



**THE NATIONAL UNIVERSITY OF IRELAND,  
MAYNOOTH**

**CHAPTER III (Revised)**

**2022**

**EMPLOYEE DISCIPLINARY MATTERS,  
TERMINATION OF EMPLOYMENT**

<b>Policy Approval and Review</b>	
<b>Policy Version No.</b>	<b>1.0</b>
<b>Committee</b>	<b>Date Approved</b>
University Executive	23.08.2022 & 30.08.2022
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Governing Authority	

### **Version Control Form**

<b>Version</b>	<b>Date</b>	<b>Changes Made</b>	<b>Individual Responsible</b>

This Policy will be formally reviewed by the University Executive every four years.

## **SECTION 1: REPLACEMENT OF CHAPTER III OF THE NATIONAL UNIVERSITY OF IRELAND, MAYNOOTH STATUTES**

**Chapter III is hereby replaced by the following amended text:**

### **DISCIPLINARY STATUTE**

#### **General Principles**

1. It is essential that all employees of Maynooth University are managed appropriately, fairly and consistently in all aspects of their work. Most problems relating to performance and/or conduct can be dealt with before reaching the point at which disciplinary action is contemplated by the University within normal management practices.
2. Where performance and/or conduct problems cannot be resolved informally, they must be managed in accordance with the process set out in this Statute, in a manner that protects the dignity and respect of the employee.
3. 'Misconduct' encompasses any act or omission that breaches acceptable standards in the workplace or in the course of employment and includes the failure to follow University policies and procedures. In some instances, misconduct may also include inappropriate behaviour outside the workplace which has the potential to impact on employee relations in the workplace, to cause reputational and/or other damage to the University and/or to risk bringing the University's name into ill repute (for example by reports in the press) and to cause the University to genuinely lose trust and confidence in the employee. Conduct, for the purpose of this Statute, is referred to as 'performance issues', which may result in a disciplinary sanction being imposed. This may also include a failure to improve performance where performance issues have previously been raised with the employee, but the required improvements had not been made within the expected timescale.
4. Where disciplinary action is taken or proposed, the University will ensure that employees are dealt with in a fair and equitable manner, in accordance with the Universities Act 1997 and the Industrial Relations Act 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order, 2000, which has the following general principles:
  - 4.1 details of any allegations or complaints are put to the employee concerned;
  - 4.2 the employee concerned is given the opportunity to respond fully to any such allegations or complaints;
  - 4.3 the employee concerned is given the opportunity to avail of the right to be represented during the process; and
  - 4.4 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, or circumstances.

5. A member of academic staff of the University shall have recognised freedom, within the law and their contracted duties, 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, consistent with the Universities Act 1997.
6. It is essential for the operation of this Disciplinary Statute that all employees co-operate fully in any disciplinary process. An employee who fails to co-operate in a disciplinary process will be in breach of the employee's terms of employment and subject to appropriate disciplinary action.
7. This Disciplinary Statute applies to all Maynooth University employees except any employee who is within their probationary period. In which case, any work-related or performance and/or conduct issues will be dealt with through the relevant policy.

### **Suspension of Employee**

8. In certain cases, the University may have to consider suspending an employee with pay, pending the conclusion of an investigation and/or a disciplinary process. Suspension can occur at any stage during this process. The decision to suspend an employee as a precautionary measure should depend on the seriousness of the situation. The suspension shall be neutral in nature, and it shall not influence the outcome of an investigation or infer any wrongdoing on the part of the suspended employee.
9. Employees may be suspended where there are legitimate concerns relating to a range of issues, such as, but not limited to, the prevention of a repetition of the suspected conduct; the potential for intimidation or interference with witnesses or evidence; the safety, health and welfare of employees; and/or to protect the University's business and/or its reputation. This list is illustrative only, and cases should be assessed on their own merits. Prior to deciding to suspend an employee, the employee should, where circumstances reasonably allow, be advised of the reasons why suspension is being considered. The employee should be given the opportunity, if the employee wishes, to respond to that proposal and afforded the right of representation by a colleague of their choice, a colleague who is an elected Union representative or an official of a recognised union.
10. Where an employee is put on suspension, they should be asked to confirm their current home address and contact details so the University can contact them with the next steps of the process. As an alternative to suspension, an employee may be given the option of taking voluntary leave (with pay) for a reasonable and specified period. Any suspension or voluntary leave (with pay) should be kept under review and should not be unnecessarily protracted.

11. During any period of suspension or voluntary leave, an employee shall not be permitted to attend at the University's premises and/or make contact with employees or students of the University without the prior written consent of the University and should ordinarily not be permitted to have access to Maynooth University's information technology systems. Any employee being placed on suspension must confirm their non-Maynooth University email address prior to access to University IT systems being denied. Further details on accessing campus, University resources and/or contacting members of the University community will be provided to the employee at the time of suspension and will be dealt with on a case-by-case basis.

### **Assignment of Functions**

12. For the purposes of this Disciplinary Statute, where the term "nominee" appears, it should be taken to include any other employee to whom relevant functions have been assigned by the President or Director of Human Resources as appropriate. Where the term "Relevant Decision Maker" appears, the term should be taken to refer to the appropriate person who is appointed as part of this process by the Director of Human Resources or nominee.

### **Informal Management of Conduct and Performance**

13. It is expected that if the conduct and/or performance of an employee is not of a standard required by the University, this will be brought to the employee's attention at the earliest opportunity by local management. The employee should be given the opportunity to offer an explanation and comment before any decision to invoke the disciplinary process is taken. Wherever possible, corrective action should be carried out informally. This may include a customised improvement plan, the provision of targeted training and/or some other form of corrective action.
14. Following this discussion, the employee's conduct, performance or attendance, as appropriate, will be monitored, and the employee will be required to co-operate in this process. If this informal process fails to produce an acceptable level of improvement, the University will commence the Formal Procedure as set out below.
15. Where it has not proved possible, or where, by reason of the gravity of the matter, it is not appropriate to deal with misconduct and/or performance issues informally to the satisfaction of management, the matter shall be dealt with under the Formal Process as set out in this Statute.

### **Formal Disciplinary Process**

16. It is possible that disciplinary action may be taken by the University for more than one reason or at different times and stages for different reasons. Moreover, while the procedure is normally progressive, the University may commence the Disciplinary Procedure at any stage where the University decides the circumstances so warrant.
17. Any decisions to formally investigate any matters under this Statute shall not infer any wrongdoing.
18. The following is a non-exhaustive list of examples of misconduct which may result in formal disciplinary action:

- 18.1 absence without appropriate permission;
- 18.2 abuse of the University's sickness procedure;
- 18.3 failure to carry out a recognised operational process or safety procedure;
- 18.4 any action which is detrimental to other employees or to the University;
- 18.5 smoking in a no-smoking area;
- 18.6 unsatisfactory timekeeping; and
- 18.7 breach of any of the University's policies.

### **Investigation Prior to Disciplinary Hearing**

- 19. Where a concern or allegation of misconduct arises, a formal investigation may be necessary to establish the facts.
- 20. Not all cases of alleged misconduct require a formal investigation prior to a formal disciplinary hearing. This includes instances where an investigation has taken place under a different policy or instances where there is an admission of wrongdoing.
- 21. Where the Director of Human Resources deems an investigation is necessary, then they will establish such an investigation.
- 22. The objective of the investigation is to ascertain whether, on the balance of probabilities, the behaviours suspected or complained of occurred.
- 23. The investigation is a fact-finding exercise.
- 24. The investigation will be governed by terms of reference, which should include the following:
  - 24.1 The investigation will be conducted in accordance with the Disciplinary Statute;
  - 24.2 An indicative timescale for its completion; and
  - 24.3 The scope of the investigation.
- 25. Any investigation will be carried out by such a person or persons as may be appointed by the Director of Human Resources, or nominee, from inside or outside the University. The investigation will not make any decisions on the imposition of sanctions or the outcome of the disciplinary process.
- 26. It is not expected that investigations should take longer than forty working days after being commissioned by the Director of Human Resources or nominee, but there may be cases where, because of the circumstances, the timeline for the investigation is extended by the Director of Human Resources, or nominee, in the interests of thoroughness and fair process.
- 27. The findings and recommendations of the investigator(s) will be issued in writing upon completion of the investigation. This may include a recommendation to invoke the disciplinary procedure.
- 28. Those involved in carrying out investigations will not have a further role in any subsequent disciplinary hearing or appeal.

## Failure of an Employee to Co-operate with Formal Disciplinary Processes

29. Employees are required to attend investigation meetings and disciplinary hearings and co-operate with all aspects of the disciplinary processes detailed in this Statute.
30. Investigation meetings and disciplinary hearings may be conducted, and sanctions may be imposed on an employee, notwithstanding the employee's failure to attend an investigation meeting(s) or disciplinary hearing(s) and/or co-operate with these disciplinary processes.

## Disciplinary Sanctions

31. For the purposes of this Disciplinary Statute, the term "disciplinary sanction" means action taken by reason of, or as a consequence of, a finding that the employee concerned has failed to perform their duties to an adequate or appropriate standard (performance issues) and/or has been guilty of misconduct.
32. Disciplinary sanctions shall be appropriate to the stage of the process. Table 1 below illustrates the disciplinary sanctions that may be imposed at each Stage of this Statute

**Table 1**

Stage	Summary	Disciplinary Sanction
Stage 1	Normally a first incident of misconduct or where there are performance issues.	Verbal Warning
Stage 2	Normally for misconduct of a serious nature, where there has been a repetition of misconduct, or where a Stage 1 Warning has not produced the required improvement in performance or behaviour.	Written Warning
Stage 3	Normally applied if the misconduct is more serious in nature, or where there has been a continuation of behaviour which has led to previous warnings.	Final Written Warning
Stage 4	May be considered appropriate for cases involving gross misconduct, or where previous warnings have not produced the required improvement in performance or behaviour.	Dismissal or some other appropriate disciplinary action short of dismissal <sup>1</sup>

33. As an alternative to being given a disciplinary sanction, an employee may be asked to complete specified training. An employee may also be required to undertake specific

<sup>1</sup> For example, deferral of an increment for the period of the increment cycle or otherwise; the withdrawal of allowances and/or concessions; debarment from selection processes, specified competitive processes, or from applying for promotion for a specified period of time; placing the employee on a lower rate of remuneration; reducing the employee to a specified lower grade or role on a temporary or permanent basis; and/or suspension without pay.

training and/or some other form of corrective action in addition to the imposition of a disciplinary sanction.

34. In circumstances where an employee has not reached the top point of their applicable salary scale, and they are subject to a discipline process at any Stage of this Discipline Statute due to performance issues, they may not receive their incremental credit.
35. Applicable disciplinary sanctions referred to at Table 1 will ordinarily be suspended or deferred, at the discretion of the Director of Human Resources, or nominee, if the employee concerned is absent from work for any reason. Upon the employee's return to work, the sanction(s) should be reinstated or resumed.
36. The outcome of an investigation under the University's Protection of Staff Against Workplace Bullying, Harassment and Sexual Harassment Policy, Research Integrity Policy or any other University policy may result in a referral to this Disciplinary Statute. The investigation report will take the place of an investigation under this Statute and disciplinary proceedings may commence at any of the Stages set out in this Statute. The Director of Human Resources or nominee will determine at what stage of the disciplinary process the matter should be considered by the relevant decision-maker. This determination will be communicated to the employee when they are notified that the matter is being referred to this Disciplinary Statute.

### **Disciplinary Hearing**

37. A disciplinary sanction will not be imposed on any employee without a disciplinary hearing first taking place, which will normally be conducted by the line manager or by a relevant decision-maker nominated by the Director of Human Resources. At this hearing, an employee will be entitled to provide an explanation in relation to the issue which is the subject matter of the hearing. Such explanation will be considered prior to any disciplinary sanction being imposed.
38. An employee will be given at least five working days' notice of a disciplinary hearing.
39. Employees need to give reasonable notice if they are unable to attend the scheduled hearing. Disciplinary action may be taken notwithstanding an employee's failure to attend the disciplinary meeting(s) in the absence of good reason.
40. At the disciplinary hearing, the employee shall be given an opportunity to respond. Full consideration shall be given to the employee's responses.
41. The employee will be notified in writing of the decision reached, including any disciplinary sanction being imposed. The notification will include the name of the person to whom the employee can appeal this decision.
42. The outcome of the disciplinary hearing should ordinarily be communicated in writing to the employee within ten working days of the conclusion of the hearing.
43. Where a warning is given (whether verbal or written), it will state, where appropriate:
  - 43.1 the improvement required;



- 43.2 the timescale for improvement; and
- 43.3 the consequences of failure to improve.
- 44. The warning will inform the employee that further sanction(s) may be considered if there is no sustained, satisfactory improvement.
- 45. If, in the opinion of the relevant decision-maker, following the holding of the disciplinary hearing, there is no basis for a disciplinary sanction, they may decide that no further action should be taken in the matter. No record of the investigation or disciplinary proceedings shall be held on the employee's Human Resources file in this instance.

### **Stage 1 - Verbal Warning**

- 46. The outcome of the disciplinary hearing should ordinarily be communicated in writing to the employee within ten working days of the conclusion of the hearing. Where a Verbal Warning is given, either as the sole sanction or in conjunction with any other disciplinary sanction, it should state the improvement required, where appropriate, the timescale for improvement, and the consequences of failure to improve. The warning should inform the employee that further sanction(s) may be considered if there is no sustained, satisfactory improvement. A record of the Verbal Warning shall be retained on the employee's Human Resources file. This record shall be removed from the file after six months, subject to satisfactory improvement and/or no reoccurrence during this period.
- 47. If, in the opinion of the relevant decision-maker, following the holding of the disciplinary hearing, there is no basis for a verbal warning to be issued, they may decide that no further action should be taken in the matter. No record of the investigation or disciplinary proceedings shall be held on the employee's Human Resources file in this instance. The employee should be made aware of their right to appeal any disciplinary sanction imposed within ten working days of receiving the notification of the outcome of the process.<sup>3</sup>

### **Stage 2 - Written Warning**

- 48. Where a Written Warning is given, either as the sole sanction or in conjunction with any other disciplinary sanction, it should state the improvement required, where appropriate, the timescale for improvement, and the consequences of failure to improve. The warning should inform the employee that further sanction(s) may be considered if there is no sustained, satisfactory improvement.
- 49. A record of the Written Warning shall be retained on the employee's Human Resources file. This record shall be removed from the file after twelve months, subject to satisfactory improvement and/or no reoccurrence during this period. If in the opinion of the relevant decision-maker, following the holding of the disciplinary hearing, there is no basis for a verbal warning to be issued, they may decide that no further action

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<sup>3</sup> See paragraphs 59-62 for details of the appeals process.

should be taken in the matter. No record of the investigation or disciplinary proceedings shall be held on the employee's Human Resources file in this instance.

50. The employee should be made aware of their right to appeal any disciplinary sanction imposed within ten working days of receiving the notification of the outcome of the process.

### **Stage 3 - Final Written Warning**

51. The outcome of the disciplinary hearing should ordinarily be communicated to the employee within ten working days of the conclusion of the hearing.
52. Where Final Written Warning is given, either as the sole sanction or in conjunction with any other disciplinary sanction, it should state the improvement required, where appropriate, the timescale for improvement, and the consequences of failure to improve. The warning should inform the employee that further sanction(s) may be considered if there is no sustained, satisfactory improvement.
53. A record of the Final Written Warning shall be retained on the employee's Human Resources file. This record shall be removed from the file after twelve months, subject to satisfactory improvement and/or no reoccurrence during this period. If in the opinion of the relevant decision-maker, following the holding of the disciplinary hearing, there is no basis for a final written warning to be issued, they may decide that no further action should be taken in the matter. No record of the investigation or disciplinary proceedings shall be held on the employee's Human Resources file in this instance. Any active Verbal Warning or Written Warning acquired from a previous disciplinary hearing will remain on the employee's Human Resources file until the relevant time period has elapsed.
54. The employee should be made aware of their right to appeal any disciplinary sanction imposed within ten working days of receiving the notification of the outcome of the process.<sup>4</sup>

### **Stage 4 - Further Disciplinary Action up to and including Dismissal and Gross Misconduct**

55. Where an employee has failed to make adequate improvements to their behaviour, conduct and/or performance, or continues any act(s) or omission(s) that has resulted in previous disciplinary sanction(s) being issued, further disciplinary sanctions, as provided for in Table 1, up to and including dismissal, may be taken.
56. Gross misconduct<sup>5</sup> is a serious breach of the University's rules, policies, procedures and/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

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<sup>4</sup> See paragraphs 59-62 for details of the appeals process.

<sup>5</sup> See the Appendix 1 for examples of gross misconduct.

employee concerned. Gross misconduct will justify disciplinary action set out in this Disciplinary Statute, up to and including dismissal.

57. Where further disciplinary action up to and including dismissal is contemplated, or an allegation of gross misconduct has occurred, the Director of Human Resources, or nominee, may give effect to the process set out below.
58. In circumstances where the decision of the Disciplinary Hearing Decision Maker is that termination of employment under Stage 4 and/or gross misconduct proceedings is the appropriate outcome, the Decision Maker will write to the President recommending same. The President will consider the recommendation of the Disciplinary Hearing Decision Maker. The President may request to meet with the employee or to review the investigation report prior to making their decision. The decision shall be communicated to the employee in writing. Where the decision to dismiss is made other than for reasons of gross misconduct, notice of termination shall be given in accordance with the employee's terms of employment. In such instances, the employee will be placed on paid leave for the duration of their contractual notice period. Where the President decides to impose a sanction(s) other than dismissal, a record of the sanction shall be retained in the employee's Human Resources file. This record shall be removed after the specified time appropriate to the relevant sanction, subject to satisfactory improvement and/or no reoccurrence during the relevant period. The employee should be made aware of their right to appeal any disciplinary sanction imposed within ten working days of receiving the notification of the outcome of the process.

### **Standard Appeal**

59. Where a decision has been made to impose on an employee a disciplinary sanction(s) as set out at Table 1 (other than dismissal), an appeal on one or more of the grounds specified below may be notified to the Director of Human Resources, or nominee.
60. Notification of the appeal should be made by the employee within ten working days of the communication of the decision concerned. The employee does not have to submit their full appeal at this stage, but they must identify the grounds that their appeal will be based on when notifying the Director of Human Resources or nominee that they are appealing the decision. The employee must submit their full appeal document within twenty working days after being notified of the decision to impose on an employee a disciplinary sanction(s) (other than dismissal).
61. The Director of Human Resources or nominee shall appoint a relevant decision-maker who will convene an appeal hearing, where possible, within twenty-eight working days of the date on which the full appeal document was filed. The employee may be accompanied at any such meeting by a colleague of their choice, a colleague who is an elected Union representative or an official of a recognised union.
62. The relevant decision-maker shall communicate the outcome of this appeal no later than ten working days after the conclusion of the appeal hearing. The relevant decision-maker will be a senior manager with no conflict of interest in respect of the disciplinary process. Where an employee appeals a decision of a disciplinary sanction

as set out in Table 1 (other than dismissal), the employee will remain in work during the appeal process.

### **Appeal of decision to dismiss**

63. Where a decision has been made to dismiss an employee, a notification of appeal may be made to the Governing Authority within ten working days of notification of that decision to the employee concerned. The notification of appeal should be sent to the Secretary of the Governing Authority. The employee does not have to submit their full appeal at this stage, but they must identify the grounds that their appeal will be based on when notifying the Secretary of the Governing Authority that they are appealing the decision.
64. On receipt of such an appeal, the Secretary of 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 Board as set out below. The Appeal Board should be constituted within twenty working days of the Governing Authority receiving this notification from the Secretary. 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.
65. An employee may appeal a disciplinary sanction on one or more of the following grounds:
  - 65.1 the provisions of this Disciplinary Statute were not adhered to;
  - 65.2 all the relevant facts were not ascertained in the course of the disciplinary process;
  - 65.3 all the relevant facts were not considered, or not considered reasonably in the course of an investigation or disciplinary process;
  - 65.4 the employee concerned was not afforded a reasonable opportunity to answer the matter(s) at issue;
  - 65.5 the employee concerned could not reasonably be expected to have understood that the misconduct and/or performance issue concerned would attract disciplinary action; and/or
  - 65.6 the sanction recommended is disproportionate to the misconduct and/or performance issues concerned.
66. If notification of an appeal is not received from the employee concerned within the period of ten working days, the Director of Human Resources, or nominee, or President may proceed to impose the disciplinary sanction proposed.
67. The Disciplinary Appeal Board (the Board) shall comprise:
  - 67.1 a Chairperson and Deputy Chairperson appointed by the Governing Authority who may be internal or external to the University; and

- 67.2 one or more serving (or former) University employees nominated by the Governing Authority who may or may not be a member of the Governing Authority and as appointed by the Chairperson.
68. A Secretary to the Board should be appointed by the Chairperson of the Board and should be responsible for the management of the work of the Board on the advice and instruction of the Chairperson or Deputy Chairperson of the Board. Where the Chairperson of the Board considers it necessary or beneficial for the effective operation of the Board's proceedings, they may appoint an independent expert(s) as an advisor to the Board. The composition of a Board, in any case, should be decided by the Chairperson of the Board.
69. No member shall be appointed to the Board to consider a case referred to the Board if that person has had any prior interest or involvement in or dealings with that particular case.
70. Once constituted, the Chairperson will notify the employee, Director of Human Resources, the Governing Authority and the President of the members of the Disciplinary Appeal Board within seven working days.
71. Where an employee appeals to the Board, the following submissions shall be made:
- 71.1 a written statement by the employee concerned of the ground(s), as set out in paragraph 65, of appeal must be furnished to the Board within twenty working days of the notification to the employee of the Board's constitution as set out in paragraph 70;
- 71.2 the Chairperson of the Board shall furnish the Director of Human Resources, or nominee, with the employee's appeal documents within five working days of receipt of same;
- 71.3 a written response by the Director of Human Resources, or nominee, must be submitted to the Board within ten working days of the receipt by the Director of Human Resources, or nominee, of the employee's statement, referred to in paragraph 71.2 above; and
- 71.4 any other submission that the Board may request from the employee concerned or from the Director of Human Resources, or nominee, must be furnished in such form and within such reasonable time as the Board may specify in its request.
72. The Board, having considered the submissions made under paragraph 71 above, shall set a date for hearing within thirty working days of receipt by the Board of the appeal, or such a longer period as the Board may prescribe.
73. The Board may, at its sole discretion, invite any person to give evidence orally or in writing. The Board shall consider and decide on any request from a party involved in the process to give evidence orally or in writing.

74. The employee making the appeal is entitled, if the employee wishes, to make oral submissions to the Board, either in person or through a colleague of the employee's choice, a whole-time official of a recognised union or another third party of the employee's choice.
75. Where the Board meets for the purpose of hearing oral submissions, the following are entitled to be present:
- 75.1 the employee concerned and a colleague of their choice, or a colleague who is an elected Union representative or an official of a recognised union, if they chose one;
  - 75.2 any person in accordance with paragraph 74 above who is entitled to make submissions on behalf of the employee concerned;
  - 75.3 the Director of Human Resources, or nominee, and a person appointed by the Director of Human Resources to assist the Director of Human Resources, or nominee, and/or to present the case on behalf of the Director of Human Resources; and
  - 75.4 any other person whom the Board agrees may be present.
76. Having made such enquiries as it considers necessary and having considered any submissions made or evidence given, the Board shall form an opinion as to whether or not a case has been made out on one or more of the grounds set out in paragraph 65 above, and shall make a decision within ten working days of the conclusion of the hearing and communicate same to the Secretary of the Governing Authority, the President, the Director of Human Resources or nominee, the employee concerned and their representative (if any).
77. Where that decision is to the effect that such a case has been made out by the employee concerned, the Board may, at its sole discretion, decide as the case may be:
- 77.1 to uphold the appeal and that no further action should be taken in the matter;
  - 77.2 that the disciplinary sanction decided upon should be amended in a specified manner;
  - 77.3 that the case should be reconsidered by the University to remedy a specified deficiency in the disciplinary proceedings (in which event the provisions of this Disciplinary Statute shall continue to apply); or
  - 77.4 to reject the appeal.
78. Where the decision of the Appeal Board is to reject the appeal, the disciplinary sanction will be applied by the University, and the decision of the Board will be final. In such cases where a decision is made, by the Appeal Board, to uphold a disciplinary sanction of dismissal, the date of the original decision to dismiss the employee will remain the date of dismissal on the employee's record.

## Appendix 1 – Gross Misconduct

Examples of gross misconduct include, but are not limited to:

1. breaches of research integrity requirements and/or policies;
2. breaches of child protection policies;
3. 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;
4. theft, fraud, embezzlement, misappropriation of funds, bribery and/or corruption;
5. serious and/or repeated non-adherence to the University codes of practice/policies;
6. falsification of records, and/or violation(s), misuse and/or improper sharing of confidential information and/or serious misuse of organisational property, material or equipment;
7. intentional acts to gain unauthorised entry/access to computer and/or other confidential records/files and/or the improper use of same;
8. serious and/or repeated non-adherence to the University's email, internet, IT, telephone policies;
9. fighting and/or assault on another person;
10. physical violence and/or threatening behaviour;
11. serious breaches of health and safety rules and/or deliberate disregard for health and safety precautions likely to endanger any person;
12. serious and/or repeated incapability through alcohol or being under the influence of illegal drugs or misuse of prescribed medication, possession of illegal substances;
13. the sale of illegal drugs;
14. serious and/or repeated acts of negligence or incompetence;
15. serious and/or repeated disruptive/offensive behaviour;
16. discrimination, bullying, harassment, intimidation, sexual harassment or other conduct of a sexual nature;
17. serious and/or repeat misrepresentation or misuse of authority;
18. unauthorised absence/unacceptable attendance levels and/or repeated failure to comply with sick leave policies;
19. repeat engagement in prohibited activities;
20. failure to disclose potential and/or actual conflicts of interest, including where such conflicts include family members and/or connected persons;
21. 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;
22. acceptance of improper gifts/hospitality, e.g. from commercial organisations; and/or
23. failure to address performance issues that have resulted in a Final Written Warning being applied.