

Administrative Technical and Support Staff Conduct

- Application 1. (1) The provisions of this Chapter shall apply to technical, administrative and support staff in College, and to such other employees as Board may from time to time provide in Schedule 1.
- Procedures¹ 2. (1) Grievance and disciplinary procedures should be applied sensitively and consistently, and in accordance with the principles of natural and constitutional justice and fair procedures.
(2) They should be applied in a manner which properly respects both the dignity of employees and the reasonable interests of College.
(3) In particular, the confidentiality of disciplinary procedures should be maintained in so far as practicable and for so long as possible.
- Entitlements 3. (1) In general, employees are entitled
(a) to have allegations or complaints against them properly investigated and dealt with,
(b) to have notice of any allegations or complaints put to them, in writing in appropriate cases,
(c) to be represented during any investigative or disciplinary procedure,
(d) to be given reasonable time and opportunity to prepare and present their response to any such allegations or complaints,
(e) in significant cases,
(i) to be made aware of the source of allegations or complaints, and
(ii) to have issues determined by a hearing, convened after a proper investigation and a finding that there is a case to answer,
(f) to receive a fair and impartial determination of the issues concerned, taking into account any representations made by them or on their behalf, and any other relevant or appropriate evidence, factors, or circumstances,
(g) to appeal against disciplinary action, and
(h) to have issues determined by persons who neither have an improper interest in the outcome of the procedure nor might be reasonably apprehended to have such an interest.
(2) In general, College is entitled to expect a good standard of

¹ See the Industrial Relations Act 1990 Code of Practice on Grievance and Disciplinary Procedures (Declaration) Order 2000 (SI No 146 of 2000) giving effect to the Labour Relations Commission *Code of Practice on Grievance and Disciplinary Procedures*.

conduct and performance from its employees.

- Resolution
- 4.
- (1) Formal disciplinary action should not normally be taken without every reasonable effort first having been made to resolve the matter on an informal basis.
 - (2) Thereafter, disciplinary action may include
 - (a) oral and written warnings,
 - (b) withdrawal of privileges,
 - (c) deferral of increments,
 - (d) suspension with or without pay,
 - (e) transfer to another task or to another section within College,
 - (f) demotion,
 - (g) other appropriate disciplinary action short of dismissal, and
 - (h) dismissal.
 - (3) If possible, disciplinary procedures should progressively follow the pattern in subsection (2), although it is not necessary that every action be implemented, and the more severe forms of disciplinary action may be taken at earlier stages where this is warranted.
 - (4) Except for cases of gross or serious misconduct, dismissal will not normally be the first step in a disciplinary process.
 - (5) Any penalty should be proportionate to the nature and severity of the offence, having regard to any relevant mitigating factors.
- Suspension and dismissal
- 5.
- (1) An employee may be suspended on full pay pending the outcome of an investigation into an alleged breach of discipline.
 - (2) An employee may be dismissed where there are substantial grounds justifying the dismissal within the meaning of applicable Unfair Dismissals legislation.
 - (3) In particular, an employee may be dismissed for gross or serious misconduct, which is conduct so serious that it results in a fundamental breach of trust and confidence in the relationship between the employee and College; examples include theft, fraud, assault, battery, criminal damage, intoxication, persistent absenteeism, or serious breach of College's policies, practices and regulations.
- Schedules
- 6.
- (1) Provisions to implement and administer grievance and disciplinary procedures may be set out in Schedules to this Chapter.
 - (2) In particular, agreements relating to matters of discipline shall be set out in Schedules.
 - (3) Any Schedule which sets out the terms of such an agreement may be amended by Board if and only if the agreement is revised or replaced by the relevant parties.
 - (4) If and when such an agreement is revised or replaced, the

relevant Schedule shall be amended by Board to reflect the revision or replacement.