

Part 1: Purpose and principles

1.1 Purpose

The purpose of this Code is to set out the arrangements for dealing with disciplinary matters in Teagasc. It is also to ensure that all staff are aware that if there is a failure to adhere to the required standards of conduct, work performance and attendance, the disciplinary procedure set out in this Code will apply. This procedure will be initiated where a concern arises about the conduct, work performance, and/or attendance of a staff member. This procedure will provide a fair and efficient process for dealing with any such concern. This Code will apply to all Teagasc staff other than new entrants serving in a probationary capacity.

1.2 Principles

Teagasc is committed to providing efficient and well managed services. All staff shall comply with the Teagasc Code of Conduct and all policies relating to terms and conditions of employment. In circumstances where a concern arises about the conduct or performance of an individual it may be necessary to take disciplinary action. Where such circumstances arise, all staff must be treated in a fair and equitable manner in accordance with the principles of natural justice which will include:

- The right of a staff member to be informed of any concern about his or her conduct;
- The right to have the allegations or complaint set out in writing
- The right to know the source of the allegation/complaint
- The right of reply to any such concern;
- The right to a fair and impartial determination of the matter after all relevant facts have been considered.
- The right to be represented by a colleague or by an official employed by a trade union holding recognition from Teagasc.,

For serious cases where there is a risk of dismissal the following may apply:

- the right to confront witnesses
- the right to be represented by an other representative, eg: legal representation

Line managers are responsible for making staff aware of the acceptable standards of attendance, work performance and conduct expected from them and for dealing with shortcomings promptly and fairly. In general the line manager will deal with any concern on an informal basis through discussion and appropriate assistance rather than through the formal disciplinary procedure.

All staff must comply fully with any disciplinary process. This obligation extends to any staff members involved in a disciplinary process as a witness, or in any other capacity. A staff member who fails to comply with a disciplinary process without reasonable cause will be in breach of his/her terms of employment and maybe subject to disciplinary action.

There is an obligation on all parties to comply with all the provisions of the disciplinary procedure in accordance with law.



Part 2: The disciplinary procedure and use of the Code

2.1 The disciplinary procedure

The disciplinary procedure set out in this Code ("the Code") will be commenced where concern has arisen, or an allegation has been made, that misconduct may have occurred on the part of a staff member.

2.2 Misconduct

Misconduct encompasses any type of behaviour that breaches acceptable standards in the workplace. Misconduct also includes a failure to improve performance where a Positive Action Programme (PAP) has been in place but has not resulted in the required improvement. Any reference to misconduct in this code shall also be a reference to a failure to improve performance in accordance with a PAP and any reference to conduct shall include performance issues.

Misconduct may also include inappropriate behaviour outside the workplace which has an impact, or could reasonably be likely to have an impact within the workplace. Examples of misconduct and serious misconduct are provided in Appendix A.

2.3 Frustration of the disciplinary procedure

It is the duty of all staff to participate in the disciplinary procedure when required to do so. Where a staff member fails or refuses (without reasonable cause) to do so, then the relevant manager may make a decision in the absence of the staff member's full participation. Where there is a repeated pattern of non-participation (without reasonable cause) the relevant manager should:

- continue with the disciplinary procedure;
- advise the staff member accordingly; and
- inform the staff member of each step as it is reached.

The relevant manager should give the staff member the opportunity to participate in subsequent steps of the procedure. The relevant manager may draw an adverse inference from the non-participation of a staff member in any part of the disciplinary procedure.

2.4 Relevant manager

Any reference to 'relevant manager' shall mean the line manager, a more senior manager or a HR Manager as appropriate to the specific situation.

Teagasc will determine who the relevant manager is in respect of disciplinary matters and may issue appropriate guidance on such matters. It is generally expected that the line manager will administer level one verbal warnings and level two written warnings. A senior manager, with the advice of the HR Department, may administer a final warning and more serious sanctions where appropriate.

The staff member will be advised of the identity of the relevant manager at the outset of the process. There may be situations where it is necessary for a change to the relevant manager. In such situations the staff member will be advised of the change.

2.5 Implementation

Responsibility for implementation of this Code lies with the Human Resource Department in consultation with the Director of Teagasc as appropriate.

2.6 Timelines

It is in the interest of all parties that matters are progressed in a timely and efficient fashion, in compliance with the timelines in the procedure. However, it is recognised that on



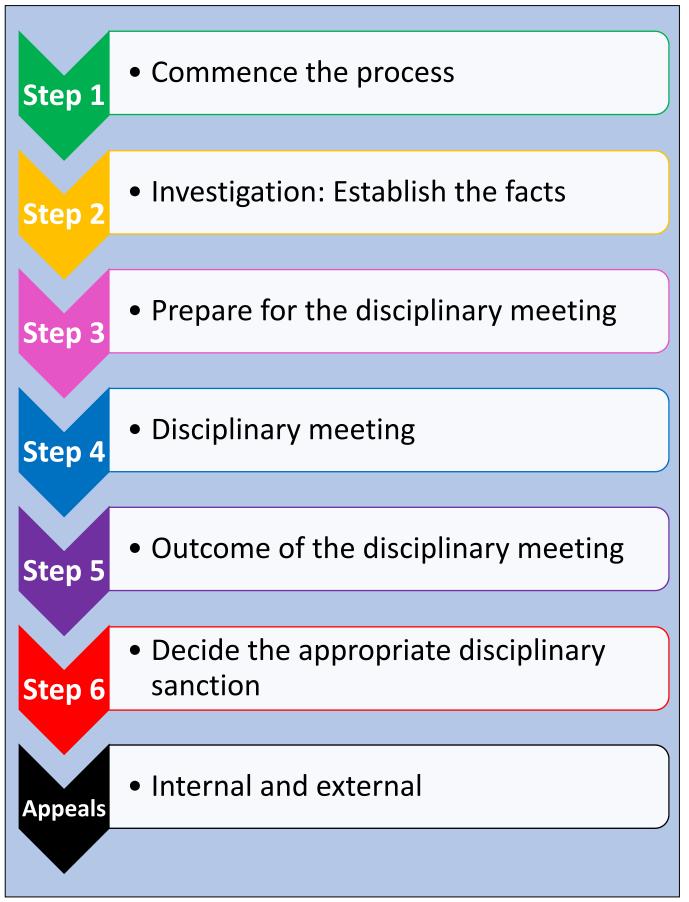
occasion it may be necessary to extend timelines to ensure all parties can participate fully in the process. All references to days within the timelines refer to working days.

2.7 Transitional Arrangements

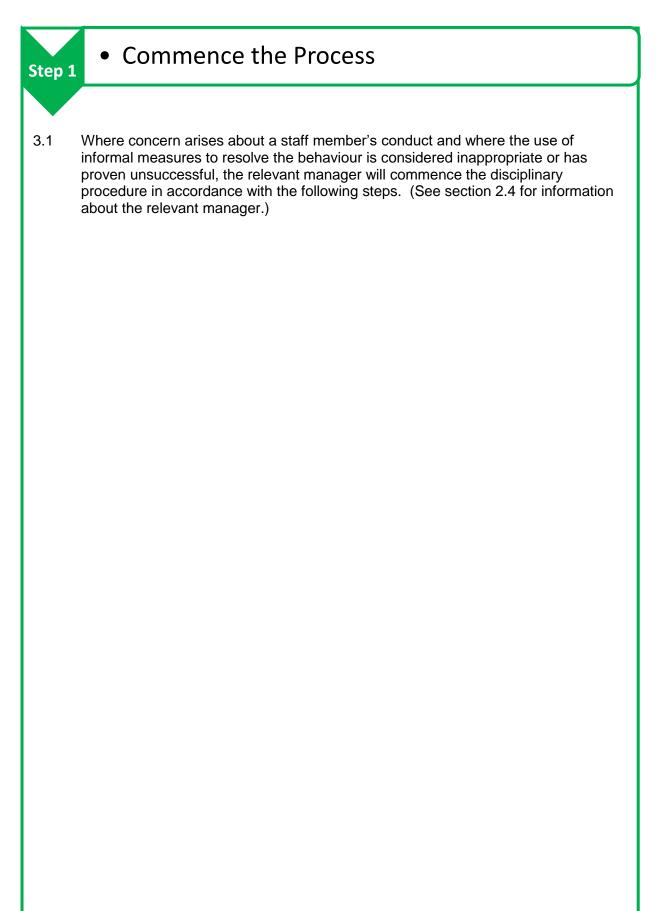
Disciplinary cases which have commenced under Teagasc Disciplinary Policy and Procedure shall continue until completion. Any new disciplinary cases which are commenced after 01 April 2018 shall be progressed under this Investigatory and Disciplinary Code.



Part 3: The disciplinary procedure









Step

• Establish the Facts

3.2.1 The nature of any investigation under this Code, and the identity of the appropriate investigator, will depend on the complexity and seriousness of the issue and will be a matter for the relevant manager to determine. At all stages, the relevant manager will consult with and be guided by the HR Department.

Gathering information

3.2.2 A relevant manager may gather available information prior to commencing an investigation or undertaking a disciplinary meeting. Relevant managers may need to complete some preliminary information-gathering before informing the staff member of any concerns. This may arise where there is a question about whether there is anything worth investigating; or where there is ambiguity about the extent of the investigation; or where there is ambiguity about the extent of the investigation; or where there is ambiguity about the extent of the investigation; or where there is ambiguity about the extent of the investigation. The subject of a prolonged information-gathering process without his or her knowledge. The staff member should be informed without delay as soon as the relevant manager decides that an investigation should be commenced or a disciplinary meeting should be undertaken.

Nature of the fact finding/ investigation (one stage or two-stage process)

- 3.2.3 In cases where the facts are not complex or in dispute and where the suspected misconduct is not serious, in consultation with the relevant union official/representative, the fact finding exercise may take place as part of the disciplinary meeting (described in Steps 3 & 4).
- 3.2.4 In all other cases, an investigation (whether an investigation under Step 2 of this Policy or a separate workplace investigation such as an investigation under the Dignity at Work Policy) will be completed prior to any disciplinary meeting taking place (described in Steps 3 & 4).

Identity of the investigator(s)

- 3.2.5 In cases where the facts are not complex and the suspected misconduct is not serious, it is generally expected that the line manager will investigate the concern about the staff member's conduct.
- 3.2.6 In all other cases, where the facts of the matter have not been established through a previous workplace investigation, the matter should be referred to HR who will arrange for an investigation to take place.
- 3.2.7 If a matter initially appears to be neither complex nor serious (such that the investigation was commenced by the line manager) but in the course of the investigation it becomes clear that the matter may be complex or serious, the investigation should be transferred to HR who will arrange for an investigation to take place3.2.8 Where a matter is referred or transferred by the line manager to HR for investigation, the entire file on the matter should be sent to HR including any and all evidence gathered by the line manager. This information can be used in any investigation of the matter and should, where relevant, be provided to the staff member under investigation.



General principles that apply to investigation processes:

- 3.2.8 As stated in Part 1, all staff must be treated in a fair and equitable manner in accordance with appropriate fair procedures, which will normally include:
 - the right of a staff member to be informed of any concern about his or her conduct and to be provided with appropriate detail to allow the staff member reply in respect of that concern;
 - the right to be provided with copies of all relevant documentary evidence that is being considered by the investigator, or relevant manager, except where it is inappropriate to disclose certain information taking into account all the circumstances of the case and any legal requirements (such as the requirements of the Data Protection Acts 1988 to 2003 or the Protected Disclosures Act 2014);
 - the right of reply to any such concern;
 - the right to be represented by a Teagasc colleague or by an official employed by a trade union holding recognition from Teagasc, or other representative as outlined above on page 3
 - the right to a fair and impartial determination of the matter after all relevant facts have been considered.

3.2.10 Furthermore

- investigations will be carried out without undue delay and where practicable will adhere to agreed timescales;
- witnesses may be interviewed;
- appropriate notes will be taken at any investigation meetings and copies of those notes (either typed or handwritten) will be provided to the staff member in good time (normally within 3-5 days) after each meeting;
- neither the staff member nor his or her representative or investigator may record meetings on an audio, visual or other recording device except where (and as) agreed in advance with all parties.
- a staff member will always be made aware where meetings are being recorded on an audio, visual or other recording device and data will be held in compliance with the GDPR;
- it will be considered a disciplinary offence to intimidate or exert pressure on any person who
 may be required to attend as a witness or to attempt to obstruct the investigation process in
 any way;
- the investigator may make findings on the basis of the evidence available in the event that the staff member fails or refuses (without reasonable cause) to participate;
- appropriate confidentiality will be maintained and information will only be disclosed where it is necessary for the investigation of the concern, where it is required by law or for other legitimate reasons.

Investigation of complex or serious matters

3.2.11 In all other cases, for example where the facts are complex or where there is a possibility that serious misconduct may have occurred, the matter should be referred to HR to initiate an investigation as described in paragraph 3.2.6 above.



- 3.2.12 The general principles expressed at paragraph 3.2.9 will apply in all cases. In cases where the matters being investigated are complex and/or serious, the application of those principles will normally mean that the investigation will be more formal and will be governed by clear terms of reference. These should set out:
 - that the investigation is being carried out under the auspices of the Disciplinary Code, and may, where appropriate, lead to disciplinary action;
 - the matters that are to be investigated;
 - the timescale for the investigation;
 - the findings that can be made;
 - the identity of the person(s) to whom the investigation report is to be sent.
- 3.2.13 On completion of the investigation, the investigator(s) will come to a conclusion based on the balance of probabilities and will submit a written report of the findings to the person identified in the terms of reference for that purpose.
- 3.2.14 The staff member under investigation will be given a complete copy of the investigation report except where it is inappropriate to disclose certain information taking into account all the circumstance of the case and any legal requirements (such as the requirements of the Data Protection Acts 1998 to 2003 or the Protected Disclosures Act 2014). Where any part of the investigation report is redacted or otherwise withheld from the staff member, the staff member will be informed of this fact and of the reason or reasons for the redaction or withholding of information.
- 3.2.15 The relevant manager, having considered the investigation report, may convene a disciplinary meeting in the manner described in this Code.

Protective Measures

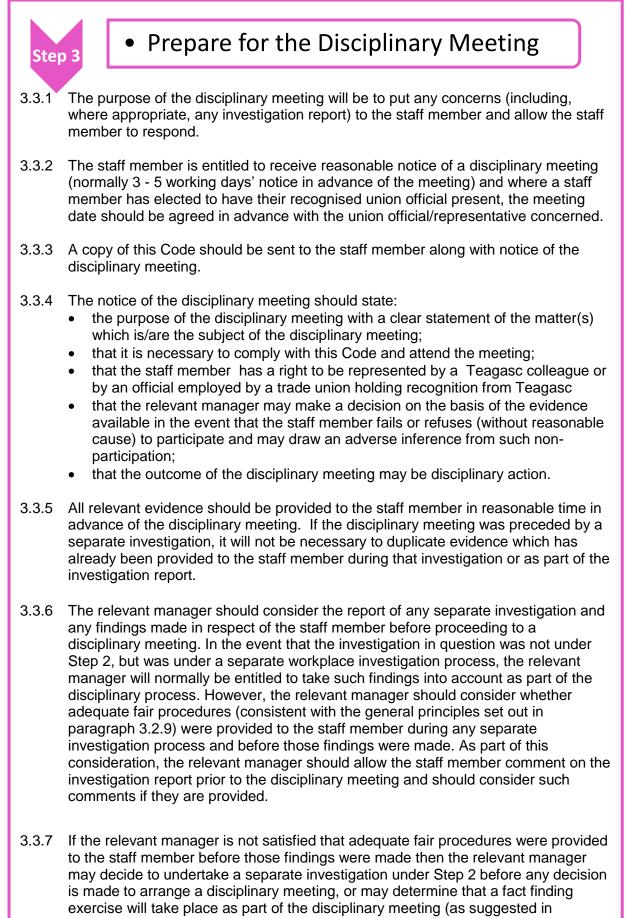
- 3.2.16 Pending the outcome of the investigation and any subsequent disciplinary process, management* may take appropriate protective measures. Protective measures should only be taken after consideration of the necessity of those measures. Such measures are not disciplinary actions, nor are they an indication of wrongdoing. Protective measures may include:
 - Reassigning the staff member to other duties;
 - Providing an appropriate level of supervision or oversight to the staff member; or
 - Placing the staff member off duty with pay.

The relevant manager should inform the staff member of the protective measures and summarise the reason for the measures. The relevant manager should consider the matter in light of any response provided by the staff member or his or her representative.

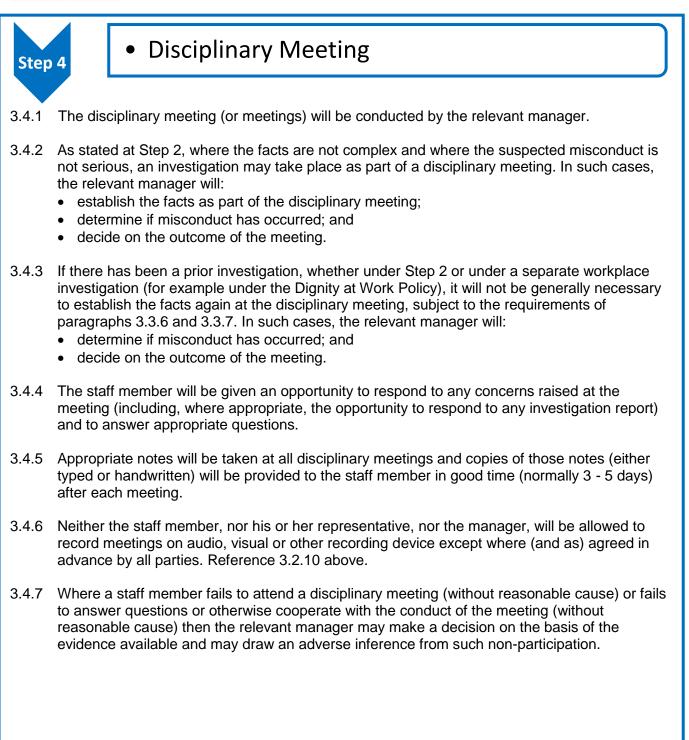
3.2.17 Placing the staff member off duty with pay will normally be reserved for cases of alleged serious misconduct.

* Section 3 of the Civil Service Regulation Acts 1956 -2006 provides for the Suspending Authority.

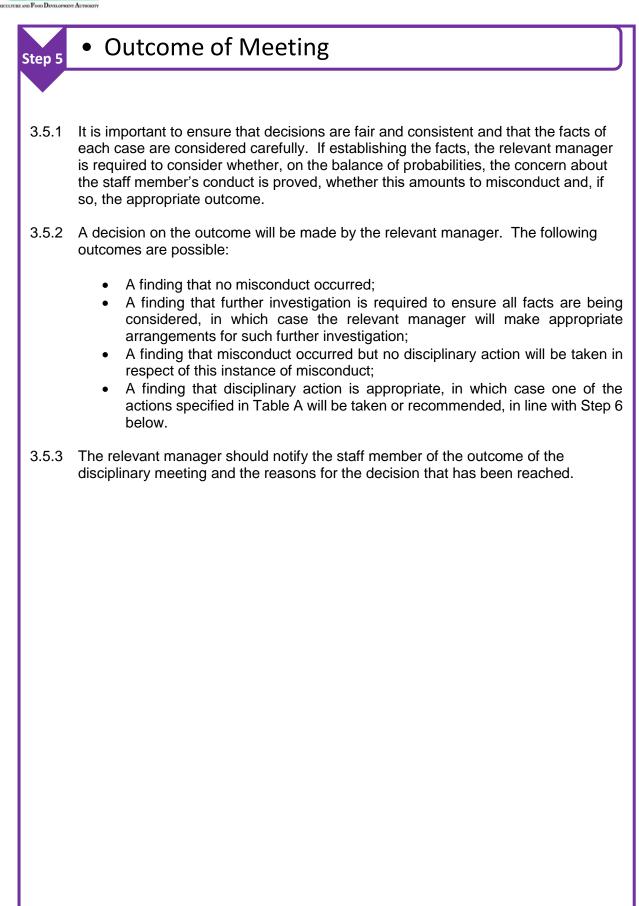














Step 6

Decide the Appropriate Disciplinary Action

3.6.1 Factors to consider in deciding what disciplinary action is appropriate

The disciplinary actions that can be taken (up to and including dismissal), and the decision maker who can take the respective actions, are set out in Table A below. The following should be taken into account when reaching a decision on what disciplinary action is appropriate:

- the nature and seriousness of the misconduct;
- any active disciplinary warnings issued to the staff member;
- the explanation provided by the staff member;
- any mitigating circumstances presented by the staff member; and
- any other matters which, in all the circumstances, are relevant.

A relevant manager may consider prior misconduct where such misconduct is relevant and such consideration is reasonable and appropriate in the circumstances of the case.

3.6.2 Management of discipline in a progressive manner

The disciplinary procedure will often be operated on a **progressive basis**, i.e. moving through the process of discipline and escalating the level of disciplinary actions, from written warnings up to and including dismissal, in a reasonable timeframe if conduct does not improve to the required level. The primary consideration when establishing timeframes for improvement in conduct is that they are reasonable in the circumstances. This approach is particularly appropriate where the objective is behavioural change and/or performance improvement. However, a progressive approach may also be applied to cases which involve misconduct.

3.6.3 Serious misconduct

Serious misconduct may justify more serious disciplinary action up to and including dismissal even where no earlier warning has issued or where earlier warnings have become inactive.



Table A: Range of disciplinary actions and decision-maker

	Sanctions	Relevant Manager	**Appropriate Authority**
1	Level 1 Verbal Warning	•	
2	evel 2 Written Warning •		
3	Level 3 Final Written Warning	•	
4	Extension of the period of validity of a warning		
5	Deferral of an increment	•	
6	Debarment from competitions or promotions for a specified period of time	•	
7	Withdrawal of concessions	•	
8	Reassignment to a different location or different duties	•	
9	Withdrawal of allowances		•
10	Placing the staff member on a lower rate of remuneration (including the withholding of an increment)		•
11	Reducing the staff member to a specified lower grade or rank		٠
12	Suspending the staff member without pay		•
13	Dismissal		•

NB:*Appropriate Authority* refers to the Director of Teagasc, in consultation with Human Resources.

3.6.4 Written warnings (action 1-3 in Table A)

- Level One Verbal Warning: normally applied for a first incident or minor breaches of discipline and conveyed in writing. If there is repetition of misconduct, or if there is no immediate, sustained and satisfactory improvement, then further disciplinary action and a *level two written warning* may be appropriate.
- Level Two Written Warning: normally applied if the misconduct is of a serious nature, where there has been a repetition of misconduct, or where a *level one verbal warning* has not resulted in an immediate, sustained and satisfactory improvement in behaviour. If there is repetition of misconduct, or if there is no immediate, sustained and satisfactory improvement, then further disciplinary action and a *level three final written warning* may be appropriate.
- Level Three Final Written Warning: a level three final written warning may be considered where the misconduct is considered to be more serious in nature, or where there has been a continuation of behaviour which has led to previous warnings. If there is repetition of misconduct, or if there is no immediate, sustained and satisfactory improvement, then further disciplinary action up to and including dismissal may be appropriate.



While it is likely that many disciplinary matters will be dealt with in the progressive manner outlined above relevant managers are not prohibited from issuing a level two or level three written warning for a first offence where the misconduct is sufficiently serious.

In some cases a written warning may be combined with another type of disciplinary action, e.g. deferral of an increment or debarment from competition for a specified period of time.

3.6.5 **Other disciplinary actions up to, and including, dismissal (actions 4-13 in Table A)** Other disciplinary actions up to, and including dismissal may be considered appropriate for cases involving serious misconduct, or where previous warnings have not produced the required improvement in standards or behaviour.

3.6.6 Warnings active for the following periods

Written warnings will be kept on an individual's file and, subsequent to satisfactory improvement will become inactive after the timeframes set out below:

- Level One Verbal Warning 6 months
- Level Two Written Warning 12 months
- Level Three Final Written Warning 24 months

3.6.7 Taking any of the disciplinary actions identified at 1-8 in Table A

Where the relevant manager has decided that any of the disciplinary actions identified at 1-8 in Table A is/are appropriate s/he may proceed to take that disciplinary action. The staff member should be informed of the disciplinary action being taken and the reasons for the decision. If a warning is issued then the staff member whould be informed of the period of validity of the warning, the improvement required, the timescale for improvement, the consequences of failure to improve and the right to appeal the decision in accordance with the appeal section of the disciplinary procedure.

3.6.8 Taking any of the disciplinary actions identified at 9-13 in Table A: the Relevant Manager's Report

The ability to take more serious disciplinary actions (listed at 9-13 in Table A above) rests with the Appropriate Authority in each organisation (i.e. the Director of Teagasc, having consulted with HR). S/he will normally only take such action where:

- A relevant manager has, after following the appropriate steps set out in this Part of the Policy, formed a view that more serious disciplinary action is appropriate (i.e. any o of the actions identified at 9-13 in Table A) and
- A relevant manager has recommended the taking of serious disciplinary action to the Director of Teagasc.

A recommendation from a Relevant Manager to the Director of Teagasc that serious disciplinary action should be taken will be contained in a report, called "the Relevant Manager's Report".

- The Director of Teagasc should consider the Relevant' Manager's Report before taking any of these disciplinary actions. The Relevant Manager's Report should outline the recommended course of action, and should describe in an appropriate leve of detail all the circumstances of the matter that are relevant to his or her recommendation.
- A copy of the Relevant Manager's Report should be sent to the staff member, who may either:
 - Make a submission to the Director of Teagasc within 10 working days of the ending to him or her of the Relevant Manager's Report ; or
 - Lodge an appeal against the Relevant Manager's Report with the Disciplinary Appeals Board in accordance with the timelines as set out in the Appeals structure in Section 4.5



- If the staff member does not lodge an appeal the Director of Teagasc should consider the matter, in particular, the Relevant Manager's Report, and the staff member's submission (if any) and make a decision as to whether, and if so what, disciplinary action should be taken. Any action taken by the Director of Teagasc will be final.
- The Director of Teagasc should convey his/her decision to the staff member and the relevant manager together with the reasons for that decision.

3.6.9 **Disciplinary appeals**

Any action taken by a relevant manager, and any recommendation made in a Relevant Manager's Report to the Director of Teagasc, may be appealed by the staff member in accordance with the appeals process, set out in Part 4 of this Code.



• Appeals Process

4.1 Appeals structure

Staff members' have a right to appeal any of the disciplinary actions listed from 1 - 13 in Table B below. The identity of persons to whom appeals can be made under this Code is set out in Appendix B of this Code.

Table B

	Sanction	Internal Appeal	Disciplinary Appeals Board
1	Level 1 Verbal Warning	•	
2	Level 2 Written Warning	•	
3	Level 3 Final Written Warning	•	
4	Extension of the period of validity of a warning	•	
5	Deferral of an increment	•	
6	Debarment from competitions or promotions for a specified period of time	•	
7	Withdrawal of concessions	٠	
8	Reassignment to a different location or different duties	•	
9	Withdrawal of allowances		•
10	Placing the staff member on a lower rate of remuneration (including the withholding of an increment)		•
11	Reducing the staff member to a specified lower grade or rank		•
12	Suspending the staff member without pay		•
13	Dismissal		•

4.2 Grounds for appeal

A staff member may lodge an appeal on one or more of the following grounds, providing specific details of each ground relied upon:

- the provisions of this Code were not adhered to;
- all the relevant facts were not ascertained;
- all the relevant facts were not considered, or not considered in a reasonable manner;
- the staff member was not afforded a reasonable opportunity to answer any allegation, suspicion or other concern arising about him or her;
- the staff member could not reasonably have been expected to have understood that the behaviour alleged would attract disciplinary action;
- the disciplinary action (or, as the case by be, the recommendation in the Relevant Manager's Report) was disproportionate to the misconduct alleged.



4.3 Where to make an appeal

- The notice of the disciplinary sanction (or, as the case may be, a decision of an Internal Appeals Officer) may specify the appropriate person to whom an appeal should be lodged.
- 4.4 **How to make an appeal**A staff member may request an appeal following a decision of a relevant manager to take any of the disciplinary actions 1-8 or a recommendation of a relevant manager that the Appropriate Authority take any of the disciplinary actions 9-13.
- In the case of a decision to take any of the disciplinary actions 2-8, an appeal shall be made to an Internal Appeals Officer.
- The appeal should specify, in writing, the grounds on which the appeal is being made, providing specific details of each ground relied upon.
- The information should be submitted to the Internal Appeals Officer, Head of Human Resources in accordance with the timelines listed in Section 4.5.

4.5 **Timeframes for lodging an appeal**

Internal Appeal (Sanctions 1-8)

- Notification of the intention to appeal the disciplinary actions at 1-8 (Table B) must be made to the Internal Appeals Officer, and copied to the relevant manager, in writing no later than five working days from the date of notification of the disciplinary action.
- All documentation relevant to the appeal should be submitted to the Internal Appeals Officer, and copied to the relevant manager, in writing not later than seven working days from the date of the notification of the intention to appeal.

Disciplinary Appeals Board (Sanctions 9-13)

- Notification of an appeal of any of the disciplinary actions at 9-13 (Table B) must be made to the Head of Human Resources, and copied to the relevant manager, in writing no later than five working days after the sending of the Relevant Manager's Report.
- All documentation relevant to the appeal should be submitted to the Head of Human Resources, and copied to the relevant manager, in writing no later than ten working days from the date of notification of the intention to appeal.
- A counterstatement by the relevant manager should be submitted to the Head of Human Resources, and copied to the staff member in writing no later than 10 working days from receipt by the relevant manager of all documentation relevant to the appeal.

4.6 **Outcome of the Appeal Process**

The outcome of the appeal process shall be one of the following:

- Appeal unsuccessful uphold the disciplinary action;
- Appeal successful determine that no disciplinary action shall be taken;
- Appeal partially successful take another, more suitable, disciplinary action, except that the recommendation shall not include reassignment of the staff member to another location or other duties;
- Appeal identifies the need for the case to be reconsidered by the relevant manager to remedy a specified deficiency in the disciplinary proceedings.
- The outcome of an appeal to the Disciplinary Appeals Board Process (Sanctions 9-13) will be a recommendation to the Director of Teagasc. Ordinarily, it is expected that the recommendation of the Disciplinary Appeals Board will be taken into account



The outcome of an appeal to the Disciplinary Appeals Board Process (Sanctions 9-13) will be a recommendation to the Director of Teagasc. Ordinarily, it is expected that the recommendation of the Disciplinary Appeals Board will be taken into account.

4.7 Effect of disciplinary actions that have been appealed

- For Sanctions 1 8 the decision of the Internal Appeals Officer shall, subject to section 4.8 below, be final.
- For Sanctions 9 -13 the decision of the Director of Teagasc, following consideration of the Relevant Manager's report together with the recommendations of the Disciplinary Appeals Board, if any, shall be final.
- Written warnings will take effect immediately following the decision of the relevant manager.
- All other types of disciplinary action will take effect at one of the following points in time, as appropriate:
 - The date of expiration of the timeframe to lodge an appeal to an Internal Appeals Officer without any such appeal being made or
 - Where an appeal to an Internal Appeals Officer is made, the date of the decision of the Internal Appeals Officer.

4.8 **Further matters relating to appeals**

• Nothing in this Code affects the right of a staff member to take a complaint to the Director General of the Workplace Relations Commission for investigation. Further information can be obtained from the HR Department.



APPENDIX A – Examples of misconduct and serious misconduct

These examples are for illustrative purposes and are not an exhaustive list. Examples that are listed as misconduct issues can also be classified as serious misconduct and examples that are listed as serious misconduct may, in certain circumstances, be classified as misconduct.

1 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 serious misconduct. Misconduct can be a single act, or a series of acts. What constitutes misconduct may vary depending on the particular circumstances of the work that the staff member 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 Code and lead to dismissal. More serious instances of the following types of misconduct may amount to serious misconduct.

- Poor timekeeping;
- Unsatisfactory attendance record or unauthorised absences;
- Poor work performance;
- Behaviour which could bring the organisation into disrepute, subject to the provisions of the Protected Disclosures Act 2014;
- Inappropriate use of social media.

Misconduct can include inappropriate behaviour outside the workplace which has an impact or could reasonably be likely to have an impact within the workplace.

2 Serious Misconduct

Serious misconduct is misconduct which is sufficiently serious to warrant dismissal or other serious sanction. It is a serious breach of the Teagasc rules and procedures, or of recognised and accepted standards and behaviour which results in a breakdown of the relationship of trust and confidence between Teagasc and the staff member.

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

- More serious and/or ongoing instances of the types of misconduct listed above;
- A breach of trust and confidence;
- Theft, fraud, irregularity, embezzlement, misappropriation of funds, bribery or corruption, data protection/GDPR breaches, lack of due care for Teagasc resources;
- Failure to comply with Teagasc Policies, Codes of Practice, Circulars etc.;
- Refusal to comply with reasonable management instructions (If a staff member is not agreement with the instruction, they have the right to work under protest);
- Deliberate falsification of records (expense claims, experimental results, attendance records etc.), violation or misuse of confidential information or organisational property, material or equipment;
- Deliberate computer hacking to gain entry/access to computer files and/or unauthorised access/use to hard-copy records/files;
- Non-adherence to organisation's e-mail, internet, IT, telephone policy;
- Serious breaches of health and safety rules, assault on another person in the course of employment;



- Reporting to or attending at work while being under the influence of alcohol, illegal drugs, or legal medication which have been used otherwise than further to a prescription; possession and/or sale or use of illegal drugs;
- Disruptive behaviour;
- Discrimination, bullying, harassment, sexual harassment;
- Victimisation or penalisation;
- Misrepresentation or misuse of authority;
- Serious unauthorised absence;
- Serious non-compliance with sick leave regulations;
- Engaging in prohibited activities;
- Failure to disclose conflicts of interest;
- Improper influence to make personal/family gain or acceptance of improper gifts/hospitality;
- Engaging in political activity contrary to Teagasc rules;
- Disrespect for the law, e.g. illegal activity /criminal conviction that has implications for the staff member's employment whether it relates to an alleged wrong inside or outside the employment;
- Bringing Teagasc into disrepute, subject to the provisions of the Protected Disclosures Act 2014.

Serious misconduct can also include inappropriate behaviour outside the workplace which has an impact or could reasonably be likely to have an impact within the workplace.



APPENDIX B

Identity of persons to whom appeals may be made further to this Code Internal Appeals Officers

- An Internal Appeals Officer shall be a manager of a grade not less senior than the grade of the relevant manager who made the decision to take the disciplinary action in question.
- An Internal Appeals Officer should be a manager of a grade more senior than the grade of the relevant manager who made the decision to take the disciplinary action in question.
- An Internal Appeals Officer will be a manager within Teagasc.
- A manager may be appointed to act as an Internal Appeals Officer in relation to a single appeal by an individual staff member or may be appointed to act in respect of a grade, group or category of staff members.

Disciplinary Appeals Board

The Disciplinary Appeals Board (the Board) shall comprise.

- i. a Chairperson or Chairpersons appointed by the Director of Teagasc with the agreement of the relevant trade union;
- ii. a panel of serving (or former) Teagasc staff nominated by the Director of Teagasc, as are considered by the Director of Teagasc to be necessary for the proper conduct of the Board's business; and
- iii. a panel of serving (or former) Teagasc staff or whole-time officials of recognised trade unions nominated by the Group of Unions and appointed by the Director of Teagasc.

A Secretary to the Board will be appointed. The Secretary will be responsible for the management of the work of the Board on the advice and instruction of the Chairperson of the Board.

The composition of a Board shall be the Chairperson (or a Deputy Chairperson), a member of the panel appointed by the Director of Teagasc and a member of the panel appointed by the Director of Teagasc on the nomination of the Group of Unions. The allocation of appeals to different compositions of the Board shall be a matter for determination by the Chairperson in consultation with the Director of Teagasc.

No member shall be appointed to the Board to consider a case referred to the Board who has had any prior interest in or dealings with that particular case.

Versior	Revision Date	Summary of Changes	Policy Owner
1.0		n/a	HR