transaction.

You must ensure that any goods and services, purchased by, or on behalf of, MIUC are properly and ethically procured and are fully authorised in advance by MIUC's Chief Operating Officer. This also applies to the use of MIUC procurement cards and petty cash.

As a point of clarification to all staff, **all** financial matters must be referred to MIUC's Chief Operating Officer before any financial decisions or transactions are made on behalf of MIUC.

Staff with responsibility for the administration and management of MIUC's funds must never use their office or sign off on MIUC funds for personal gain or for the benefit of a family member. Staff must declare an interest if they are involved in the placing of a contract or recruitment of staff where they have an interest in the other party.

MIUC operates in line with the University of West London's applicable policies as shown below:

- [Anti-bribery policy](#)
- [Declaration of interests policy](#)
- [Donations acceptance policy](#).

6. Professional behaviour

Each Member of the MIUC Community is responsible for conducting themselves in a professional and ethical manner towards all colleagues, students, staff, and other Members of the MIUC Community.

All staff are expected to undertake their role in a professional manner, focused on the delivery of the student experience.

For academic staff, this will include maintaining high standards of teaching and support for students. Those responsible for course design should ensure that the course is fit for purpose, that it supports the employability focus of the University and that assessment is fair, rigorous and transparent.

For professional service staff, this means maintaining or supporting high standards of customer service which enable students to succeed in their study goals. Professional services staff should know how to help (or know who to refer to) and provide well-informed advice when asked.

All staff must engage in continual professional development to ensure that they are up to date with current practice in their area and maintain a good knowledge of appropriate policy and procedures.

An adequate standard of business casual dress code and grooming is expected at all times at MIUC. For example, flip-flops, caps and shorts, etc., are not deemed as acceptable attire for teaching in the classroom.

All MIUC resources must be reserved for business purposes only on behalf of MIUC. MIUC resources include, but are not limited to, the use of MIUC systems (e.g., telephone systems, data communication and networking services) and the use of MIUC equipment (e.g., computers and peripherals, MIUC vehicles). All events taking place at MIUC must have prior authorisation of the MIUC Chief Operating Officer.

Where a staff member's behaviour is not in accordance with expected standards, this will be managed under MIUC's Staff Disciplinary Policy (outlined in this Code of Professional Conduct), examples of misconduct are outlined in [Appendix 3 - Examples of Misconduct and Gross Misconduct](#).

7. Intellectual freedom

MIUC has duty to uphold individual freedom of expression and ensure that the MIUC environment promotes debate. We must also uphold academic freedom to question and test received wisdom and to put forward new ideas including controversial or unpopular opinions provided they are within the law. However, staff should exercise these freedoms responsibly in a way that does not discriminate or endanger either their safety or that of others.

Policy framework

- MIUC operates in line with the University of West London's [Code of practice on the freedom of speech](#); MIUC staff should comply with this code of practice. Any questions should be referred to the MIUC Dean.
- Please also refer to MIUC's policy and process for the approval of events and external speakers or guest speakers: MIUC Events Policy and Process (available on MIUC's website – [see Policies and Regulations](#)).

8. Research integrity

MIUC is committed to ensuring the highest ethical standards in relation to research and abides by the University of West London's [Research Ethics Code of Practice](#). All MIUC research activities must follow the European Code of Conduct for Research Integrity available here:

[The European Code of Conduct for Research Integrity REVISED EDITION 2023](#).

The ethical considerations in relation to all research involving human participants, security sensitive materials or research which may compromise the safety of the individual must be considered before approval may (or may not be) given.

All MIUC Community members should encourage and protect honest performance by all faculty, staff and students.

Faculty will pursue suspected cases of academic offences in accordance with the University of West London's Academic Regulations.

9. Confidentiality and Privacy

Members of the MIUC Community receive and generate on behalf of MIUC, various types of confidential, proprietary and private information. It is imperative that each community member complies with all Spanish and EU laws and standards, third parties, and MIUC policies and principles pertaining to the use, protection and disclosure of such information, and such policies as outlined in [Appendix 2 - Applicable Policies for MIUC Faculty and Staff](#) apply even after the community member's relationship with MIUC ends.

Each Member of the MIUC Community will comply with all policies relating to Data Protection in Appendix 2 and principles of confidentiality, particularly regarding students. In every case, the MIUC community will respect the privacy of sensitive academic and personal information, internships, MIUC commissions, and sensitive MIUC-related matters.

10. Conflict of Interest / Conflict of Commitment

Members of the MIUC Community who are MIUC faculty and staff owe their primary professional allegiance to MIUC and its mission to engage in the highest level of education, research and scholarship. Where Members of the Community have personal professional activities, private financial interests or are in receipt of benefits from third parties, this may cause a conflict of interest between MIUC and an

individual's private interests; these must therefore be declared to the Chief Operational Officer and/or the Dean.

11. Fair treatment

MIUC is an institution dedicated to the pursuit of excellence and facilitation of an environment that fosters this aim. The principle of treating each Member of the Community fairly and with respect is central to this commitment. To encourage such behaviour, MIUC provides equal opportunities for all Members of the Community, including applicants, regardless of their race, colour, religious creed, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, sexual orientation, gender identity, veteran status or any other characteristic protected by law.

MIUC prohibits discrimination and harassment and where actions are found to have breached the expected conduct, MIUC will take prompt action to deal with reported cases and prevent their recurrence via the disciplinary policy and procedure outlined in [Appendix 1 - The MIUC Disciplinary Procedure for Faculty and Staff](#).

12. Staff / student relationships

MIUC aligns its staff/student relationships policy to the University of West London's policy, which is provided here: [Policy on staff - student relationships | University of West London](#). This policy is applicable to those individuals inside and outside the MIUC campus.

MIUC is committed to ensuring that any relationship between staff and students is professional and has boundaries. In MIUC, staff positions include all employees, but are not limited to, faculty members, supervisors, mentors, advisers, teaching assistants, postdoctoral scholars, research assistants, caretakers and security staff and all contractors working with MIUC.

In line with this approach and in the interest of both staff and students, MIUC strongly discourages intimate personal relationships between a member of staff and a student due to the power imbalance that makes personal relationships potentially vulnerable to exploitation. This power imbalance can also generate real or perceived inequalities, not only involving the people concerned, but also affecting other members of MIUC, whether students or staff.

MIUC follows UWL's policy on [staff-student relationships](#). MIUC expects all staff members and students to disclose if they have any personal and/or intimate personal relationships, including the nature of the relationship in accordance with the policy. Where a staff member's behaviour is not in accordance with expected standards, this will be managed under MIUC's Staff Disciplinary Procedure (See [Appendix 1 - The MIUC Disciplinary Procedure for Faculty and Staff](#)).

13. Compliance with Laws

Members of the MIUC community must conduct MIUC business in compliance with applicable laws, regulations, and MIUC's policies and procedures – please refer to

[Appendix 2 - Applicable Policies for MIUC Faculty and Staff](#). Managers and supervisors are responsible for inducting staff to ensure they understand compliance requirements, and for managing staff compliance. Should managers and supervisors have queries pertaining to the interpretation or applicability of a particular policy, they should contact the person or department responsible for the policy, as stated on the policy coversheet.

a. Contractual Obligations

Members of the MIUC community may not enter into any contractual arrangement, including sponsored project funding, without the full written authorisation in advance by the MIUC's Chief Operating Officer.

b. Alcohol and Substance Abuse

MIUC operates a zero-tolerance policy in relation to alcohol and substance abuse. Examples of misconduct are outlined in [Appendix 3 - Examples of Misconduct and Gross Misconduct](#).

Staff may only drink alcohol on campus at approved organised functions. Any staff member causing a nuisance or engaging in disruptive behaviour as a result of alcohol and/or substance abuse will be asked to leave the premises and a disciplinary investigation will be undertaken in accordance with MIUC's staff disciplinary procedure (see [Appendix 1 - The MIUC Disciplinary Procedure for Faculty and Staff](#)). Examples of misconduct are outlined in [Appendix 3 - Examples of Misconduct and Gross Misconduct](#).

14. Disclosure of criminal convictions during employment

All members of the MIUC Community are required to disclose criminal convictions acquired during their employment. Failure to do so may be considered gross misconduct and could result in staff being dismissed.

Disclosure should be made to Human Resources, in confidence, who will consider the effect of the offence on the employee's post, in line with the process identified in [Appendix 4 - Procedure for Handling a Disclosure or a Criminal Record for Employees](#). Where such a disclosure is considered to impact on the ability of MIUC to continue to employ a member of staff, then the disclosure will be managed through the MIUC Staff Disciplinary Procedure or another process as relevant. Depending upon the nature and circumstances of the conviction, consideration will be given to the availability of suitable alternative employment.

15. Environmental Health & Safety, including Workplace Health and Safety

Members of the MIUC community should treat MIUC's environment with respect and ensure that their actions do not put themselves or others at risk. They must follow MIUC's health and safety procedures – see [Appendix 2 - Applicable Policies for MIUC Faculty and Staff](#), and ensure that they are adequately trained to undertake their work.

MIUC seeks to drive environmental and sustainability benefits with regard to matters including reducing pollution, minimising waste, product safety and conservation of resources. All staff should act responsibly in the use of MIUC's resources.

Smoking is not permitted inside MIUC premises and all members of the MIUC Community must abide by Spain's Anti-Tobacco Law.

Please refer to [Appendix 5 - MIUC's Sustainability Statement](#).

Appendix 1 - The MIUC Disciplinary Procedure for Faculty and Staff

Policy

1. Purpose

- 1.1. The purpose of the disciplinary policy and procedure is to set standards of conduct within MIUC, and to address concerns in a transparent and consistent way. It is designed to provide a framework for dealing with employees who fail to meet and maintain satisfactory standards of conduct.

2. Scope

- 2.1. This policy and procedure apply to all employees, including senior post holders. For senior post holders, see [Section 14.5](#) below. For new employees who are in their probationary period, MIUC reserves the right to vary the procedure, for instance by omitting stages, including for a first act of alleged misconduct.
- 2.2. Poor Performance will be managed by MIUC, which operates in line with UWL's processes and procedures for managing poor performance, which is available from the MIUC Human Resources Department.
- 2.3. Staff sickness and absence must be notified to MIUC's Human Resources and will be managed in accordance with Spanish law, including, but not limited to:
 - the Real Decreto Legislativo 2/2015, de 23 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto de los Trabajadores, which is available here: [BOE-A-2015-11430 Real Decreto Legislativo 2/2015, de 23 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto de los Trabajadores.](#)
 - Resolución de 27 de agosto de 2019, de la Dirección General de Trabajo, por la que se registra y publica el VIII Convenio colectivo nacional de universidades privadas, centros universitarios privados y centros de formación de postgraduado, which is available here: [BOE-A-2019-13119 Resolución de 27 de agosto de 2019, de la Dirección General de Trabajo, por la que se registra y publica el VIII Convenio colectivo nacional de universidades privadas, centros universitarios privados y centros de formación de postgraduados.](#)

3. Principles

- 3.1. All employees will be treated fairly and with respect.
- 3.2. Line managers should contact Human Resources for advice and support in dealing with disciplinary matters at all levels.
- 3.3. Every effort should be made to deal with matters informally. Where this is inappropriate, or does not result in the necessary improvements to behaviour or conduct, the formal stages of the procedure will be followed.
- 3.4. An employee who is subject to the disciplinary process may be accompanied at formal meetings by a trade union representative or a work colleague.

- 3.5. The disciplinary procedure will normally operate sequentially through each stage. However, in more serious cases of misconduct, or where there has been an earlier pattern of unacceptable behaviour with insufficient improvement, MIUC reserves the right to begin the procedure at the most appropriate stage.
- 3.6. Disciplinary action will not be taken until the matter has been investigated and the employee has had an opportunity to state their case.
- 3.7. Where a disciplinary sanction is given, the employee will have the right of appeal.
- 3.8. Due regard will be given to the 'academic freedom' of academic staff to hold and express opinion, question and test established ideas, and present controversial or unpopular points of view, without putting their employment at risk. This right of 'academic freedom' is balanced by the obligation to use that freedom responsibly and professionally and within the law.
- 3.9. Notes of meetings will be taken to summarise key points.
- 3.10. In formal proceedings, a copy of the meeting notes will be distributed to the parties present to comment on their accuracy. If it is not possible to agree on the notes, both views will be incorporated into the record with the point(s) of disagreement noted.
- 3.11. MIUC prohibits the covert audio or video recording of formal or informal meetings or discussions. Covert recording will be considered a disciplinary matter.

Procedure

4. Informal management of minor conduct issues

- 4.1. Where minor concerns regarding an employee's conduct arise, the matter will normally be addressed informally in the first instance. The employee's line manager will meet with the employee to explain the concerns identified, hear the employee's views and any explanations, and clarify the expected standards of conduct.

This initial meeting is corrective and preventive in nature and does not constitute the initiation of a formal disciplinary procedure nor the imposition of a disciplinary sanction pursuant to Article 58 of the Spanish Workers' Statute (Estatuto de los Trabajadores) or the applicable Collective Bargaining Agreement.

- 4.2. The employee will be informed that failure to comply with the required standards of conduct may result in the commencement of formal disciplinary proceedings in accordance with Article 58 of the Workers' Statute and, where applicable, the relevant Collective Bargaining Agreement.
- 4.3. The purpose of this informal stage is to promote improvement and ensure that expectations are clearly understood. No disciplinary sanction shall be imposed at this stage, and no entry shall be made on the employee's disciplinary record.
- 4.4. Following the meeting, the manager may confirm in writing a summary of the discussion and the expectations communicated. Such written communication shall not constitute a disciplinary sanction. Any internal documentation generated at this stage shall be retained strictly for management purposes, in compliance with applicable data protection legislation, including Regulation (EU) 2016/679

(General Data Protection Regulation) and relevant Spanish data protection laws. Such documentation shall not form part of the employee's disciplinary record unless a formal disciplinary procedure is subsequently initiated.

- 4.5. If, during this informal stage, the facts appear to be more serious than initially assessed, or if the employee's conduct does not improve, MIUC may initiate a formal disciplinary procedure in accordance with Article 58 of the Workers' Statute and the applicable Collective Bargaining Agreement.

5. Formal procedure summary

Where a formal disciplinary procedure is commenced:

- The employee shall be notified in writing of the facts attributed to them, including the date(s) of the alleged conduct and its potential classification.
- The employee shall be granted the opportunity to submit written and/or oral representations within a reasonable period.
- In the case of serious or very serious offences, and where required by law or the applicable Collective Bargaining Agreement, a formal written statement of charges shall be issued.
- Where the employee is a legal representative of the workforce, or where legally required, the appropriate employee representatives shall be informed in accordance with Article 64 of the Workers' Statute.
- Any disciplinary sanction shall comply with the principle of proportionality and with the classification of offences established in the applicable Collective Bargaining Agreement.

Disciplinary action shall be subject to the statutory limitation periods set out in Article 60 of the Workers' Statute, namely: ten days for minor offences, twenty days for serious offences, and sixty days for very serious offences, calculated from the date on which the employer became aware of the alleged misconduct and, in any event, within six months of the occurrence of the facts.

Formal procedure

- 5.1. Where formal disciplinary proceedings are initiated, an Investigating Officer shall be appointed in order to establish the relevant facts in an objective and impartial manner.
- 5.2. The purpose of the investigation shall be to determine whether there are sufficient grounds to convene a disciplinary hearing.
- 5.3. All disciplinary action shall be exercised in accordance with Article 58 of the Spanish Workers' Statute (Estatuto de los Trabajadores) and the applicable Collective Bargaining Agreement.
- 5.4. Disciplinary offences and sanctions shall be classified in accordance with the provisions of the applicable Collective Bargaining Agreement and shall be subject to the principles of legality, typicity and proportionality.

6. Disciplinary procedure overview - allegation(s) of misconduct

Assessment of alleged misconduct

- 6.1. When potential misconduct is identified, MIUC will assess the facts objectively and in good faith.
- 6.2. Minor conduct issues may be addressed informally by the line manager. The employee will be informed of the concerns, the expected standards of conduct, and given the opportunity to provide explanations.
- 6.3. This informal stage is corrective and preventive in nature and does not constitute a disciplinary sanction under Article 58 of the Spanish Workers' Statute (Estatuto de los Trabajadores) or under the applicable Collective Bargaining Agreement.
- 6.4. Where the conduct is more serious, or where informal management does not resolve the issue, MIUC may initiate a formal disciplinary procedure.

7. Investigation stage and precautionary measures

- 7.1. Where a formal investigation is required, MIUC shall appoint an Investigating Officer to ensure an objective and impartial investigation of the facts.
- 7.2. The employee will normally be informed in writing of the investigation and the allegations made against them.
- 7.3. MIUC may adopt precautionary measures, including temporary suspension from duties, where this is justified, necessary and proportionate.
- 7.4. Precautionary suspension is not a disciplinary sanction and does not imply presumption of guilt.
- 7.5. Unless otherwise permitted under the applicable Collective Bargaining Agreement, precautionary suspension shall normally be on full pay.
- 7.6. Suspension shall be maintained only for the minimum period necessary and shall be subject to periodic review.
- 7.7. Disciplinary action shall be subject to the limitation periods established under Article 60 of the Workers' Statute:
 - Minor offences: 10 days
 - Serious offences: 20 days
 - Very serious offences: 60 days

Calculated from the date MIUC became aware of the facts and in any event within six months of the event occurring.

8. Suspension

- 8.1. Suspension may be adopted as a precautionary measure (medida cautelar) under MIUC's managerial powers pursuant to Article 20 of the Spanish Workers' Statute (Estatuto de los Trabajadores), where it is strictly necessary to protect the integrity of the investigation, safeguard individuals or property, or prevent a serious and objective risk to the organisation.

- 8.2. Suspension will only be imposed where it is reasonable, necessary and proportionate in the circumstances. Before deciding to suspend, MIUC will consider whether alternative measures, such as temporary redeployment, reassignment of duties, modification of reporting lines, or remote working arrangements, would adequately mitigate the identified risk.
- 8.3. Suspension is not a disciplinary sanction and does not imply any presumption of guilt. It is a temporary measure adopted solely to ensure a fair and effective investigation or disciplinary process.
- 8.4. During the period of suspension:
- The contract of employment remains in full force and effect.
 - The employee will continue to receive full contractual remuneration, including fixed salary and any guaranteed contractual benefits.
 - The period of suspension will count as continuous service for all legal and contractual purposes.
 - The employee must remain contactable during normal working hours and attend meetings or hearings when reasonably required.
- 8.5. Suspension will be imposed for the shortest period reasonably necessary. The measure will be kept under regular review, and MIUC will conduct the investigation diligently and without undue delay.
- 8.6. Any restriction imposed during suspension — including restriction from entering MIUC premises, accessing IT systems, or contacting colleagues — shall be limited to what is strictly necessary for the purposes of the investigation and proportionate to the identified risk.
- 8.7. Restrictions on contact shall not prevent the employee from exercising statutory rights, including communication with a trade union representative, legal adviser, or employee representative.
- 8.8. Where access to documents, systems, or colleagues is reasonably required for the preparation of the employee's defence, appropriate arrangements will be facilitated through Human Resources to ensure the employee's right to a proper defence is respected.

9. Disciplinary hearings

Disciplinary hearing and employee rights summary

Where disciplinary action may be justified, the employee shall receive written notification including:

- The facts alleged
- The possible classification of the misconduct
- The potential sanctions
- The evidence to be considered
- The date, time and place of the hearing

The employee shall have reasonable time to prepare their defence.

The employee has the right to:

- Be assisted by a trade union representative or colleague
- Review the evidence
- Submit written or oral representations
- Call relevant witnesses where appropriate

Where required by law or Collective Agreement, particularly for employee representatives or union delegates, prior hearing guarantees shall be observed.

Disciplinary hearing process

- 9.1. The employee will be given at least 5 working days' notice of the hearing, and will have the right to be accompanied by a trade union representative or a work colleague.
- 9.2. Where possible, the hearing will be chaired by either the Chief Operating Officer or the Dean, who has had no previous involvement in the case. The Chair will be accompanied by Human Resources, who will provide procedural advice, and answer questions and present any supporting facts and material evidence. In addition, the Chair may decide to call witnesses to give evidence at the hearing. The employee will be informed of any witnesses to be called.
- 9.3. Further documentation may be provided by any party, but this should be made available as soon as possible, and at least 3 working days before the hearing.
- 9.4. If the employee is unable to attend the hearing for unavoidable reasons, they should inform Human Resources and the Chair as soon as possible. Efforts will be made to reschedule the hearing, provided that an alternative date can be arranged within 5 working days of the original date. If the employee fails to attend the meeting without explanation or it appears that they have not made a sufficient attempt to attend, the meeting may take place in the employee's absence.
- 9.5. During the hearing, the employee will be given the opportunity to respond to the evidence presented, and to state their case in full. The employee may call witnesses to the hearing, and the list of witnesses should be discussed and agreed with Human Resources and the Chair at least 3 working days in advance of the hearing. The employee must have a reasonable belief that any witnesses they call have information that is pertinent to the matter being considered. Character witnesses will not be permitted. It is the employee's responsibility to arrange the attendance of the witnesses.
- 9.6. Once the Chair is satisfied that they have all of the relevant information, including any mitigation presented by the employee, the Chair will close the hearing to consider all of the evidence and to make a decision.
- 9.7. Following the hearing, the employee will be informed of the outcome and conclusions orally in a meeting with the Chair and Human Resources and will also receive the outcome in writing. This will normally be within 7 working days. The outcome will confirm the Chair's decision in relation to the allegations (whether they are supported or not), what formal sanction will apply (if any), and the employee's right of appeal (if applicable). An extension of time to communicate

the outcome can be put in place if this is specifically necessary, or in exceptional circumstances.

10. Disciplinary sanctions

Disciplinary decisions and sanctions overview

Any disciplinary sanction must comply with:

- Legality
- Typicity
- Proportionality
- Good faith employment principles

Sanctions may include:

- Written warning
- Suspension of employment and salary
- Disciplinary dismissal for very serious misconduct

Sanctions shall be formally communicated in writing, stating:

- Facts proven
- Legal basis
- Reasoning of the decision
- Effective date of sanction

Disciplinary warnings

- 10.1. Where a minor offence or offences have been committed (for examples see [Appendix 3 - Examples of Misconduct and Gross Misconduct](#)), a first written warning may be given. The warning will remain live for 12 months and during this period MIUC will rely on such a warning in the event of further misconduct.
- 10.2. Where the employee commits further disciplinary offences after a first written warning has been issued and remains live, or where the misconduct is sufficiently serious to omit a first written warning, a final written warning may be given. The warning will remain live for 24 months and during this period, MIUC will rely on such a warning in the event of further misconduct.
- 10.3. Warnings will be confirmed in writing and contain all the relevant and required information.
- 10.4. Disciplinary warnings will be cumulative, irrespective of the specific reasons for the warning. For example, if a first written warning is issued for unauthorised absence, then a different type of misconduct occurs, such as persistent lateness, a final written warning may be issued, following an investigation and hearing.
- 10.5. Expired warnings may be taken into account in subsequent proceedings; for instance, where an employee's conduct is satisfactory throughout the period of a warning, but lapses very soon thereafter, or where there is evidence of a pattern of behaviour.

10.6. A disciplinary warning may be accompanied by other forms of disciplinary sanction, for example, there may be a deduction from pay in cases of unauthorised absence. The deduction will be equal to the period of absence, and will be made to recompense MIUC for the financial loss.

10.7. Live disciplinary warnings will be taken into account in MIUC's decision and response to requests and applications for promotion within MIUC.

Disciplinary dismissal

Disciplinary dismissal summary

Disciplinary dismissal shall comply with Articles 54 and 55 of the Workers' Statute.

Dismissal notification must be made in writing and clearly state:

- Factual grounds
- Legal grounds
- Effective termination date

Failure to meet formal legal requirements may result in dismissal being declared unfair by labour courts.

Disciplinary dismissal process

10.8. The employee may be dismissed if:

- They commit further acts of misconduct following a final or first (if the subsequent allegations are sufficiently serious) written warning;
- They commit gross misconduct (see [Appendix 3 - Examples of Misconduct and Gross Misconduct](#)).

10.9. Where employment is terminated, the employee will normally receive their contractual notice unless it is a summary dismissal for gross misconduct, in which case there is no entitlement to notice or payment in lieu of notice.

10.10. In exceptional circumstances, where dismissal is an appropriate outcome, the Chair may decide to take action short of dismissal if this is suitable; for instance, if there is strong mitigation. This action could include demotion (with the appropriate pay reduction). These options will be considered only where it is practicable and in the interest of the MIUC's business operations, with due risks being assessed.

11. Appeal

Appeal overview

Employees may appeal sanctions within 7 working days.

Appeals shall be heard by a person or body who has not participated in the investigation or original decision.

Appeals will be assessed based on:

- Disproportionality of sanction

- New evidence
- Procedural irregularities.

Appeal process

- 11.1. The employee should write to Human Resources and the Chair of the disciplinary hearing within 7 working days, clearly stating the grounds for appeal, and should also include any new documentary evidence that they wish to be considered. Grounds for appeal must be from one or more of the following:
- The sanction applied was inconsistent or disproportionate.
 - New information has come to light that would affect the decision.
 - There was a procedural irregularity that had an impact on the decision.
- 11.2. Where the Chair and Human Resources are satisfied that there are genuine grounds for an appeal, they will nominate a suitable Appeal Chair to consider the appeal; either the Chief Operating Officer or the Dean, who has had no previous involvement in the case, where possible. Where the appeal is against dismissal, the Chief Operating Officer (or designate, where the Chief Operating Officer has been involved in the case) will hear the appeal. The Chair will be supported by Human Resources, who will provide procedural advice. Refer to [Section 14](#) for additional information on the treatment of senior post holders.
- 11.3. Where the Appeal Chair and Human Resources are of the view that there are no genuine grounds for appeal, Human Resources will write to the employee outlining the reasons for this decision.
- 11.4. Where it is decided that there are grounds for an appeal, MIUC will respond within 7 working days of the submission of a formal appeal. An extension of time can be put in place if this is specifically necessary, or in exceptional circumstances. The employee will be given at least 5 working days' notice of the meeting, and will have the right to be accompanied by a trade union representative or a work colleague.
- 11.5. If the employee is unable to attend the meeting for unavoidable reasons.
- 11.6. The appeal meeting will only consider the stated grounds for the appeal, and will not reconsider all matters raised within the original hearing. In considering the grounds for the appeal, the Appeal Chair will assess whether or not the conclusion reached in the original hearing was appropriate.
- 11.7. Following the appeal meeting, the employee will be informed of the outcome in writing within 7 working days, wherever possible. An extension of time to communicate the outcome can be put in place if this is specifically necessary, or in exceptional circumstances.
- 11.8. The decision of the Appeal Chair will be final and there is no further right of appeal.

12. The right to be accompanied

- 12.1. An employee has the right to be accompanied by a work colleague, a trade union representative or an official employed by a trade union at any formal meeting under this procedure.

- 12.2. If the employee wishes it, the companion may address the meeting, respond on behalf of the employee to any view expressed in the meeting, and sum up the case on behalf of the employee. The companion may not answer questions on the employee's behalf or prevent MIUC from exploring the case.
- 12.3. Where the chosen companion is unavailable on the day scheduled for the hearing/ appeal hearing, it will be rescheduled, provided that an alternative time can be arranged within 5 working days of the original date.

13. Special cases

Special cases overview

Where an employee raises a grievance during disciplinary proceedings, both procedures may run concurrently.

Where possible, a separate manager will hear any related grievance.

Medical or disability-related matters shall be referred to Occupational Health services via the relevant Mutua de Accidentes de Trabajo y Enfermedades Profesionales where appropriate.

If an employee is on sick leave, disciplinary proceedings may normally continue, subject to reasonable adjustments being implemented where necessary.

If an employee is charged with or convicted of a criminal offence, MIUC will assess:

- Impact on employment suitability
- Impact on students and colleagues
- Reputational risk
- Nature of alleged conduct.

Disciplinary action will only be taken where there is an employment-related justification.

Special cases process

- 13.1. If the employee raises an unrelated grievance at any point during this procedure, both processes will normally run concurrently. Where possible, a separate manager will be appointed to hear the grievance. Where the grievance is related to the disciplinary process, the employee should raise the matter with the Chair at the Hearing/ Appeal Hearing as appropriate.
- 13.2. If the employee has particular requirements as a result of a disability, or informs MIUC of a medical condition that may be relevant, the matter should be referred via Human Resources to Occupational Health (Servicios de salud ocupacional) via the Mutuas de Accidentes de Trabajo y Enfermedades Profesionales de la Seguridad Social, where appropriate.
- 13.3. If the employee goes on sick leave during the disciplinary process, the process will normally continue. Input from Occupational Health (Servicios de salud ocupacional) via the Mutuas de Accidentes de Trabajo y Enfermedades Profesionales de la Seguridad Social will be sought as appropriate, and MIUC will put in place any reasonable adjustments as necessary and appropriate.

13.4. Where a student raises a complaint about the behaviour of a member of staff, the matter will normally be reviewed under the Student Complaints Procedure. However, where the complaint identifies a potential cause for concern in relation to the employee's conduct, the matter will then be progressed through the Staff Disciplinary Procedure.

The decision to refer the matter to the Staff Disciplinary Procedure will be made by the Chief Operating Officer in conjunction with the Dean and Human Resources.

13.5. If an employee is charged with or convicted of a criminal offence during their employment with MIUC, this is not necessarily a reason for disciplinary action, but in some cases will be. Consideration will be given to the impact the charge or conviction has on the employee's suitability to undertake their role, and the potential impact on their relationships with work colleagues and students, any related risks, including the effect on MIUC's reputation. The question in such cases is whether the employee's alleged conduct warrants action because of its employment implications.

13.6. The disciplinary process will not normally be delayed because an offence is under investigation by the police or because of any legal proceedings. This will be considered on a case-by-case basis by the Chief Operating Officer and the Dean as appropriate.

14. Dismissal of senior post holders

14.1. The same procedure will apply to the dismissal of senior post holders (the Chief Operating Officer, the Dean and/or the Chief Financial Officer). Where the decision to dismiss is a likely outcome of any disciplinary hearing, the hearing will be held with a Special Committee of the MIUC Board.

14.2. The senior post holder will have the right to make representations to the Committee and may be accompanied by a work colleague or union representative.

14.3. The Chair of the MIUC Board will not be eligible for membership of the Special Committee.

14.4. Any appeal against the decision to dismiss, will be managed as per the procedure in [Section 11](#). The appeal will be considered by the Chair of the MIUC Board.

14.5. Definition of senior postholders

Senior post holders for the purpose of this policy include the Chief Operating Officer, the Dean and/or the Chief Financial Officer. The disciplinary policy and procedure contained herein shall be applicable to "senior post holders" of MIUC.

15. Judicial Challenge and Mandatory Conciliation

15.1. Employees may challenge disciplinary decisions before the competent labour courts within statutory time limits.

15.2. In cases of dismissal, prior mandatory conciliation before the labour mediation authority (SMAC or equivalent regional body) must be completed before filing judicial claims.

Appendix 2 - Applicable Policies for MIUC Faculty and Staff

POLICY	HYPERLINK
MIUC aligns with the University of West London's Social media policy (Staff)	<u>Social media policy for staff University of West London</u>
MIUC aligns with the University of West London's Anti-bribery policy	<u>Anti-bribery policy</u>
MIUC aligns with the University of West London's Declaration of interests policy	<u>Declaration of interests policy</u>
MIUC aligns with the University of West London's Donations acceptance policy	<u>Donations acceptance policy</u>
MIUC aligns with the University of West London's Staff/student relationships policy	<u>Policy on staff - student relationships University of West London</u>
MIUC aligns with the University of West London's Code of practice on the freedom of speech	<u>Code of practice on the freedom of speech</u>
MIUC aligns with the University of West London's Information security policy (including acceptable use policy) for students and staff	<u>Information Security and Acceptable Use Policy</u> <i>See also the accessible version: Information security policy (including acceptable use policy) for staff University of West London</i>
MIUC aligns with the University of West London's Policy and guidance for staff on the use of artificial intelligence (AI)	<u>Policy and guidance for staff on the use of artificial intelligence (AI) University of West London</u>
MIUC aligns with the University of West London's Research ethics code of practice	<u>Research ethics code of practice University of West London</u>
Procedure for the approval of external speakers and ad hoc room bookings: MIUC Events Policy and Process	<u>Policies and Regulations on MIUC's website</u>
Managing Poor Performance Policy and Procedure	Available from the MIUC Human Resources Department
Initial Risk Assessment Framework (Evaluación Inicial de Riesgos)	Available from the MIUC Human Resources Department
Emergency Measures Framework (Medidas de Emergencia)	Available from the MIUC Human Resources Department
Legal Framework and Data Protection Policy (No. 1)	Available from the MIUC Human Resources Department

Management of Security and Protection of Data Policy (No. 2)	Available from the MIUC Human Resources Department
Policy of Password Use and Creation (No. 3)	Available from the MIUC Human Resources Department
Policy on the Management, Destruction and Archiving of Paper Records (No. 4)	Available from the MIUC Human Resources Department
Policy on the Use of Company Emails (No. 5)	Available from the MIUC Human Resources Department
Policy on the Use of Mobile Phones (No. 6)	Available from the MIUC Human Resources Department
Policy on the Use of Social Media (No. 7)	Available from the MIUC Human Resources Department
Policy on Accessing and Using the Internet (No. 8)	Available from the MIUC Human Resources Department

Appendix 3 - Examples of Misconduct and Gross Misconduct

Misconduct

Below are examples of matters that would normally be regarded as misconduct:

- Unauthorised absence,
 - Poor attendance,
 - Persistent lateness,
 - Misuse of MIUC's internet/email/telephone systems,
 - Failure to comply with a reasonable management instruction,
 - Minor violation of MIUC's rules, regulations, policies or procedures,
 - Unacceptable behaviours not aligned with the MIUC's culture and values.
- Examples might include collaboration with others, accountability, adaptability, developing others, valuing differences, and resourcefulness. These are examples only.

Gross misconduct

Gross misconduct would include instances of misconduct that are so serious that they result in MIUC losing trust and confidence in the employee, thereby breaching the employment contract. In such instances, warnings may not be appropriate. The following are examples of matters that would normally be regarded as gross misconduct:

- Theft, fraud, dishonesty, corruption, deliberate falsification of records, or misappropriation of property;
- Using the MIUC's information/systems for personal gain, e.g. running one's own business;
- Undertaking other paid work during contractual hours;
- Failure to declare any private business and/ or financial interests, in particular any that would conflict with MIUC employment;
- Careless, wilful or reckless damage to property belonging to MIUC or its employees, students, workers, visitors, contractors or suppliers;
- Actual or threatened physical violence;
- Any breach of the Spanish Penal Code available here: <https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444>;
- Bribery offences, including breach of Articles 419 – 422, 424, 427, 427 bis, 445 and 286 ter of the Spanish Penal Code noted above;
- Serious discrimination, harassment, bullying or intimidation of any person or group;
- Vexatious or malicious behaviour;
- Giving false and/or deliberately misleading information in order to be appointed, promoted, transferred or retained by MIUC;
- Defamatory and/or abusive comments regarding MIUC or its employees including those made through social media;
- Serious breach of health and safety rules, or misuse of safety equipment;
- Serious negligence which causes loss, damage or injury;
- Serious incapability at work due to being under the influence of alcohol or drugs;
- Repeated failure to comply with reasonable management instructions;
- Serious breach of or non-compliance with MIUC's rules, regulations, policies or procedures;
- Serious misuse of the MIUC's IT systems;

- Deliberate removal or disclosure of MIUC's data or confidential information without proper authorisation;
- Criminal activity which impacts upon an employee's ability to perform their duties and/or brings MIUC into disrepute;
- Bringing MIUC into disrepute by reckless, abusive or grossly irresponsible behaviour;
- Failure to disclose a sexual, familial or other significant relationship with a student or employee of MIUC in circumstances where there is the potential for corruption, discrimination or control;
- Any serious act or omission that leads to a loss of trust and confidence.
- The above lists are intended as a guide and are not exhaustive and are not limited to actions or behaviours of staff on MIUC premises, but also apply to events which occur, for example, at informal or social events which are linked to, or organised by MIUC, and are therefore considered an extension to the workplace.

Appendix 4 - Procedure for Handling a Disclosure or a Criminal Record for Employees

1. The decision will be taken by a panel comprising the MIUC Senior Management Team.
2. The decision will consider whether the offence(s) constitute a risk to the safety and / or wellbeing of other employees, students, or people outside MIUC, that the role holder will be required to be in contact with as part of their role.

In addition, the following points will be taken into account:

- The length of time since the offence was committed
 - Whether the individual has re-offended and if there is a pattern of re-offending
 - Whether the offence was disclosed
 - The degree of risk posed to students, colleagues, or, where relevant, service users
 - The individual's explanation of the offence
 - The individual's employment record.
3. The MIUC Human Resources Department will ascertain details of the offence from the individual either through a discussion or by obtaining a statement from them. The MIUC Senior Management Team will review the details of the offence in relation to the points above and record the basis of their decision.
 4. The decision will be communicated to the individual accordingly. It may result in a job offer not being made or being withdrawn or if the individual is already employed, the matter may be investigated under the disciplinary procedure.
 5. The '**MIUC Record of consideration of disclosure of criminal record**' form should be used to document this process.

Appendix 5 - MIUC's Sustainability Statement

MIUC is working hard to embed a culture of sustainability and is committed to protecting the environment and tackling climate change by reducing the environmental impact of its activities.

All students, staff and onsite workers have a responsibility to behave in a way that seeks to enhance the environment, and everyone can “play their part” by adopting the following behaviours when on the MIUC campus:

- Switch off lights, computer monitors, printers, and other equipment (where it is safe to do so) when you have finished using them
- Read documents on screen, only print when necessary and choose the option to print on both sides of the paper
- Try and minimise waste by re-using or re-purposing items where possible
- Use the recycling facilities available throughout the campus to dispose of waste.
- Reduce disposables, e.g. coffee cups and bottles, and instead choose re-usable options, for example. re-usable water bottles and coffee cups
- Ensure taps are turned off to reduce water consumption
- Save carbon emissions whilst also getting fit and saving money by biking, walking or running to campus
- Consider plant-based food options available to further reduce carbon emissions.

Sustainability at the University of West London

You may wish to read the University of West London's Sustainability web page at <https://www.uwl.ac.uk/about-us/sustainability-campus> to learn more about the University of West London's sustainability plans.

A copy of the University's Sustainability Strategy and associated policies can be found at [Sustainability - teams and strategy](#).

United Nations Sustainable Development Goals

You may also wish to read the United Nations Sustainable Development Goals: [THE 17 GOALS | Sustainable Development](#).

There are 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries - developed and developing - in a global partnership. They recognise that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests.



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