

Trinity College Staff Disciplinary Procedure

1. Principles

This procedure is to help ensure consistent and fair treatment for all staff and to ensure compliance with natural justice. The supervisor/manager will make preliminary enquiries with the staff member involved and where appropriate deal with the matter on an informal basis. If the supervisor/manager believes a disciplinary hearing may be required he/she will inform the staff member that the matter will proceed to investigation in line with this procedure. The staff member will also be informed of the nature of the complaint.

Disciplinary hearings will not be convened until the matters under consideration, or which are the subject of complaints, have been properly investigated and there has been a finding that there is a case to answer.

At every stage in the procedure the employee will be advised of the nature of the complaint against him/her and will be given the opportunity to state his/her case before any decision is made.

At all stages during the investigation and disciplinary meeting (if required), the employee will have the right to be accompanied by an authorised Trade Union Official, Staff Representative or working colleague.

All matters of discipline shall be dealt with by the College in a manner which protects the dignity of staff and no disciplinary action shall take place in the presence of staff not directly concerned.

An employee will have the right to a fair and impartial determination of the issues being investigated, taking into account the allegations or complaints themselves, the response of the employee concerned to them, any representations made by or on behalf of the employee concerned and any other relevant or appropriate evidence, factors or circumstances.

No employee will be dismissed for a first breach of discipline except in the case of serious misconduct when the penalty may be immediate dismissal.

An employee will have the right to appeal against any disciplinary penalty imposed.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

2. Offences

The following list provides examples of offences which normally warrant disciplinary action :

- i. Sub-standard work performance
- ii. Unauthorised absence
- iii. Time keeping
- iv. Absenteeism
- v. Breach of Leave Regulations
- vi. Breach of Confidentiality
- vii. Insubordination
- viii. A continual refusal to obey reasonable instructions
- ix. Unacceptable behaviour towards Colleagues

The above list of examples should not be regarded as exhaustive.

3. Sanctions

While in the case of minor offences disciplinary action will normally be incremental, the appropriate action will be related to the nature of the offence in each case. The College reserves the right to exercise discretion as to the suitability of the type of disciplinary action applicable in any given situation. Disciplinary action will normally take one of the following forms:

- Verbal warning
- written warning;
- withdrawal of privileges (including eligibility for overtime work);
- deferment of increment;
- limited suspension with pay;
- limited suspension without pay;
- demotion for a stated period;
- dismissal.

Stage 1- Verbal Warning

If conduct or performance does not meet acceptable standards, the staff member will normally be given a formal verbal warning. He/She will be advised of the reason of the warning and that it is the first stage of the disciplinary procedure. The warning will be

confirmed in writing to the employee and recorded in the employee's file as a verbal warning.

Stage 2- Written Warning

If the offence is a serious one, and if a further offence occurs or if the required improvement does not take place a written warning will be issued. He/She will be warned that action under Stage 3 will be considered if there is no satisfactory improvement.

Stage 3 - Final Written Warning and/or Suspension with/without Pay

If there is still a failure to improve, and conduct or performance is still unsatisfactory, or if the conduct is sufficiently serious to warrant it, a Final Written Warning will normally be given to the employee. This will give details of the complaint, and will warn that dismissal will result if there is no satisfactory improvement, or if there is any recurrence or other serious misconduct. Deferment of an increment and/or demotion may also accompany this step.

All warnings comprehended in stages 1-3 above will be removed from personal files at the relevant expiry date

Stage 4 - Dismissal

If the conduct or performance is still unsatisfactory and the staff member fails to reach the prescribed standards or if further serious misconduct occurs, then dismissal will result. The staff member will be provided, as soon as reasonably practicable, with written reasons for dismissal and the date on which the employment will terminate.

Serious Misconduct

The following list provides examples of offences which are normally regarded as serious misconduct and may lead to disciplinary action commencing beyond Stage 1.

- i. Unauthorised removal of property not belonging to the member of staff concerned.
- ii. Threatening or carrying out (serious) acts of violence towards another member of staff, student, or member of the public.
- iii. Engaging in remunerative employment while on sick leave (irrespective of whether the sick leave is medically certified or not).
- iv. Causing malicious damage to College property, or to property on College premises belonging to another member of staff, or student, or member of the public.
- v. Serious breaches of the College's policies regarding sexual or other forms of harassment.

- vi. Refusing to carry out lawful and reasonable directions given by a member of staff authorised to do so.
- vii. Committing a serious breach of College safety regulations.
- viii. Unauthorised absence from work.
- ix. Reporting for work under the influence of alcohol or drugs other than those prescribed and advised to the appropriate college authority, or having or consuming them on the College premises.

The above list of examples should not be regarded as exhaustive.

If someone is accused of an act of serious misconduct, they may be placed off duty with pay pending a full investigation into the matter. Payments may be stopped if the individual concerned does not cooperate with the process outlined here. If on completion of the investigation and the full disciplinary procedure, the College is satisfied that serious misconduct has occurred, the result may be immediate dismissal.

Representation

The person against whom a complaint is made has the right to representation at all stages during the disciplinary process. The staff member may choose to have a colleague, shop steward or trade union official present.

Role of Staff Office

The role of the Staff Office is to ensure fair and consistent application of disciplinary procedures. They will provide advice and guidance, as necessary, at all stages of the process. A member of Staff Office may be present at any meeting in the process attended by a trade union official.

Investigation

A Disciplinary Hearing will not take place before the alleged breach or complaint has been fully investigated.

Details of the alleged breach or complaint will be made available to the staff member in writing in advance of an investigation meeting.

Confidentiality is required of all parties when the complaint is made by one staff member of another.

Generally the investigation will be conducted through the supervisory structure of the department in question.

Investigation meetings will be held in confidence and all staff will be treated with dignity and respect.

Those attending investigation meeting will be told in advance of the meeting of

- The purpose of the meeting
- The complaint being investigated
- The time and venue
- Their right to representation
- That the investigation may lead to disciplinary action.

Staff members have representation rights as outlined above.

The investigation will look at all evidence pertinent to the alleged offence/breach of regulation and interview all relevant parties.

All material relevant to the alleged offence/breach will be made available to the staff member during the course of the investigation.

The staff member will get the full details of matters under investigation and the opportunity to respond to them fully.

Further investigation meetings may be scheduled if required as issues arise.

Staff are obliged to co-operate with legitimate College investigations. Continued frustration of the process may lead to the process being concluded without input from the party concerned. Written records of the meeting will be kept. Signed statements and/or signed acceptance of records may be requested of attendees.

The outcome of the investigation will be communicated in writing to the parties involved.

The person conducting the investigation may themselves issue a verbal warning if this is the outcome of their investigation.

If the investigator (s) believe that other disciplinary action may be appropriate they will recommend that a disciplinary hearing be convened. If a disciplinary hearing is recommended, the person involved will be told in writing of

- the outcome of the investigation
- the convening of the disciplinary hearing
- the time and venue and the chairperson of the hearing
- their right to representation
- the range of possible sanction applicable

The Staff member will be given all of the pertinent documentation, including any evidence to be presented by the investigators to the disciplinary hearing.

Disciplinary Hearing

The Disciplinary Hearing will be conducted by a College Official who was not part of the investigation. Generally the hearing will be conducted through the supervisory structure of the department in question. In cases related to performance an official from within the department will be nominated by College. In other cases an appropriate College Official from outside the department will be assigned.

The outcome of the investigation will be presented by the investigator to the Chair of the Disciplinary hearing in front of the staff member person against whom the complaint is made, and their representative.

The staff member or their representative will be afforded the opportunity to make whatever representation they deem relevant.

The person conducting the hearing will satisfy themselves that they obtained all relevant material and that the staff member has been afforded reasonable opportunity to respond.

The person conducting the hearing will inform the staff member of when they can expect a decision (within 7 working days generally) before adjourning the hearing.

Having reached a decision the person conducting the hearing will advise the staff member of any intended disciplinary action within 7 working days.

The staff member will also be informed of their right of appeal.

Appeal

An appeal must be lodged with the appropriate department head within 5 working days of the finding of the disciplinary hearing being notified.

Disciplinary action will not be implemented pending appeal.

An appeal will be heard by an official of the College usually more senior to the person who chaired the Disciplinary Hearing.

The staff member will have the same rights of representation as with the disciplinary hearing. The staff member person or their representative will be afforded the opportunity to make whatever representation they deem relevant.

The person conducting the hearing will inform the staff member of when they can expect a decision (within 7 working days generally) before adjourning the appeal. Having reached a decision the person conducting the appeal will advise the staff member of his/her decision in writing.

Further Appeals

The individual has the right to seek redress before a Rights Commissioner or the Employment Appeals Tribunal as provided for in current legislation.

Industrial Action

In accordance with the Industrial Relations Act 1990, no form of industrial action may be taken with regard to a disciplinary matter, until the matter has been fully processed in accordance with disciplinary procedures and with the Labour Relations Commission and Labour Court.