**EXTRACT from the STAFF DISCIPLINARY PROCEDURE (dated September 2011)**

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| DISCIPLINARY CODE |
| Guidelines to behaviour which might warrant *disciplinary action* |
| * All members of ***staff*** are required to maintain a satisfactory standard of behaviour and to perform their duties in a satisfactory manner.
* The following categories of misconduct are not exhaustive. The seriousness of any misconduct must be considered in light of all the circumstances surrounding the misconduct.
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| **Insubordination, insolence or disrespectful behaviour*** Refusal, or failure, to carry out a lawful and reasonable instruction given by a person having the authority to give such instruction
* Abusive or offensive disrespect
* Insubordination
* Insolence
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| **Violence*** All forms of physical assault, threats and intimidation
* Rape or attempted rape
* Unauthorised possession of dangerous weapons (on ***University*** premises)
* Behaviour which endangers, or could reasonably endanger, life
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| **Liquor or drug offences**(when on ***University*** premises OR on ***University*** business)* Illegal or unauthorised possession of liquor
* Possession of drugs the possession of which is illegal
* Being under the influence of liquor or illegal substances
* Being unable to perform normal duties properly and / or safely as a result of consumption of alcohol and / or non-prescription drugs
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| **Wrongful handling of property*** Deliberate improper, unauthorised use of, negligent damage to, or loss of, ***University*** property or the property of other ***employees*** or a student / visitor
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| **Attendance*** Signing on but not proceeding to work
* Failure to, or, unnotified absence from, work
* Consistent lack of punctuality (arrival)
* Unauthorised absence from work while on duty
* Abscondment
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| **Unsatisfactory Work Performance**(other than incapacity or incompetence)* Negligence
* Sleeping on duty
* Poor maintenance standards (not caused as a result of high workload or ***staff*** shortage)
* Failure or neglect of duty which could have serious consequences for the ***University***, its ***employees*** or students / visitors, on the premises
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| **Dishonesty*** Theft
* Unauthorised possession of ***University*** property (misappropriation)
* Unauthorised possession of another ***employee***’s or a student’s / visitor’s property
* Accepting or procuring bribes
* Falsifying ***University*** records
* Misuse / abuse of confidential information
* Fraud, including: falsification of time-cards, employment application form, or any other University documents, sick certificate, order forms, deliberately non-procedural “clocking”, etc.
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| **Health and Safety*** Failure to comply with published fire, health, occupational health and / or safety codes
* Smoking in prohibited areas
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| **Offensive Behaviour*** Swearing or using abusive or harassing language towards others
* Victimisation or intimidation as contemplated in the ***LRA***
* Incitement to stop work other than during a protected strike or notified protest action
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| **Harassment and Unfair Discrimination**Any action which is contrary to the ethos and objectives of the Policy on Eradicating Unfair Discrimination and Harassment. This Includes the following actions : * Unfair discrimination where treatment impairs the fundamental dignity of the complainant (as defined in the Policy listed above)
* Harassment including unwanted conduct experienced by the recipient which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and which is related to sex, gender, sexual orientation or a person’s membership or presumed membership of a group identified by one or more of the prohibited groups (as per the Constitution of the Republic of South Africa) or a characteristics associated with such a group
* Hate speech
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|  **Abuse of Position / Authority*** Coercive, abusive or inappropriate use of one’s ***supervisory*** or other position of authority against an ***employee*** or student
* Abuse of one’s position for unfair personal gain or the unfair gain of others
* Deliberate administrative action beyond the capacity of the position held
* Unreasonable demands for resignation under threat of ***disciplinary action***
* Without good reason trying to induce an ***employee*** to resign
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| **General*** Possession of a firearm/s on ***University*** premises without the Registrar’s authority
* Gambling on ***University*** premises
* Commission, or, conviction in a court of law, of a serious criminal offence
* Participation in an unprotected strike
* Unjustified refusal to obey a reasonable and lawful request to search of either one’s person or property
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| **4. DISCIPLINARY GUIDELINES**  |
| ***In determining the disciplinary action the following guidelines will be applied. The discretion of the Presiding Officer in determining the disciplinary routine is recognised including the reduction or increase of any proposal and the mandating of corrective counselling.*** |
|  |  | ***Disciplinary Routine*** |
|  |  | ***L1*** | ***L2*** | ***L3*** |
|  | **Nature of Offence** | Verbal Warning | Written Warning | Final Written Warning | Suspension / Dismissal |
|  | ***Corrective Counselling* Phase** | **May be accompanied by inclusion of *Corrective Counselling*** |
| **L1 Category A – Least Serious Offences** |
| **1** | Late-coming | 1 | 2 | 3 | 4 |
| **2** | Early-Leaving | 1 | 2 | 3 | 4 |
| **3** | Overt disrespect, use of abusive language, or, offensive behaviour towards others | 1 | 2 | 3 | 4 |
| **4** | Disruptive behaviour in the workplace | 1 | 2 | 3 | 4 |
| **5** | Negligence | 1 | 2 | 3 | 4 |
| **6** | Lesser forms of harassment and/or unfair discrimination | 1 | 2 | 3 | 4 |
| **7** | ***Unsatisfactory work performance*** other than incapacity or incompetence | 1 | 2 | 3 | 4 |
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| **L2 Category B – Serious Offences** |
| **8** | Absenteeism [ for up to 3 ***day***s ] |  | 1 | 2 | 3 |
| **9** | Dereliction of duty |  | 1 | 2 | 3 |
| **10** | Withholding information about an alleged serious offence committed in the workplace |  | 1 | 2 | 3 |
| **11** | Causing a ***staff*** member not to give evidence |  | 1 | 2 | 3 |
| **12** | Blatant untruths and deliberate giving of false information |  | 1 | 2 | 3 |
| **13** | Absence without permission |  | 1 | 2 | 3 |
| **14** | Insubordination, defiance of authority, refusal to follow reasonable instructions or perform normal work tasks |  | 1 | 2 | 3 |
| **15** | Sleeping on duty |  | 1 | 2 | 3 |
| **16** | Unauthorised possession of liquor on University premises or the introduction of liquor thereto |  | 1 | 2 | 3 |
| **17** | More serious forms of harassment, hate speech and/or unfair discrimination |  | 1 | 2 | 3 |
| **18** | Failure to wear protective clothing/equipment |  | 1 | 2 | 3 |
| **19** | Infringement of the Tobacco Products Control Amendment Act 23 of 2007 and the Tobacco Products Control Amendment Act No of 2008 |  | 1 | 2 | 3 |
| **20** | Gross insubordination |  |  | 1 | 2 |
| **21** | Gross negligence |  |  | 1 | 2 |
| **22** | Serious absenteeism [ for more than 3 ***day***s but less than 6 ***days***] |  |  | 1 | 2 |
| **23** | Under the influence of alcohol or drugs on ***University*** premises to the extent of being incapable of performing work properly |  |  | 1 | 2 |
| **24** | Unauthorised use of ***University*** vehicles and equipment |  |  | 1 | 2 |
| **25** | Endangering self and others by failure to adhere to published safety procedures and instructions |  |  | 1 | 2 |
| **26** | Deliberate infringement of the Occupational Health and Safety Act |  |  | 1 | 2 |
| **27** | Assault, fighting, threatening violence, intimidation on ***University*** premises |  |  | 1 | 2 |
| **28** | Harassment of ***staff*** member by a ***supervisor*** (ie retaliatory harassment, intimidation towards resignation) or vice versa |  |  | 1 | 2 |
| **29** | Possession of dangerous weapons including firearms on ***University*** premises without the Registrar’s authority  |  |  | 1 | 2 |
| **30** | Discrimination on any grounds listed in law or ***University*** policy but not limited to those grounds |  |  | 1 | 2 |
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| **L3 Category C – Most Serious Offences** |
| **31** | Malicious damage to ***University*** property |  |  |  | 1 |
| **32** | Theft |  |  |  | 1 |
| **33** | Misappropriation  |  |  |  | 1 |
| **34** | Fraud, including falsification of time cards, employment application forms or any other ***University*** document |  |  |  | 1 |
| **35** | Conviction of a serious criminal offence |  |  |  | 1 |
| **36** | Assault with the intention to cause bodily harm.  |  |  |  | 1 |
| **37** | Rape, or attempted rape |  |  |  | 1 |
| **38** | Sexual offence of any kind |  |  |  | 1 |
| **39** | Sexually orientated request as a reward |  |  |  | 1 |
| **40** | Abscondment [ clear intent to abandon post found ] |  |  |  | 1 |
| **41** | Serious forms of harassment, hate speech and/or unfair discrimination |  |  |  | 1 |