

Policy Name: Disciplinary Policy

Policy Title:	Disciplinary Policy
Description:	The purpose of this policy is to set out the steps Marino Institute of Education (MIE) will apply in informal and formal disciplinary action regarding MIE employees and the associated appeal process.
Author (Position):	Director of Human Resources
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Approved By:	MIE's Governing Body
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Disciplinary Policy

1. Purpose and scope

Marino Institute of Education (“**MIE**”) wishes to ensure that it maintains the highest possible standards in all its activities. MIE aims to promote consistent and agreed codes of conduct and standards of behaviour within MIE.

The purpose of this Disciplinary Policy (the “**Policy**”) is to ensure that employees of MIE are treated fairly in the investigation and handling of allegations of unacceptable conduct, attendance or capability issues. This Policy applies to all employees who have successfully completed their probationary period (including any extension thereof).

This Policy sets out the current MIE policy in relation to disciplinary action, taking into account the Code of Practice on Grievance and Disciplinary Procedures of the Workplace Relations Commission. However, in exceptional circumstances MIE reserves the right to make any changes and amendments to this Policy that it considers necessary, at any time, at its sole discretion.

MIE reserves the right to depart from the precise requirements of this Policy where it is expedient to do so and where the resulting treatment of the employee is no less fair. While it is typically preferable to adopt an incremental approach, MIE reserves the right to skip stages of this Policy where in MIE’s opinion, it is appropriate to do so, either due to the seriousness of the allegation or complaint, or otherwise.

All cases of disciplinary action under this Policy will be recorded and placed in MIE’s records and on the employee’s personnel file. Such records will be retained in accordance with MIE’s Records Retention Schedule. A copy of MIE’s disciplinary records concerning you may be supplied to you at your request.

2. The Procedure

Investigation

Disciplinary action will not be taken without an appropriate investigation of the facts by MIE into the matter complained of. In some cases, a formal investigation may not be required, this is a matter for MIE to determine in their sole discretion.

If appropriate, MIE may, by written notice, suspend you on full pay for a specified period while the investigation takes place. If you are so suspended your contract of employment will

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continue together with all your rights including the payment of salary, but during the period of suspension you will not be entitled to access to any of MIE's premises except at the request or with the prior consent of MIE and subject to such conditions as MIE may impose.

The decision to suspend you will be notified to you and confirmed in writing.

Wherever possible, the investigation into an allegation of a breach of MIE policy will be carried out by a senior employee of MIE who is not in any way involved with the allegation which is being investigated.

Disciplinary action

(A) Informal Procedure

In the first instance, where MIE considers it appropriate, MIE will attempt to resolve any complaint in an informal manner with the employee.

Where such a discussion is either not appropriate in the circumstances, or fails to resolve the issue, the formal procedure will apply.

(B) Formal Procedure

Under the formal procedure, before any disciplinary action (including warnings) is decided upon you will be called to a disciplinary hearing to discuss the allegations against you.

In advance of the disciplinary hearing you will be given:

- prior notice of the date of the proposed disciplinary hearing;
- details of the complaint(s) against you; and
- a copy of any supporting evidence which MIE will refer to and/or rely on at the disciplinary hearing.

You may be supported at the disciplinary hearing by a colleague (other than an employee the subject of current disciplinary action in respect of the same complaint) or a trade union representative. Additional representation can be considered by MIE on a case-by-case basis. You must inform the HR team of your chosen representative in advance of the disciplinary hearing. MIE reserves the right to refuse your chosen representative attendance at the disciplinary hearing where, for example, in the reasonable opinion of MIE, his/her attendance would hinder the effective running of the disciplinary hearing. You will be given the opportunity to change your chosen representative.

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At the disciplinary hearing you will again be informed of the complaint(s) against you, and you will be given an opportunity to state your case and provide any mitigating evidence on your behalf.

The disciplinary hearing may be adjourned if necessary to make further enquiries or for any other reason.

If you fail to attend the disciplinary hearing when notified, the disciplinary hearing may continue in your absence unless there are exceptional circumstances that prevent your attendance.

After the hearing you will be notified of the decision and the nature of any disciplinary action (if any) to be taken.

NOTE: MIE reserves the right to continue with a disciplinary process notwithstanding the fact that an employee raises a grievance in relation to the subject matter of the disciplinary process or otherwise.

Where MIE considers that a disciplinary sanction is appropriate, there are four possible sanctions which could result.

1. **Verbal warning:** You will be advised of the reason for the warning, that it is the first stage of the procedure and of your right to appeal. A note of the warning will be kept on your personnel file. The warning will remain on file for 6 months after which time it will lapse subject to satisfactory attendance, conduct and performance. You will be advised if you commit a further offence during the period specified in the warning, further disciplinary action will be taken.
2. **First written warning:** You will be advised in writing of the reason for the warning. You will also be advised of your right to appeal. A copy of the warning will be kept on your personnel file. The warning will remain on file for 9 months after which time it will lapse subject to satisfactory attendance, conduct and performance. You will be advised if you commit a further offence during the period specified in the warning, further disciplinary action will be taken.
3. **Final written warning:** You will be advised in writing of the reason for the warning. This warning will state, if you commit a further offence during the period specified in it, your employment will be terminated. You will also be advised of your right to appeal. A copy of the warning will be kept on your personnel file. The warning will remain on file for 12

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months after which time it will lapse subject to satisfactory attendance, conduct and performance.

4. Dismissal or other sanction: The decision to dismiss you will not be taken without reference to the appropriate Head of Department and Director of Human Resources and will be notified to you in writing. You will be told that you have a right to appeal against the decision.

As an alternative to dismissal, MIE reserves the right instead to suspend you without pay, transfer your employment or transfer you to another position, demote you, bar you from promotion or apply such other sanction as MIE deems appropriate in the circumstances.

In instances of gross misconduct, MIE reserves the right to dismiss you summarily without notice or pay in lieu of notice. The following is a non-exhaustive list of what MIE considers constitutes **gross misconduct**:

- theft or falsification of records e.g. MIE documentation, expense claims or attendance records etc;
- being in possession of or being under the influence of non-medically prescribed drugs whilst on MIE premises;
- being under the influence of alcohol whilst on MIE business;
- violent, abusive, bullying or intimidating conduct;
- serious act of sexual, racial or other harassment;
- malicious damage to MIE's, its clients or other employees' property;
- flagrant disregard of MIE procedures, rules and regulations;
- gross negligence;
- serious breach of duty;
- serious breach of trust;
- actions that damage the reputation of MIE or bring it into disrepute;
- any action constituting a criminal offence that makes an employee unsuitable for employment;

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- unauthorised use or disclosure of confidential information;
- failure to disclose correct information on an Application Form or CV;
- breach of Health and Safety rules which endanger the health and safety of others; and
- acts of dishonesty.

(C) Appeal

You have a right to appeal against any disciplinary decision. You should inform the Director of Human Resources in writing of your wish to appeal within ten working days of the date of the decision setting out the grounds of your appeal.

Disciplinary sanctions will take effect automatically pending the outcome of any appeal hearing. For the avoidance of doubt where a decision to terminate is appealed and the dismissal is upheld, the date of termination of employment is the date of the original decision and not the date of the appeal.

The appeal hearing will be conducted by a mutually agreed individual as soon as possible after it is lodged. The mutually agreed individual will decide whether the appeal is dealt with orally and/or in writing.

The outcome of the appeal hearing will be final.

3. Review

In exceptional circumstances MIE reserves the right to make any changes and amendments to this Policy as it considers necessary and appropriate at its sole discretion.

4. Related Documents

- [Code of Practice on Grievance and disciplinary Procedures](#)
- [Contract of Employment](#)
- [Unfair Dismissals Act, 1977 - 2015](#)
- [Minimum Notice and Terms of Employment Acts, 1973-2005](#)
- [MIE Staff & Students Code of Conduct for Use of IT Systems](#)
- MIE [Record Management Policy](#)
- [MIE Records Retention Schedule](#)