



**Polasáí agus Nósanna Imeachta/Policies and Procedures**

<b>Code</b>	QA112
<b>Title</b>	Disciplinary Procedure
<b>Policy Owner</b>	-
<b>Date</b>	16 February 2015
<b>Approved By</b>	-

**1.0 Purpose**

The objective of this procedure is to ensure consistent and equitable treatment of employees who become liable to disciplinary action.

**2.0 Description**

Disciplinary action is appropriate when an employee fails to meet satisfactory standards with regard to, for example; conduct, job performance, attendance, time keeping and the observance of University rules and regulations. The procedure will only be invoked after informal action has been exhausted. Disciplinary action should primarily be corrective and provide the employee with the opportunity where necessary to improve conduct and/or job performance up to a standard acceptable to the university.

- A. No disciplinary action will be taken against an employee until the case has been investigated and the facts established. In certain cases in serious matters where serious allegations have been made, including cases of gross misconduct, a precautionary suspension on full pay may be imposed pending an investigation and hearing.
- B. At every stage in the procedure the employee will be advised of the nature of the complaint and will be provided with all relevant information and the potential scope of the disciplinary action.
- C. An employee has the right to be represented by the recognised Trade Union and/or University colleague.
- D. An employee has the right to appeal against any disciplinary action imposed in accordance with Section 3 of this procedure.
- E. Although disciplinary action will normally follow the progressive stages (outlined in Section 2) the procedure may be implemented at any stage if the alleged misconduct warrants such action. For example, there may be occasions when a form of misconduct or failure in performance is considered to be insufficiently serious to warrant dismissal but sufficiently serious to warrant only one warning. In effect a first and final warning.
- F. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty may be summary dismissal without notice or payment in lieu of having to work notice.
- G. Full written records will be kept of all stages of the procedure.
- H. Disciplinary warnings should specify standards required and/or the extent to which performance or conduct falls short, and as far as possible detail the remedies required to rectify the situation and the likely consequences if the required improvement is not forthcoming.
- I. Disciplinary warnings will be deemed "spent" after an appropriate period of time, and will not normally be transferable between different types of misconduct.
- J. While normal standards apply to the conduct and/or performance of Trade Union representatives no disciplinary action beyond an oral warning should be taken against a trade union representative until a full time trade union official has been notified and given the opportunity to discuss the case.
- K. Nothing, in this procedure may be construed as diminishing employees' rights at Law.
- L. All matters relating to the disciplinary procedure are strictly confidential to the parties and their representatives involved and breaches of this confidentiality may in itself result in disciplinary action.



## 2.1 Disciplinary Authority

- A. The prime responsibility for Discipline lies with the appropriate Manager or Direct Supervisor. However, members of the Human Resource Office will be available for consultation at any stage of the procedure and no disciplinary action (save oral warning) may be initiated without prior consultation with the Human Resource Office to ensure fairness and consistency of practice across the University.
- B. Each progressive stage of the procedure will be heard by a higher level of management wherever possible but invariably by management not previously involved in the case.
- C. Disciplinary panels should be gender balanced.
- D. Training will be provided for those staff who may have a responsibility for discipline.

## 2.2 Procedure

Minor failings will be dealt with by means of an informal meeting between direct supervisor and staff with the objective of discussing the issues involved and seeking ways of improving the situation. Should such discussions fail to resolve the matter or if the issue is more serious the following procedure will operate:-

### Stage 1 - Formal Oral Warning

In cases where conduct or performance does not meet acceptable standards the employee may be given a formal oral warning.

The employee will be given a note of the oral warning by the immediate direct supervisor, a copy of which will be sent to Human Resource Office for filing, but it will be expunged for disciplinary purposes, normally after 6 months subject to satisfactory conduct and performance.

### Stage 2 - Written Warning

If at any time within 6 months of receiving an oral warning under Stage 1, the required improvement has not been achieved, or if the offence is repeated or if a more serious offence occurs, a written warning may be given to the employee by the appropriate direct supervisor. Before arranging a disciplinary hearing the direct supervisor will consult the relevant member of the Human Resource Office for guidance who may take part in the hearing if appropriate. A copy of the written warning will be kept on the Human Resource Office file but will be expunged for disciplinary purposes normally after twelve months, subject to satisfactory conduct and/or performance being achieved.

### Stage 3 - Final Written Warning

If there is still a failure to improve conduct or performance to a satisfactory standard at any time within two years of receiving the written warning under Stage 2 a final written warning may be issued after a disciplinary hearing. A final written warning may also be issued if serious misconduct or a failure in performance occurs which is sufficient to warrant only one warning but would not warrant dismissal (in effect a first and final warning). For example, where an individual has amassed a serious disciplinary record over a period of years.

In exceptional circumstances a situation may arise where a number of warnings have been issued whereby the University may choose to review the overall suitability for employment. This may involve issuing a final general written warning on future conduct (and/or performance).

The final written warning will be issued from the Human Resource Office following a hearing by a panel normally consisting of the Head of School/Unit and a member of the Human Resource Department.

A copy of the final written warning will be kept on the personnel file, but will be expunged for disciplinary purposes normally after two years, subject to satisfactory conduct and/or performances being achieved.



### **2.3 Action Short of Dismissal**

In circumstances where an offence is particularly serious but still falls short of warranting dismissal in conjunction with a final written warning, which may include the following:

1. Suspension without pay for a maximum of 10 working days;
2. Demotion;
3. Withholding of increment;
4. Transfer.

### **2.4 Stage 4 – Dismissal**

If despite actions in line with Stage 3 conduct and/or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, dismissal may result (with notice or payment in lieu of having to work notice). The Director of Human Resources (or member of the Human Resource Office to whom the Director of Human Resources delegates the responsibility) will issue a letter of dismissal which will provide reasons for the dismissal, the date on which employment will terminate and notice of the right of appeal. All cases involving dismissal will normally be considered at a formal hearing by the Dean of the College or Head of function, a Senior Manager not connected with the unit involved and a member of the Human Resource Office.

### **2.5 Gross Misconduct**

Gross misconduct involves action which is considered to be a serious breach of the contract of employment, or a University rule or regulation, and may result in summary dismissal or dismissal with payment in lieu of having to work notice.

Gross misconduct would include, for example; deceptions, theft, deliberate falsification of records, serious negligence, physical violence or sexual harassment. This is not an exhaustive list. Each disciplinary case must be treated individually, depending on the facts and circumstances of the case.

All cases involving gross misconduct will be considered by the Dean, a Head of Unit or Senior member of Management not connected with the School/Unit concerned and the Director of Human Resources (or nominee).

### **2.6 Letter of Dismissal**

The letter of dismissal will be issued by the Human Resource Office.

### **2.7 Appeals Procedure**

As a general principle of the procedure employees have the right to appeal against any formal disciplinary action taken against them. The Appeals Panel has the authority to uphold, reduce or revoke the original decision. Members of the panel will have equal standing when hearing an individual's appeal and decisions will normally be reached by consensus.

#### **2.7.1 Appeals in the Cases Short of Dismissal**

In cases short of dismissal the appeal will be heard by a higher level of management wherever possible, but invariably by management not involved in the case.

In all such cases the individual must notify the Human Resource Office of the intention to appeal in writing, normally within ten working days of notification of receipt of the warning, clearly stating the grounds on which the appeal is to be heard.



The decision of the appeals panel is final and will normally be notified to the employee in writing by the Director of Human Resources within five working days of the hearing.

### 2.7.2 Appeals Involving Dismissal

In cases involving dismissal, notification of the intention to appeal must be made in writing and be received by the Human Resource Office within fifteen working days of the Notification of Dismissal clearly stating the grounds on which the appeal is to be heard.

On receipt of an appeal the Director of Human Resources will convene an appeals panel. This panel will consist of the Director of Human Resources, a Vice President and will be chaired by a member of the Governing Authority who is not employed by the University.

In specific circumstances, for example, when professional misconduct is alleged which could lead to disbarment a professional assessor may attend the appeal.

The decision of the appeals panel, which is final, will be formally notified to the employee in writing by the Director of Human Resources within five working days of the hearing.

## 2.8 Overview

Action taken under this procedure will be monitored by the Equality Officer from an equality perspective to ensure that no member of staff is treated less favourably or is disadvantaged by virtue of their sexual orientation, age, gender, marital status, religious belief/political opinion, race, colour, ethnic origin or disability.

## 3.0 Responsibilities

Name	Responsibility
Director of Human Resources	Policy Owner
Employee	Where required, improve conduct and/or job performance up to a standard acceptable to the university.
Line Manager	<ul style="list-style-type: none"> <li>• Manage staff performance issues in line with the policy</li> <li>• Consult with the Human Resources Office at various stages of the process in line with the policy</li> </ul>
Human Resources Office	<ul style="list-style-type: none"> <li>• Advise managers on the application of the Disciplinary Policy</li> <li>• Retain warnings on file in line with the policy</li> <li>• Participate in disciplinary hearings in line with the policy</li> <li>• Issue warning to a staff member in line with the policy</li> <li>• Issue dismissal to a staff member in line with the policy</li> <li>• Convene an appeals panel on receipt of an appeal Notify the staff member of the outcome of an appeal.</li> </ul>
Equality Manager	Monitor action taken under the procedure from an equality perspective
Senior Manager	Participate in Dismissal Hearing and all cases involving Gross Misconduct
UMT Member	Participate in Appeals panel

## 4.0 Related Documents

- [Code of Conduct](#)
- [Organisation & Staff Training and Development Website](#)
- [Employee Assistance Program](#)