UNIVERSITIES ACT, 1997

UNIVERSITY OF LIMERICK

STATUTE NO. 4

Approved by Governing Authority
22 September 2026

We, the Governing Authority of the University of Limerick (the "**University**"), by virtue of the powers in that behalf conferred on us by the above Act, do by this present instrument under the seal of the University make the Statute contained in the Schedule hereof for the general government of the University.

Given under the Common Seal of the University this 22nd day of September 2026

Present when the Common Seal of the University was affixed hereto:

(Signed) **Chancellor**

(Signed) **President**

(Signed) **Provost and Deputy President**

STATUTE NO. 4

STATUTE ON TERMINATION, SUSPENSION, AND DISCIPLINE

Introduction

The procedures set out in this Statute apply to all employees of the University including officers of the University and govern all termination and discipline issues relating to such employees, up to and including their dismissal. This Statute will not be used to effect changes to terms and conditions of employment.

The University in performing its functions shall have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of its internal and external affairs.

1. Termination of employment at the expiry of a Fixed Term or Specified Purpose Contract

The employment of an employee of the University will terminate in accordance with the terms of their contract of employment (including fixed-term and specified purpose contracts), whether expressed or implied.

2. Termination of employment as a result of Redundancy

The University is committed to avoiding redundancies wherever possible. However, it recognises that circumstances may arise where redundancies, as defined by legislation, may become necessary. In such situations, the University will engage in meaningful and timely consultation with the recognised trade union in respect of its members who hold a permanent contract or a contract of indefinite duration with the University. In accordance with the University Reassignment Policy and Procedure, every reasonable effort will be made to identify and secure suitable reassignment opportunities as the preferred alternative to redundancy. Redundancy will only be considered where consultation has been completed and all reasonable reassignment options, explored in line with the Reassignment Policy and Procedure, have been exhausted or found not to be viable.

3. Termination during or at conclusion of Probationary Period

An employee's employment may be terminated by the University at any time during or at the conclusion of any probationary period provided for in the employee's contract of employment. In the event that the University is considering terminating an employee's employment during or at the conclusion of the probationary period provided for in their contract, the process outlined in the University's Probation Policy will be applied.

4. Termination on the grounds of Permanent Incapacity

The University is committed to supporting employees who experience illness or injury, and will manage all cases in a fair, supportive, and respectful manner, in accordance with employment legislation, the principles of natural justice, and the Public Sector Sick Leave Scheme.

Termination of employment on the grounds of permanent incapacity is a measure of last resort and will only be considered where there is no reasonable prospect of the employee returning to perform the essential duties of their role, with reasonable accommodations, or a suitable alternative role, within a reasonable timeframe.

Before any decision is made, the University will:

- obtain appropriate medical advice from the University's Occupational Health Physician and consider any medical evidence provided by the employee;
- consult with the employee and provide them with an opportunity to respond to the medical evidence, make representations, and submit further information;
- allow the employee to be accompanied by a work colleague from within the University or UL Unite trade Union representative at formal meetings;
- consider reasonable accommodation measures, workplace adjustments, rehabilitation supports, phased return-to-work arrangements, and suitable alternative employment or reassignments opportunities; and
- consider eligibility for Ill Health Retirement where applicable.

The employee may request a second medical opinion, and the University will consider any such request. Where there is a conflict in medical opinion between the employee's medical opinion and the University's medical opinion, the University may seek a further independent assessment.

Where the University is considering termination on the grounds of permanent incapacity, the employee will be informed in writing of the proposed outcome and the reasons for it and will be given a reasonable opportunity to respond before a final decision is made.

Any decision to terminate the employee's employment will be based on all relevant medical and operational considerations, including the employee's prognosis, ability to perform the essential duties of the role, the effectiveness of any reasonable accommodations, and the availability of suitable alternative employment.

Where an employee's employment is terminated on the grounds of permanent incapacity, they will be notified in writing of the reasons for the decision and their right of appeal.

The University will ensure that all employees are treated with dignity, fairness, and respect throughout.

5. Suspension and Discipline

The Governing Authority hereby delegates authority to the President in their capacity as Chief Officer of the University and, in the event that they are absent from the University, to the Deputy President of the University to suspend or dismiss employees of the University save in respect of (i) the functions of the Governing Authority in relation to the Appeals Procedure provided for in Section 4.2.9 of the University Discipline Policy and Procedure; and (ii) where the President is the subject of disciplinary proceedings or may, in respect of the matter concerned, have a conflict of interest for whatever reason provided for in Section 4.3 of the University Discipline Policy and Procedure.

The President may sub-delegate any of the delegated powers pursuant to the paragraph above, to the "The Panel" (see interpretation and definition of the Panel in section 4 below) to suspend employees. The president may also sub-delegate the decision to dismiss an employee to the Disciplinary Hearing Committee.

Where the President sub-delegates authority to a nominee(s), the President must do so in writing stating (i) the request to do so (ii) the name(s) of the employee(s) to whom the President sub-delegates the authority. The nominee(s) from time to time may further sub-delegate this authority in the same manner to other nominees of the University. This can only be done with the Presidents written consent.

The University disciplinary procedures are set out in the University Discipline Policy and Procedures found in Appendix 1.

6. Interpretations and Definitions

1. "The University"

The use of the term University will be taken to mean the Governing Authority, which delegates responsibility for suspension and dismissal, within the procedures, to the Chief Officer, who may, in turn, delegate responsibility to officers/employees as provided for in this Statute.

2. "**an officer**" will have the meaning given to that term in the Universities Act 1997.

3. "representative" refers to a work colleague from within the University or UL Unite trade Union representative selected by an employee to provide support, guidance, or advocacy during all formal stages of the disciplinary process. The representative may address the meeting or hearing at which they are present, to put forward the employee's case, sum up the employee's case and confer with the employee during the meeting or hearing. The representative may not answer questions directed at the employee.

4. A standing panel of approved individuals will be established, from which a three-member Panel (Thereafter known as "The Panel") will be constituted for the purpose of the Discipline Policy and Procedure. The standing panel is established by the Director, Human Resources and approved by the Executive Committee. It includes:

- The Director, Human Resources or their Senior HR nominee (Grade SAO1 and above);
- Members of the Executive Committee;
- Members of the University's Professoriate (Full Professors);
- Members of the Professional/Support staff (Grade SAO1 and above),

"The Panel" for the purpose of the Discipline Policy and Procedure will consist of three impartial members, drawn down from the standing panel, which include the Director, Human Resources or their Senior HR nominee, a member of the Executive Committee, plus one other standing panel member either from the Professoriate or Professional/Support staff grade.

1. This Statute may be cited as Statute No.4 of the University of Limerick, or Statute No.4 of UL.

2. This Statute will come into operation on the 22 September 2026.

Present when the Common Seal of the University was affixed hereto:

(Signed) **Chancellor**

(Signed) **President**

(Signed) **Provost and Deputy President**

Appendix 1 of Statute No 4 – Statute on Termination, Suspension, and Discipline (Statute No. 4)

DISCIPLINE POLICY & PROCEDURE

UNIVERSITY OF LIMERICK
OLLSCOIL LUIMNIGH

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1. Introduction

1.1. Purpose

The University of Limerick is committed to fostering a respectful, inclusive, and supportive working environment for all employees. To support this, it is important that clear expectations around standards of conduct are understood and maintained by all employees of the University. It is also important that clear expectations around standards of performance are understood and that employees are supported to achieve and maintain these standards.

This disciplinary policy and associated procedures provide a fair, transparent, and supportive process for addressing concerns relating to conduct or performance when they arise. The policy is underpinned by the principles of natural justice, proportionality, and procedural fairness, and is designed not only to address issues when they arise, but also to encourage improvement where needed and provide the necessary support to employees in achieving the standards expected of them. The emphasis, wherever possible, is on early resolution, open communication, and supportive intervention.

The University of Limerick's Culture Charter forms an important backdrop to all University of Limerick HR policies and procedures. The values and behaviours outlined in the Culture Charter should guide how we act, interact and connect with one another in the challenges and successes of university life. The values and behaviours outlined in the Culture Charter should also guide how we interpret these policies and procedures.

This policy and its associated procedures are issued in accordance with Statute No. 4 – Statute on Termination, Suspension, and Discipline (Statute No. 4) and should be read in conjunction with its provisions.

1.2. Scope

1.2.1. To whom does the policy apply

This policy and associated procedures apply to all employees of the University, regardless of their role, contract type, or length of service except any employee who is within their probationary period and whose performance is being managed in line with the probation policy. In cases of allegations of misconduct and/or gross misconduct being made against an employee during their probationary period, the matter will be managed in accordance with this policy and associated procedures.

1.2.2. In what situations does the policy apply

This policy applies to matters relating to employee conduct and performance. While both may be addressed under this policy, conduct and performance concerns are distinct and should be considered and managed appropriately according to the nature of the issue.

Conduct concerns relate to an employee's behaviour, actions, or omissions in the workplace, including but not limited to, inappropriate or unacceptable behaviour, breaches of University rules, policies or procedures, refusal to follow reasonable instruction, actions that may damage the reputation of the University, or any other actions that may fall below the standards expected by the University (Please see Appendix 1 and 2).

Performance concerns relate to an employee's ability to meet the standards, objectives, or expectations of their role. This may include cases of persistent poor performance, such as persistent failure to meet agreed objectives, persistent inefficiency, or persistent lack of improvement following feedback, guidance, and support.

The University is committed to addressing both conduct and performance matters in a fair, consistent, respectful, and supportive manner. Where performance concerns arise, the primary aim should be to support the employee to succeed. Managers should, where appropriate to do so, provide appropriate feedback, guidance, coaching, training, mentoring, reasonable support, and opportunities for improvement at the earliest possible stage.

Formal management of poor performance should not always be the first response to performance difficulties. Wherever possible, performance concerns should be addressed informally in the first instance through regular communication, clear objective setting, feedback, support, and agreed support plans. Formal action in relation to performance should only be considered where informal and supportive measures have not resulted in the necessary improvement, where concerns are persistent, or where the matter is sufficiently serious to require formal intervention. Managing poor performance through formal procedures should therefore be regarded as a last resort.

Conduct matters may require a different approach depending on the nature and seriousness of the concern. Where appropriate, minor conduct concerns may be addressed informally through guidance, clarification of expectations, coaching, or corrective feedback. However, where the alleged conduct is serious, repeated, or may constitute misconduct or serious misconduct formal action under this policy may be appropriate.

The purpose of this policy is to ensure a fair and consistent approach to addressing conduct and performance matters, while ensuring that employees are informed of the concerns raised, given a meaningful opportunity to respond, treated with dignity and respect, and, where appropriate, supported to make the necessary improvements.

This policy applies to incidents occurring on university premises, in the course of University business or at university events off campus, or in any setting where the employee represents or is identifiable as acting on behalf of the University.

1.2.3. Who is responsible for ensuring that the policy (and any associated procedure) is implemented and monitored

The overall responsibility for ensuring that this policy and any associated procedures are effectively implemented and monitored rests with the President and the University Executive Committee.

Line managers and heads of department / divisions play a key role in applying the policy consistently and fairly within their areas of responsibility.

The Human Resources Division is responsible for providing guidance, support, and training to ensure the proper application of the policy, as well as monitoring its effectiveness, recommending updates where necessary, and ensuring compliance with best practice, employment legislation, and the University's commitment to a fair and transparent disciplinary process.

1.3. Definitions

1.3.1 **"Principles of Natural Justice and Fair Procedures"** underpin all aspects of the disciplinary processes and are designed to ensure fairness, transparency, and impartiality in decision-making (see section 3.1.1.5)**.**

1.3.2 **"Employees"** are individuals who work for the University of Limerick under a UL contract of employment.

1.3.3 **"Representative"** refers to a work colleague from within the University or UL Unite trade Union representative selected by an employee to provide support, guidance, or advocacy during all formal stages of the disciplinary process. The representative may address the meeting or hearing at which they are present, to put forward the employee's case, sum up the employee's case and confer with the employee during the meeting or hearing. The representative may not answer questions directed at the employee. Employees have the right to be accompanied by a representative of their choice in accordance with section 3.1.5.

1.3.4 **"Suspension"** is the temporary removal of an employee from the workplace as a precautionary measure pending investigation.

1.3.5 **"Investigation"** is a fact-finding process initiated when a disciplinary concern is raised.

1.3.6 **"Disciplinary Hearing"** is a formal meeting where the employee has the opportunity to respond to allegations of misconduct or underperformance before a decision is made. The Disciplinary Hearing Committee will consider evidence, hear representations, and determine whether disciplinary action is appropriate or not in accordance with section 4.2.5.

1.3.7 **"Sanction"** is an outcome imposed following a disciplinary hearing, based on the nature and seriousness of the misconduct. Sanctions may include but are not limited to verbal warning, written warning, final written warning, dismissal, or action short of dismissal.

1.3.8 **"Appeal"** is the process by which an employee can request that a disciplinary decision or sanction be reconsidered.

1.3.9 **"Persistent Poor Performance"** is where an employee persistently fails to meet the essential duties, job responsibilities, performance standards, expectations or required deadlines for their role, despite receiving feedback, reasonable support, training, guidance, and given the opportunity to improve. It is a pattern over time, not an isolated incident or a one-off mistake.

1.3.10 **"Misconduct"** occurs when a staff member's conduct is below the general standard expected. (See Appendix 1 for a non-exhaustive list of examples of misconduct)

1.3.11 **"Gross Misconduct"** occurs when there is a serious breach of the University's rules and procedures or of recognised and accepted standards of behaviour which results in a breakdown of the relationship of trust and confidence between the University and the employee concerned. (See Appendix 2 for a non-exhaustive list of examples of gross misconduct)

1.3.12 **"Balance of Probability"** means that, based on the available evidence, it is more likely than not that the allegations are true.

1.3.13 **"Prima Facie"** means that the facts as alleged if true, would be sufficient to give rise to the view that there is a case to answer, although it does not necessarily indicate any resolution of the case or the truth or otherwise of the facts presented.

1.3.14 A standing panel of approved individuals will be established, from which a three-member Panel (Thereafter known as "The Panel") will be constituted for the purpose of the Discipline Policy and Procedure. The standing panel is established by the Director, Human Resources and approved by the Executive Committee. It includes:

- The Director, Human Resources or their Senior HR nominee (Grade SAO1 and above);
- Members of the Executive Committee;
- Members of the University's Professoriate (Full Professors);
- Members of the Professional/Support staff (Grade SAO1 and above),

"The Panel" for the purpose of the Discipline Policy and Procedure will consist of three impartial members, drawn down from the standing panel, which include the Director, Human Resources or their Senior HR nominee, a member of the Executive Committee, plus one other standing panel member either from the Professoriate or Professional/Support staff grade.

1.3.15 "Senior University Employee" refers to:

- Members of the Professional/Support staff (Grade SAO1 and above); and
- Members of the University's Professoriate (Full Professor);

1.3.16 "Senior Human Resources Representative / Nominee" refers to a senior member of the HR Division at the grade of SAO1 and above.

1.4. Responsibilities

1.4.1. Managers are responsible for:

- Proactively engaging with their HR Business Partner for guidance / support / coaching regarding any concerns with respect to an employee's conduct or performance;
- Addressing any concerns regarding an employee's conduct or performance. Where appropriate, they should seek to resolve these issues informally before initiating formal disciplinary action;
- Clearly communicating how the employee's conduct or performance falls short of the University's expectations and specify the improvements required;
- Offering appropriate support, such as coaching or training, to help the employee meet the necessary standards;
- Offering appropriate supports where ill health or disability may have affected the employee's conduct or performance;
- Ensuring that if the employee fails to show sufficient improvement in conduct or performance within a reasonable period, that managers escalate the issue by initiating the formal disciplinary process;
- Maintaining records of all relevant meetings.

1.4.2. Human Resources (HR) are responsible for:

- Training managers on the policy and its associated procedures;
- Guiding and advising managers on all aspects of the disciplinary policy and procedure to ensure that disciplinary matters are resolved appropriately and in a timely manner;
- Guiding and advising members of staff on the disciplinary policy and procedure;
- Monitoring the use of the disciplinary policy and procedure across the University;
- Ensuring that the disciplinary policy and procedure is applied consistently throughout the University.

1.4.3. Employees are responsible for:

- Carrying out their responsibilities to the required standard as outlined in their job description;
- Seeking clarification if they are unsure about expected standards of conduct or performance;
- Ensuring that when concerns regarding performance or conduct arise, they actively engage with their manager to address the issue;
- Ensuring that if they require additional training or support in a particular area, they discuss this with their manager;
- Ensuring that they engage with the procedures outlined in this policy in good faith.

2. Context

2.1. Legal and Regulatory Context

2.1.1. The policy is aligned with:

- The provisions of the Universities Act 1997, particularly section 25, which assigns responsibility to the governing authority for employee disciplinary procedures.

- The provisions of the University Act 1997 section 14(2), Academic employees of the University shall have the freedom, within the law, in their teaching, research and any other activities either in or outside the University, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions and shall not be disadvantaged, or subject to less favourable treatment by the University, for the exercise of that freedom.

- Relevant Employment legislation, as may be updated or amended from time to time, including:
    - Unfair Dismissals Act, 1977-2015,
    - Employment Equality Acts 1998-2015,
    - Protection of Employees (Fixed Term Work) Act 2003,
    - Industrial Relations Acts 1990 & any relevant Collective Agreements,
    - Safety, Health, and Welfare at Work Act 2005,
    - Data Protection Acts 1988-2018 and GDPR (General Data Protection Regulation 2016/679),
    - Code of Practice on Grievance and Disciplinary Procedures (S.I. no 146 of 2000) under the Industrial Relations Act 1990 ('the Code'),
    - Principles of natural justice and fair procedures.

2.2. Other Context

2.2.1. Statute No. 4 – Statute on Termination, Suspension, and Discipline (Statute No. 4)

2.2.1.1. This policy and its associated procedures are issued in accordance with Statute No. 4 and should be read in conjunction with its provisions.

2.2.1.2. In accordance with Statute No. 4, the Governing Authority delegates authority to the President in their capacity as Chief Officer of the University and, in the event that they are absent from the University, to the Deputy President of the University, to suspend or dismiss employees of the University save in respect of (i) the functions of the Governing Authority in relation to the Appeals Procedure provided for in Section 4.2.9 below; and (ii) where the President is the subject of disciplinary proceedings or may, in respect of the matter concerned, have a conflict of interest for whatever reason provided for in Section 4.3 below.

2.2.1.3. The President may sub-delegate any of the delegated powers pursuant to 2.2.1.2 above, to three members of The Panel (see definition in section 1.3.14 above), to suspend employees. The president may also sub-delegate the decision to dismiss an employee to the Disciplinary Hearing Committee.

2.2.1.4. Where the President sub-delegates authority to a nominee(s), the President must do so in writing stating (i) the request to do so (ii) the name(s) of the employee(s) to whom the President sub-delegates the authority. The nominee(s) from time to time may further sub-delegate this authority in the same manner to other nominees of the University. This can only be done with the President's written consent.

3. Policy Statements

3.1. General Principles

3.1.1. All employees of the University should be managed in a fair, consistent, and appropriate manner across all areas of their work. In most cases, issues related to conduct or performance can be resolved through standard management practices before the need for disciplinary action arises.

3.1.2. The primary focus of the disciplinary process, except in cases of gross misconduct, is to inform employees of any issues impacting acceptable conduct or performance and to support them in making the necessary improvements in the first instance.

3.1.3. As a general principle, the University seeks to resolve issues related to conduct or performance through informal means initially, involving confidential dialogue between the employee and their immediate manager or supervisor, and without immediate reference to the formal disciplinary procedure. However, where the University determines that the matter is of a sufficiently serious nature, the formal disciplinary process may be initiated without first pursuing informal resolution.

3.1.4. All employees are obliged to participate in every part of a disciplinary process when requested by the University to do so. Where an employee fails or refuses to participate, without reasonable cause, the process may proceed and or a decision may be made without the employee's full participation. Reasonable cause may include, but is not limited to, certified medical illness, an emergency or exceptional personal circumstance, bereavement, pre-approved annual leave, the unavailability of the employee's chosen Union representative or work colleague, or another substantial reason accepted by the University as preventing meaningful participation. In such circumstances, where a satisfactory explanation has not been provided, the disciplinary process may proceed at that stage, and in such case it will (i) notify the employee accordingly; (ii) notify the employee of the consequences of failing to participate in the disciplinary process without reasonable cause; and (iii) notify the employee of any decision reached in the employee's absence.

3.1.5. The employee will have the right to be accompanied by a work colleague from within the University, or a UL Unite trade Union representative at all formal stages of the disciplinary process. All employees participating in the disciplinary process shall be expected to act in good faith, to be truthful, and to respond to questions to the best of their knowledge and understanding. The disciplinary process is an internal University process and, accordingly, the University does not ordinarily arrange for or bring legal representation to disciplinary meetings. This reflects the general position that representation in internal disciplinary procedures is normally by a colleague or trade union representative, with legal representation only arising in exceptional circumstances. While an employee is entitled to obtain their own legal advice, there is no automatic right to legal representation during the disciplinary process. If an employee wishes to be legally represented, the request will be considered by the Director, Human Resources on a case-by-case basis with consideration being given as to whether any matters of law arise, the seriousness and complexity of the matter, the potential consequences for the employee, and an overall assessment as to whether a fair process can take place without legal representation. Where legal representation is permitted for an employee, the University reserves the right to arrange appropriate representation for the University, having regard to the need to ensure fairness and balance in the process. The University will not be responsible for any legal fees or costs incurred by the employee in connection with the disciplinary process, including those related to external legal advice or representation. Therefore, if an employee chooses to be legally represented, and the University agrees to such request, this will be at the individual's own expense.

3.1.6. The employee will notify the University in writing of the identity of their chosen representative in advance of any disciplinary investigation meeting, disciplinary hearing or disciplinary appeal. The University reserves the right to require the employee to select an alternative representative where it considers, on reasonable grounds, that the employee's chosen representative would compromise the conduct, fairness, confidentiality or the integrity of the meeting or disciplinary process. Reasonable grounds may include, for example, where the proposed representative is a witness or potential witness, has a conflict of interest, was involved in the matters under consideration, is subject to a related process, is unavailable within a reasonable timeframe, refuses to comply with confidentiality or procedural requirements, or where their attendance would otherwise prejudice the fair and orderly conduct of the process.

3.1.7. The Director, Human Resources will convene The Panel to carry out a preliminary assessment process to determine whether a disciplinary investigation is necessary based on the initial facts and circumstances of the matter in accordance with section 4.2.1. The Panel may also determine whether precautionary measures / suspension (if delegated by the President to do so) is required in accordance with section 4.2.2. Where determined to be necessary, The Panel will appoint the Investigator(s) in accordance with section 4.2.3 and on conclusion of the investigation and on receiving the investigation report will determine the next steps in accordance with section 4.2.4.12. In circumstances where the Director, Human Resources is involved or has a conflict of interest, the process outlined in section 4.3 will apply.

3.1.8. Any party nominated as an Investigator or nominated to participate in a Disciplinary Hearing or Appeal Committee will, where possible, be led by a more senior member of staff to the employee against whom the policy has been invoked. Where this is not possible (for example, where there is a conflict of interest) or where there is no-one suitable at the necessary level to fulfil such a role, the University may engage a suitably experienced external third party to fulfil the relevant role. The employee will be notified in writing, of the identity of any proposed third party engaged by the University. The employee may raise any reasonable concern regarding the proposed appointment, such as a conflict of interest or perceived lack of impartiality, which will be considered by the University before the relevant stage proceeds.

3.1.9. Any individual involved in The Panel, Suspension, Investigating, Disciplinary Hearing or Appeal must have had no prior involvement in the matter under investigation, and they must declare any potential conflict of interest by completing the Conflict of Interest Statement (Appendix 3) in advance of their appointment. This requirement is essential to uphold the fairness and integrity of the disciplinary process. If a conflict of interest arises at any stage, the individual must withdraw from the process, and an alternative, impartial person will be appointed. For further details on the definition and management of conflicts of interest, please refer to the University's Conflict of Interest Policy and Procedures.

3.1.10. Where an investigation meeting, disciplinary hearing or appeal is being conducted comprising more than one person, the University will ensure, in so far as is reasonably practicable, a fair gender balance with representation of no less than 33%. The University acknowledges that there may be circumstances where achieving such a gender balance is not appropriate or reasonably practicable.

3.1.11. Should it be impractical to conduct an investigation meeting, disciplinary hearing or appeal face-to-face for any reason, the University may, at its discretion, proceed with the hearing using appropriate technology such as Microsoft Teams.

3.1.12. Any investigation, disciplinary hearing, or appeal meetings held under this policy may, with the employee's prior agreement, be recorded solely for the purpose of preparing an accurate written summary of the meeting. Any such recording will be used only to assist in preparing the written summary and will be securely deleted once the discipline process has concluded. The written summary will be circulated to the relevant parties for review to ensure they accurately reflect the discussions. Any proposed amendments or clarifications should be submitted within the timeframe specified, after which the summary will be finalised and retained as part of the official record of the process. Where an employee does not agree to the meeting being recorded, a note-taker will attend the meeting to prepare the written summary instead.

3.1.13. Any disciplinary sanction imposed will be proportionate to the seriousness of the behaviour or incident, taking into account the circumstances of the case, the employees record, and any mitigating or aggravating factors.

3.1.14. Where it is deemed appropriate and necessary, where an allegation of gross misconduct is involved, the University may suspend an employee on full pay pending the outcome of an investigation and/or the outcome of a disciplinary hearing pursuant to this policy. The decision to suspend an employee with pay may only be made by the President. The President may delegate authority to other employees to suspend an employee with pay, in which case such delegation will be confirmed in writing by the President. In circumstances where the President is involved the process outlined in section 4.3 will apply.

3.1.15. This policy will be implemented in a manner which is consistent with the employee's rights to fair procedures and natural justice which includes the following:

- Disciplinary action, where necessary, is taken promptly and in a fair, uniform and consistent manner;
- The details of any allegations or complaints are put in writing to the employee concerned;
- The employee concerned is given the opportunity to respond fully to any such allegations or complaints;
- The employee concerned is given the opportunity to avail of the right to be represented during the procedure in accordance with section 3.1.5 of this policy;
- The employee concerned has the right to a fair and impartial determination of the issues concerned, taking into account any representations made by, or on behalf of, the employee and any other relevant or appropriate evidence, factors, circumstances;
- The employee is given detailed reasons for decisions taken against them;
- The employee has the right to appeal decisions taken against them.

3.1.16. All individuals involved in the disciplinary process, including those participating in The Panel, Suspension, Investigating, Disciplinary Hearing or Appeal process, are required to maintain strict confidentiality at every stage of the procedure. This obligation covers all information, evidence, discussions, and outcomes, and applies to anyone who has access to such information by virtue of their involvement. Disclosure to any person who is not directly engaged in the process, or who does not have a legitimate need to know, is strictly prohibited.

3.1.17. Both the University and the employee must take all reasonable steps to safeguard the privacy, integrity, and fairness of the disciplinary process, wherever practicable.

3.1.18. Any breach of confidentiality, whether deliberate or inadvertent, will be treated seriously. Such a breach may compromise the process and may itself result in separate or additional disciplinary action in accordance with the University's policies and procedures.

3.1.19. It will be considered a disciplinary offence for any person to intimidate or exert inappropriate pressure on any person who may be required to attend a discipline investigation meeting as a witness.

3.1.20. Where ill health or a disability may have affected the employee's conduct or performance, this matter should be referred to the Human Resources Business Partner where a confidential independent medical assessment may be organised and appropriate supports, e.g. Employee Assistance Programme, may be arranged. In such circumstances, the process will be suspended pending assessment of all competency related issues and a determination on the appropriate way forward.

3.1.21. Where a criminal or regulatory investigation is taking place in relation to the same matter being considered under this policy:

- The Director, Human Resources or a designated representative acting on their behalf, may, at their discretion, temporarily pause the disciplinary process until the external investigation is complete.
- Where the employee has been placed on paid suspension, this suspension may continue until the disciplinary procedure has been concluded.
- The University is under no obligation to delay its internal disciplinary process because of an external criminal or regulatory investigation.
- The University may decide to proceed with disciplinary action regardless of the status of any external investigation.
- Where an internal disciplinary process has already been concluded, the University further reserves the right to reopen and reconsider the matter if:
    - new information arises as a result of a criminal or regulatory investigation; and,
    - that information materially impacts the original findings or outcome.

3.1.22. Where provided for in the employee's contract of employment, the University may:

- pay the employee their basic salary in lieu of their notice period; and/or,
- place the employee on paid leave (garden leave) during their notice period.

4. Related Procedures for Discipline

4.1. Informal Management of Conduct or Performance

4.1.1. In many cases, concerns relating to an employee's conduct or performance can be addressed effectively through informal management, without the need to initiate formal disciplinary procedures.

4.1.2. When an employee's conduct or performance does not meet the expected standards, the line manager should raise the matter with the employee at the earliest suitable opportunity. This should be done informally and confidentially providing the employee with precise details of the specific aspects of their conduct or performance that require improvement, as well as an opportunity to respond, offer context, or raise any contributing factors.

4.1.3. The focus at this stage should be on open communication and support. The manager in consultation with the employee should identify appropriate measures that can be taken to assist the employee to improve their conduct or performance including guidance, support, and any other reasonable measures.

4.1.4. Although informal in nature, it is recommended that an agreed written note of the discussion, including any agreed actions or timescales for improvement, is recorded and a copy provided to the employee. This ensures transparency and helps maintain a shared understanding of expectations.

4.1.5. Many issues can be resolved through this kind of informal dialogue, without the need to move into formal disciplinary procedures. If, however, informal steps do not lead to the required improvement(s), or if the nature of the issue is such that informal resolution is not appropriate, the matter may be managed under the Formal Disciplinary Procedures in accordance with Section 4.2 below.

4.2. Formal Disciplinary Procedures

The disciplinary procedures set out hereunder will be invoked where informal measures have not resulted in the achievement of acceptable standards of conduct or performance or in respect of more serious matters where informal measures are deemed by management to be inappropriate as a first recourse.

4.2.1. **Referral and Preliminary Assessment:**

4.2.1.1. Where a line manager identifies a conduct or performance concern, they should first discuss the matter with their HR Business Partner (HRBP). This discussion will help determine whether the issue can be resolved informally at a local level or whether it may warrant formal consideration.

4.2.1.2. If, following consultation with the HRBP, it is agreed that the matter may require formal investigation, the manager must prepare a written report setting out the details of the concerns, any relevant background information, and supporting evidence and an outline of any previous action taken. This report will be submitted to the Director, Human Resources for initial preliminary assessment. The employee should be advised by their line manager that said written report has been submitted to the Director, Human Resources.

4.2.1.3. The Director, Human Resources will convene The Panel who will arrange for an initial assessment of the report to determine the most appropriate course of action.

4.2.1.4. The purpose of the assessment is to establish whether:

a) there is no case to answer and no further action is required;
b) the matter should be addressed informally by the manager;
c) a formal investigation is necessary to establish the facts; or,
d) the case should proceed directly to a disciplinary hearing in accordance with section 4.2.4.3

4.2.1.5. The assessment will include:

- A review of the written report and supporting documentation received;
- Consultation with the line manager, where deemed necessary;
- Clarification of the alleged facts, where appropriate;
- Whether there appears to be a prima facie case;
- Seeking specialist / legal advice where required should it be deemed necessary to determine the appropriate course of action.

4.2.1.6. Where the assessment concludes that a formal investigation is warranted or that the case should proceed directly to a disciplinary hearing, a decision will then be taken on whether precautionary measures are necessary in line with section 4.2.2 and the appointment of investigator/s in line with section 4.2.3.

4.2.1.7. A brief written record of the assessment, the rational for the decision and any subsequent action will be retained on file.

4.2.1.8. The assessment and any subsequent actions will be carried out in a manner that is fair, consistent, and proportionate. Employees will be informed of the concerns raised and provided with an opportunity to respond at the appropriate stage. Reasonable adjustments will be considered where health, disability, or personal circumstances may have impacted performance or conduct.

4.2.1.9. Following the assessment, the Director, Human Resources will advise the line manager in writing of The Panel's decision. Where it has been determined that there is no case to answer and no further action is required, the matter will be reviewed with the line manager, including the basis on which the report was submitted and any required follow up actions.

4.2.1.10. Where the assessment concludes that a formal investigation is warranted or that the case should proceed directly to a disciplinary hearing, the Director, Human Resources will advise the employee in writing of The Panel's decision.

4.2.2. Precautionary Measures / Suspension

4.2.2.1. The University may decide that interim precautionary measures, which may include suspension, may be required to be put in place pending the outcome of a conduct investigation / disciplinary / appeal process to protect the University and employees.

4.2.2.2. A precautionary measure is not a penalty or a sanction and does not indicate that it has been concluded that the person concerned has committed any wrongdoing and does not imply guilt.

4.2.2.3. Potential precautionary measures may include but are not limited to the following:

- Reassignment to alternative duties or work location;
- Change in reporting lines;
- Restriction of access to systems, premises or interaction with students / colleagues.

4.2.2.4. Any decision made in relation to precautionary measures will be made by The Panel.

4.2.2.5. Should The Panel determine that the University should consider placing the employee off duty i.e. suspending them with pay pending the conclusion of an investigation and or a disciplinary process, the Director, Human Resources will notify the President.

4.2.2.6. In accordance with paragraph 2.2.1.3 above, the President may sub-delegate the authority to suspend an employee to or The Panel. The President or The Panel, if delegated to do so, will determine whether a suspension or other temporary precautionary measure(s) to avoid suspension is necessary.

4.2.2.7. Suspension will only occur after full consideration of the necessity for suspension pending a full investigation of the issues and/or any consequential disciplinary procedures. Documented evidence of decisions taken to suspend an employee will be maintained on file by the University. Depending on the circumstances, suspension may be justified:

I. to prevent repetition of the conduct complained of;
II. to prevent interference with evidence;
III. to protect individuals at risk from the conduct complained of;
IV. to protect the University's business and reputation; and/or
V. to facilitate the proper conduct of an investigation and/or any disciplinary process.

4.2.2.8. Prior to suspending an employee, the employee will be notified of the reasons for the proposed suspension, and, where practicable and appropriate, will be given an opportunity to make representations in respect of the proposed suspension. This can be done through written communication, or by using appropriate technology such as Microsoft Teams, or by holding an in-person meeting.

4.2.2.9. During a period of suspension, The Panel will determine the applicable terms of the suspension and written justification for the decision will be retained on the file. These may include, in whole or in part, that the employee is prohibited from:

- attending at the University's premises;
- accessing the University's systems/data;
- acting or purporting to act, on behalf of the University; and/or,
- contacting University staff or students regarding University business.

4.2.2.10. The employee will be informed in writing by the Director, Human Resources of any suspension or precautionary measure and the reasons for them.

4.2.3. Nomination and Appointment of Investigators

4.2.3.1. Where a concern or allegation of misconduct or persistent poor performance arises, and a preliminary screening has determined that a formal investigation is necessary, The Panel will initiate the process for the nomination and appointment of an investigator(s).

4.2.3.2. Prior to nominating the investigator(s), The Panel, will identify the nature and complexity of the allegations; the specific technical, professional, or expertise required; and any potential conflict of interest.

4.2.3.3. Based on the assessment, The Panel, will nominate a qualified independent internal investigation committee. Where the required specialist expertise or impartiality cannot be found internally an external independent investigator from an approved framework or qualified professional source will be appointed.

4.2.3.4. The approval and rational for the appointment will be recorded in writing.

4.2.4. Discipline Investigation: Establish the Facts

4.2.4.1. Where a concern or allegation of misconduct or persistent poor performance arises, and a preliminary screening has determined that a formal investigation is necessary, a disciplinary investigation will be conducted to establish the facts.

4.2.4.2. The nature of any investigation under this procedure, and the identity of the appropriate Investigator(s), will depend on the complexity and seriousness of the issue and will be a matter for The Panel to determine.

4.2.4.3. Not all cases of alleged misconduct or persistent poor performance require a formal investigation prior to a formal disciplinary hearing. In limited circumstances, where there can be no dispute as to the facts regarding the misconduct or persistent poor performance, which may include where an employee admits to the particular issue or where agreed required standards of improvement have not been completed within agreed timeframes, the University may proceed directly to the disciplinary stage in accordance with section 4.2.5 below. In circumstances of this nature the fact-finding exercise will take place as part of the disciplinary meeting.

4.2.4.4. In addition, an investigation carried out under another University policy or procedure may constitute an investigation for the purposes of this section i.e. the University will be entitled to proceed directly to the disciplinary stage in accordance with section 4.2.5 below in reliance on the findings of any investigation carried out under that other policy or procedure. Examples of policies and procedures setting out such investigation procedures are as follow:

- Anti-Fraud and Corruption Policy
- Procedure for Managing Allegations of Misconduct in Research
- Protected Disclosures Policy
- Dignity & Respect, Sexual Violence & Harassment – Formal Complaints Investigation Procedure (Employees)And or any other relevant University Policy or Procedure

4.2.4.5. The investigation will be conducted in line with Terms of Reference devised by the Investigator(s).

4.2.4.6. An employee will be provided with a copy of the Terms of Reference together with written notice of the issues under investigation and any documentary evidence held by the University. An employee may also make written submissions to the Investigator(s) during the investigation stage which will be taken into account during the investigation, save where the Investigator(s) deems such submissions to be inappropriate, excessive or irrelevant.

4.2.4.7. The employee will have the right to be accompanied to any investigation meetings in accordance with sections 3.1.5 and 3.1.6 above.

4.2.4.8. As part of the investigation process, the employee will be provided with a fair opportunity to respond to all statements, evidence, or allegations made by any person interviewed or consulted during the investigation, and the chance to clarify, challenge, or provide additional context before any decision is reached.

4.2.4.9. The employee has the right to request the Investigator(s) to interview any person whom the employee believes has relevant information in respect of the matter(s) under investigation. The Investigator(s) will determine whether or not to interview any such person.

4.2.4.10. The Investigator(s) may require any employee or other person within the University who they reasonably believe has information relevant to the matter under investigation to participate in the investigation process. Any person required to participate must cooperate with reasonable requests made by the investigator(s), which may include attending meetings, answering relevant questions, providing documents or other evidence. Participants are expected to cooperate honestly, promptly, and confidentially.

4.2.4.11. On conclusion of the investigation the Investigator(s) will issue a written Investigation Report containing methodology, findings of fact, and all conclusions reached will be based on the 'balance of probabilities' test to the Director, Human Resources or their HR Panel nominee.

4.2.4.12. Upon receiving the investigation report, the Director, Human Resources or their HR Panel nominee, will provide The Panel with a copy of the report. The Panel will review the Investigation Report to ensure the investigation was thorough, impartial, and compliant with the Discipline policy and associated procedures. Based on the investigation findings, they will determine whether the matter should proceed to a disciplinary hearing, be resolved informally, or require such further action deemed appropriate, or no further action. The Director, Human Resources or their HR Panel nominee will notify the employee of the outcome in writing.

4.2.4.13. Should The Panel decide to convene a disciplinary hearing, the employee will be provided with written notice of the allegations and all relevant evidence that will be considered as part of the disciplinary proceedings. This includes copies of any investigation reports, witness statements (where appropriate) and all relevant supporting documentation.

4.2.4.14. The disciplinary hearing will be arranged and managed in accordance with Section 4.2.5 below, and depending on the circumstances, the University reserves the right not to apply the stages of the disciplinary process progressively.

4.2.5. Disciplinary Hearing

4.2.5.1. The purpose of a disciplinary hearing is to ensure that any decision regarding alleged misconduct or performance concerns is made in accordance with the principles of natural justice and fair procedures. The hearing provides an opportunity for the employee to hear and understand the allegations or concerns, respond to the evidence presented, provide any relevant explanation or mitigating circumstances, and put forward any information they wish to have considered before an outcome is reached.

4.2.5.2. The disciplinary hearing is an independent stage and is not a predetermined outcome or a ratification of any prior investigation findings.

4.2.5.3. The disciplinary hearing will be conducted by impartial persons nominated by The Panel thereafter known as the “Disciplinary Hearing Committee”.

4.2.5.4. The Disciplinary Hearing Committee will be independent of the investigation process. No person involved in the investigation or in forming the initial view that a disciplinary hearing was warranted may sit on the committee.

4.2.5.5. The Disciplinary Hearing Committee will be conducted by:

- Two senior University employees,
- In cases of alleged Gross Misconduct, one must be a member of the Executive Committee,
- A senior HR representative.

A Chairperson will be appointed to ensure fair procedures are observed.

4.2.5.6. The Disciplinary Hearing Committee, where possible, should be constituted within ten working days of the Director, Human Resources or their HR Panel nominee notifying the employee of the decision to convene a disciplinary hearing.

4.2.5.7. The Disciplinary Hearing Committee will designate one of the nominated persons to serve as the chairperson of the Disciplinary Hearing Committee.

4.2.5.8. The Chairperson will convene a disciplinary hearing, where possible, within twenty working days of the date on which the Disciplinary Hearing Committee was established.

4.2.5.9. The employee will receive a minimum of ten working days' written notice of the disciplinary hearing including:

- Full details of the allegations,
- Copies of all evidence to be relied upon,
- The possible consequences, including potential disciplinary sanctions,
- The date, time, and location of the hearing,
- Confirmation of the right to representation.

4.2.5.10. At this hearing, the employee will be given the opportunity to provide an explanation in relation to the matter under consideration. This explanation will be fully considered before any decision is made on whether to impose a disciplinary sanction. The hearing will also include:

- A clear outline of the allegations and the supporting evidence,
- A full opportunity for the employee to respond, present their case, and raise any relevant evidence or mitigating factors,
- An opportunity for the employee to question or challenge the evidence presented.

4.2.5.11. The employee and the Disciplinary Hearing Committee will have the right to invite a person or persons with relevant knowledge of the matter under investigation or the matter before the disciplinary hearing, to attend and speak at the disciplinary hearing. Where such a person is invited to speak, the other party shall ordinarily be afforded an opportunity to question that person. However, the University may determine that face-to-face or direct questioning is not appropriate or practicable in the circumstances. This may arise, for example, where there are concerns regarding the welfare or wellbeing of any individual, the sensitivity of the evidence, the availability or location of the person, or the need to preserve the fairness and orderly conduct of the disciplinary process. Where the University determines that face-to-face or direct questioning is not appropriate or practicable, the employee shall be afforded an alternative means of questioning or challenging the evidence, as considered appropriate by the University. This may include, but is not limited to, submitting questions in writing, having questions put through the Chair of the Disciplinary Hearing Committee, questioning the person remotely, or such other arrangements as the University considers appropriate in the circumstances.

4.2.5.12. Following the process outlined above, the Disciplinary Hearing Committee will decide to what extent, if any, action should be taken. In reaching a decision in relation to this matter, the committee will consider:

i. The evidence presented;
ii. The credibility and reliability of that evidence;
iii. The employee's explanation and any mitigating circumstances;
iv. The principles of proportionality; and
v. The employee's disciplinary record.

4.2.5.13. The Disciplinary Hearing Committee may decide that no disciplinary action is warranted. Where the Disciplinary Hearing Committee finds that misconduct, gross misconduct, or persistent poor performance has occurred, it may decide to impose a disciplinary sanction. The level of the sanction will depend on the seriousness of the issue, any mitigating circumstances, and the employee's disciplinary record. If it is decided that disciplinary action is appropriate, sanctions may include, but will not be limited to, one or more of the following as detailed in section 4.2.6 below:

i. Verbal warning;
ii. First written warning;
iii. Final written Warning;
iv. Further action short of dismissal;
v. Dismissal

4.2.5.14. The chairperson of the Disciplinary Hearing Committee will notify the employee in writing of the outcome of the disciplinary hearing no later than ten working days after the conclusion of the disciplinary hearing. Where a decision has been reached to take disciplinary action, the University will defer the implementation of the proposed disciplinary action, in order to allow the employee an opportunity to appeal the decision in accordance with the procedure outlined in Sections 4.2.7 / 4.2.8 below.

4.2.5.15. If notification of an appeal is not received from the employee concerned within the period specified in Section 4.2.7 / 4.2.8 below, the disciplinary action will take effect immediately. Where the employee withdraws the appeal or is not engaging in the appeal process, the University will implement the disciplinary action with immediate effect.

4.2.6. Formal Disciplinary Sanctions:

Stage 1 - Verbal Warning

Should a matter arise which, in the opinion of the University, warrants disciplinary action, the employee will be issued with a verbal warning. The verbal warning will be recorded in writing. A copy of this warning will be placed on the employee's personnel file and the employee will be notified in writing (i) that this is a first warning and constitutes the first stage of the formal disciplinary process; (ii) of any areas of their conduct and/or performance which require improvement; and (iii) that their failure to improve such conduct and/or performance or a further matter in respect of conduct or performance may give rise to further disciplinary action. A verbal warning will remain active for a period of 6 months. The 6 month period relates to a continuous period of the employee being at work, and any period of absence arising from leave (such as sick leave etc) will be discounted during this period. Should there be no further breaches in a six-month period, the warning will be deemed to have expired.

Stage 2 - First Written Warning

Should a further matter arise following a verbal warning, or if a conduct or performance matter is deemed sufficiently serious by the University to warrant disciplinary action without prior warnings, the employee will be issued with a written warning. A copy of this warning will be placed on the employee's personnel file and the employee will be notified in writing (i) that this is a written warning and constitutes the second stage of the formal disciplinary process; (ii) of any areas of their which require improvement; and (iii) that their failure to improve such conduct and/or performance or a further matter in respect of conduct or performance may give rise to further disciplinary action. A first written warning will remain active for a period of 12 months. The 12 month period relates to a continuous period of the employee being at work, and any period of absence arising from leave (such as sick leave etc) will be discounted during this period. Should there be no further breaches in a 12-month period, the warning will be deemed to have expired.

Stage 3 - Final Written Warning

Should a further matter arise following a written warning, or if a conduct or performance matter is deemed sufficiently serious by the University to warrant disciplinary action without prior warnings, the employee will be issued with a final written warning. A copy of this warning will be placed on the employee's personnel file and the employee will be notified in writing (i) that this is a final written warning; (ii) of any areas of their conduct and/or performance which require improvement; and (iii) that their failure to improve such conduct and/or performance or a further matter in respect of conduct or performance may give rise to further disciplinary action including dismissal of the employee. A final written warning will remain active for a period of 18 months. The 18 month period relates to a continuous period of the employee being at work, and any period of absence arising from leave (such as sick leave etc) will be discounted during this period. Should there be no further breaches in an eighteen-month period, the warning will be deemed to have expired.

Further Action short of Dismissal

In circumstances where an offence is particularly serious but still falls short of warranting dismissal, the Disciplinary Hearing Committee may give consideration to other disciplinary action in conjunction with a formal written warning, including:

- demotion in grade; and/or,
- transfer to other duties.

Stage 4 - Dismissal

Should a further matter arise following a final written warning, or if a conduct or performance matter constitutes Gross Misconduct and deemed sufficiently serious by the University to warrant disciplinary action without prior warnings, the University may decide to dismiss the employee. In reaching a decision in relation to this matter, the University will also take account of any other matters which it considers relevant. These matters will include:

(a) any mitigating circumstances; and,
(b) the employee's employment record.

4.2.7. Disciplinary Appeal

4.2.7.1. The purpose of a disciplinary appeal is to provide employees with a fair and transparent process to challenge a disciplinary decision believed to be unreasonable, disproportionate, or procedurally flawed. The appeal is not a re-investigation of the matter which gave rise to the discipline hearing, but a review to ensure that the decision was based on fair procedures, reasonable evidence, and consistent application of the policy and procedures. Valid grounds for an appeal may include:

- Procedural Flaws - the provisions of this policy and procedure were not adhered to.
- Unreasonable or disproportionate sanction - the decision taken is not justifiable in light of the conduct / performance or evidence presented.
- Material new evidence - significant and relevant information that could not reasonably have been available at the original hearing, and that may affect the fairness or outcome of the decision.

4.2.7.2. In conducting the appeal, the Appeal Committee will have access to all relevant material relating to the disciplinary process.

4.2.7.3. The Appeal Committee will determine all matters relating to the process to be adopted in the course of the appeal. However, as part of that process, the Appeal Committee will adhere to the following arrangements:

(a) The employee will have the right to be accompanied to the appeal hearing in accordance with sections 3.1.5 and 3.1.6 above.
(b) The Appeal Committee will have the right to invite a person or persons with relevant knowledge of the matter that is under appeal to speak at any appeal hearing in connection with the employee's grounds of appeal. If the Appeal Committee decides to invite such persons, the employee will have the right to question any such person(s), unless the Appeal Committee decides that it is inappropriate to permit this. In such eventuality, the employee will be entitled to question the person or persons with relevant knowledge by another means considered appropriate by the Appeal Committee.
(c) The Employee will have the right to invite a person or persons with relevant knowledge of the matter that is under appeal to speak at any appeal hearing in connection with their grounds of appeal. If the Employee decides to invite such persons, the Appeal Committee will have the right to question any such person(s).
(d) The Appeal Committee will conduct the appeal impartially and the employee will be afforded the opportunity of having their grounds of appeal heard fully and given due consideration.

4.2.7.4. Having heard the appeal, the Chairperson of the Appeal Committee will convey in a written report the decision of the Appeal Committee stating either that:

(a) The appeal should be upheld; or,
(b) The appeal should not be upheld,

and if the appeal should be upheld, whether any disciplinary action should be taken in substitution for the sanction which is the subject of the appeal. The report will state the reasons for the recommendation.

4.2.7.5. Within 10 working days of the appeal hearing, the decision of the Appeal Committee will be notified to the employee and the Director, Human Resources in writing and in cases of dismissal appeals to the Governing Authority.

4.2.7.6. The Director, Human Resources will take the necessary action to implement the Disciplinary Appeal Committee's decision. Such action will be taken where possible within 5 working days of receiving the outcome of the appeal process.

4.2.7.7. The decision of the Appeal Committee is final and will not be subject to any further review within the University. This does not preclude the employee from pursuing any external industrial relations mechanisms or legal remedies available to them.

4.2.8. Appeal of Decision (Stages 1-3) / Actions Short of Dismissal Procedure

4.2.8.1. An employee may appeal against any decision to take formal disciplinary action to the Director, Human Resources provided that such appeal is submitted in writing specifying the grounds of appeal (see section 4.2.7. above) within ten (10) working days from the date of notification to the employee of the decision to take disciplinary action.

4.2.8.2. Any disciplinary appeal will be conducted by persons nominated by the Director, Human Resources (Appeal Committee) as follows:

1. Three senior University employees who hold a position at the same level or higher than those who participated in the disciplinary hearing; and,
2. A senior member of the Human Resources Division participating in an advisory / co-ordination capacity only.

4.2.8.3. Where possible, the disciplinary Appeal Committee should be established within ten working days of the Director, Human Resources receiving the notice of appeal.

4.2.8.4. The Appeal Committee, will designate one of the nominated persons to serve as the chairperson of the committee.

4.2.8.5. The Chairperson will convene an appeal hearing, where possible, within twenty (20) working days of the date on which the Appeal Committee was established.

4.2.9. Appeal of Decision to Dismiss Procedure

4.2.9.1. An employee may appeal to the Governing Authority against a decision taken by the University to dismiss them provided that such appeal is submitted in writing, specifying the grounds of appeal in accordance with section 4.2.7 above, to the Secretary to the Governing Authority within four (4) weeks from the date of notification to the employee decision to dismiss them.

4.2.9.2. On receipt of such an appeal, the Secretary to the Governing Authority will notify the Governing Authority that an appeal against an employee's dismissal has been received. The Governing Authority will then appoint the disciplinary Appeal Committee as set out below.

- Two external members of Governing Authority
- The President or their nominee

4.2.9.3. The Appeal Committee should be constituted within twenty (20) working days. Where an employee has been dismissed and submits an appeal, they will not be permitted to return to work for the duration of the appeal process.

4.2.9.4. The Governing Authority will designate one of the nominated persons to serve as the chairperson of the disciplinary Appeal Committee.

4.2.9.5. The Chairperson will convene an appeal hearing, where possible, within twenty-eight (28) working days of the date on which the Appeal Committee was established.

4.3. President / Director, Human Resources subject to / involved in Disciplinary Proceedings

4.3.1. In circumstances where the President is the subject of disciplinary proceedings, is directly involved in the matter under review (whether as a complainant, witness, or in any other capacity), or where there is another valid reason to do so, the President shall be excused from performing any related functions. In such cases, the Governing Authority will retain its power of suspension, dismissal and all responsibilities and duties outlined in this policy that would otherwise have been carried out by the President or their nominee.

4.3.2. In circumstances where the Director, Human Resources is the subject of disciplinary proceedings, is directly involved in the matter under review (whether as a complainant, witness, or in any other capacity), or where there is another valid reason to do so, the Director, Human Resources shall be excused from performing any related functions. In such cases, the President or his nominee will retain all responsibilities and duties outlined in this policy that would otherwise have been carried out by the Director, Human Resources.

4.4. Investigation / Discipline of employees who are members of the Governing Authority

4.4.1. Before commencing an investigation or disciplinary process against an employee who is also a Governor, the President must inform the Chancellor of the University of the proposed investigation/disciplinary process. The Chancellor must review the facts and on doing so be satisfied, that the action is not being taken because of the employee's legitimate work as a member of the Governing Authority. Only then can the investigation or disciplinary process proceed.

5. Related Documents

5.1 Statute No. 4 of the University of Limerick

5.2 Probation Policy

5.3 Policy for Conflict of Interest

5.4 Code of Conduct for Employees

5.5 Social and On Line Media Use Policy

5.6 Dignity and Respect Policy and Procedure for Students and Employees

5.7 Sexual Violence and Harassment Policy for Students and Staff

5.8 Research Integrity Policy

5.9 Anti Fraud Policy

5.10 Official Hospitality Policy

5.11 ITD Policies & Procedures

6. Appendices

6.1 Appendix 1: Examples of Misconduct

6.2 Appendix 2: Examples of Gross Misconduct

6.3 Appendix 3: Conflict of Interest Statement

6.1. Appendix 1: Examples of Misconduct

Misconduct is conduct that is considered to be unacceptable or inappropriate in the workplace. It is behaviour that falls below acceptable standards, but which is not considered to be gross misconduct. Misconduct can be a single act, or a series of acts. What constitutes misconduct may vary depending on the particular circumstances of the Faculty/Division/Department and the work that the employee is carrying out.

The following examples of behaviour, which are non-exhaustive, may lead to disciplinary action and, if repeated, may progress through the stages of the disciplinary procedure and lead to dismissal. More serious instances of the following types of misconduct may amount to gross misconduct (as defined in Appendix 2).

A non-exhaustive list of examples of misconduct is set out below:

- Persistent lateness or absenteeism without reasonable explanation;
- Unauthorised absence;
- Inappropriate or unprofessional language or behaviour;
- Behaviour which could bring the University into disrepute, subject to the provisions of the Protected Disclosures Act 2014;
- Minor breach of a workplace policy or procedure;
- Research misconduct and/or other unacceptable practices as such terms are defined, from time to time, in the University's Procedure for Managing Misconduct in Research; Research Integrity Policy or other relevant University policy which is issued;
- A refusal to carry out a reasonable request, instruction or procedures;
- Negligence in carrying out duties;
- Breaches of health and safety regulations;
- Being under the influence of an intoxicant at work;
- Misuse of University property or systems;
- Misconduct can include inappropriate behaviour outside the workplace which has a negative impact or could reasonably be likely to have a negative impact within the workplace or to bring the University into disrepute.

6.2. Appendix 2: Examples of Gross Misconduct

Gross misconduct is misconduct which is sufficiently serious to warrant dismissal or other serious sanction. It is a serious breach of the University's rules and procedures or of recognised and accepted standards and behaviour which results in a breakdown of the relationship of trust and confidence between the University and the employee.

A non-exhaustive list of examples of gross misconduct is set out below:

- Dishonesty, theft, fraud, irregularity, embezzlement, misappropriation of funds, bribery or corruption;
- criminal behaviour (including a conviction in respect of or pleading guilty to any criminal offence(s)) and/or knowingly acting in an illegal way that is prejudicial to the University's interests and/or reputation;
- Assault, violent or threatening behaviour;
- Refusal to carry out legitimate instruction;
- Serious and/or repeated non-adherence to the University codes of practice, policies and procedures;
- Falsification of information supplied during the employment process including application form, references, medical form or verbally at interview, etc;
- Falsification of records, violation or misuse of confidential information or University property, material or equipment (including the University's computer systems);
- Falsification of company records, including personnel related records, time sheets, medical certificates, expenses, etc;
- Unauthorised absence/unacceptable attendance levels and/or repeated failure to comply with sick leave policies;
- Unauthorised entry/access to computer and/or other records/files, using the University's computers/networks to access pornography or any other materials considered inappropriate by the University;
- Serious breaches of health and safety rules and/or deliberate disregard for health and safety precautions likely to endanger any person;
- Reporting to or attending at work while being under the influence of alcohol or illegal drugs; or the misuse of medication; or the possession, use or supply of illegal drugs;
- Discrimination, bullying, harassment, sexual harassment, sexual violence, indecent or offensive behaviour;
- Possession of an offensive weapon on campus;
- Disrespect for the law, e.g. illegal activity /criminal conviction that has implications for the employee's employment whether it relates to an alleged wrong inside or outside the employment;
- Fraudulent misrepresentation of qualifications, licenses, certifications, experience, or other employment-related credentials, whether during recruitment, appointment, promotion, or at any time during employment;
- Research misconduct and/or other unacceptable practices as such terms are defined, from time to time, in the University's Procedure for Managing Misconduct in Research, Research Integrity Policy, or other relevant University policy which is issued;
- Bringing the University into disrepute, subject to the provisions of the Protected Disclosures Act 2014;

- Serious breach of confidentiality or data protection regulations;
- Serious and/or repeated acts of negligence or incompetence;
- Serious and/or repeated disruptive/offensive behaviour;
- Breach of trust and confidence (e.g. dishonesty, deliberately providing false information, knowingly concealing information, misuse of position, or any conduct that significantly damages the trust and confidence necessary for the continuation of the employment relationship);
- Serious breach of information technology policies and procedures;
- Failure to disclose potential and/or actual conflicts of interest, including where such conflicts include family members and/or connected persons;
- Improper influence, to make a personal gain (including financial gain) and/or improper influence to make a gain (including financial gain) for family and/or other connected persons;
- Acceptance of improper gifts/hospitality, e.g. from commercial organisations.

6.3. Appendix 3: CONFLICT OF INTEREST STATEMENT

NOTE: READ THE POLICY FOR CONFLICTS OF INTEREST IN DETAIL BEFORE COMPLETING THIS FORM

A conflict of interest arises where an individual involved in The Panel, Suspension, Investigation, Discipline Hearing or Appeal of a Disciplinary matter has a personal, professional, or financial interest that could reasonably be perceived to compromise their impartiality or objectivity.

It is important to note that a finding of a conflict of interest does not mean that the individual would act inappropriately but rather that the conflict of interest could potentially give rise to such a perception in the minds of an objective observer.

For further details on the definitions and management of Conflicts of Interest, please refer to the University's Conflict of Interest Policy and Procedures found Here.

Part A – To be Completed by an individual involved in The Panel, Suspension, Investigation, Discipline Hearing or Appeal

Name	
Role	
Date	
Declaration of Conflict of Interest	☐ **I have no conflicts of interest to declare** ☐ **I have a perceived or potential conflict of interest to declare** [Please describe the nature of the situation that could develop into an actual or perceived conflict of interests] ☐ **I have an actual conflict of interest to declare:** [Please describe the nature of the interest(s) which may be in conflict] [Please state when you became aware of the conflict]

	[Please set out the benefit which might accrue to you (or a connected person) should this conflict go unmanaged]
Declaration	***I acknowledge the Policy on Conflicts of Interest and declare the above interests. I confirm that I have no other activities, responsibilities or ownership entitlements that might lead to a conflict of interest situation.*** ***I acknowledge that I have a continuing obligation to declare any conflict of interest that may arise in the future.*** ***I understand that failure to disclose a relevant conflict may be treated as a serious matter and could result in my removal from participation in the Disciplinary process or other appropriate action.***
Signature	

Part B – To be Completed by HR Employee Relations

Date notified	
Acknowledged by	
Conflict of Interest Management	[If conflict or potential conflict has been declared please set out how HR proposes to manage this conflict]
Any further detail or information	

7. Document Control

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