Extract from Staff Disciplinary Code (updated September 2011)

# 5.2 PROCEDURE FOR MISCONDUCT OTHER THAN THOSE CATEGORISED AS UNFAIR DISCRIMINATION AND/OR HARASSMENT

5.2.1 LEVEL ONE (1) - Action by Supervisor …

Should more severe action be warranted the following procedure will apply

5.2.2 LEVEL TWO (2) – action by Head of Section / Head of Department …

5.2.4 LEVEL THREE (3) – Disciplinary Board

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Suspension without pay (as alternative to dismissal), Dismissal or Summary Dismissal

Where the ***Head of Section*** or ***Head of Department*** decides to recommend a penalty more severe than the issue of a ***final warning letter***, they shall forward the recommendation and all supporting documentation to the Human Resources Division who will arrange for a ***Disciplinary Board***, of up to five (5) persons, to be convened under a Chairperson appointed by the Vice-Chancellor or Deputy Vice-Chancellor: Academic and Student Affairs in the case of academic staff and the Registrar: Finance and Operations in the case of support staff.

The ***Disciplinary Board*** should be held within twenty (20) ***days*** of the matter being heard by the ***Head of Section*** or considered by the ***Head of Department*** save that this period may be extended by the Chairperson if unavoidable practical reasons exist.

The following may attend:

* the ***employee***
* the ***employee***’s ***representative***
* a person to present ***the University***’s case i.e. the University’s representative
* any other person, at the discretion of the Chairperson (eg. a representative from an earlier proceeding)
* an interpreter if necessary
* a representative from the Human Resources Division.

***The University***’s ***representative*** and the ***employee*** may call such witnesses as are required and be entitled to cross-examine each others’ witnesses.

The Board shall decide whether the ***employee*** is guilty or not and inform them of its decision within fifteen (15) ***days***. If the ***employee*** is found guilty, the Board shall consider all mitigating and aggravating facts before deciding on what ***disciplinary action*** should be imposed, if any, in terms of ***the University***’s Disciplinary Code.

Any penalty decided upon by the Board must be conveyed, in writing, to the ***employee*** by the Human Resources Division. In the case of dismissal or summary dismissal the letter must contain the reasons for the dismissal or summary dismissal.

**5.2.5 REVIEW AND APPEAL PROCEDURE**

Within two (2) ***days*** of receipt of a ***written warning letter***, the ***employee*** may request the Human Resources Division, in writing, to have the letter reviewed by an impartial person appointed by the Vice-Chancellor or Deputy Vice-Chancellor: Academic and Student Affairs in the case of academic staff and the Registrar: Finance and Operations in the case of support staff. The grounds for the request must be set out in writing.

The person so appointed shall consider the reasons for the issuing of the letter, the objections thereto, and may at their own discretion, or, where so requested by either party, interview the ***employee*** and / or their ***representative*** and the ***Head of Department*** and / or Section or ***Supervisor*** concerned.

The ***employee*** shall be informed in writing within twenty-five (25) ***days*** of the decision which shall either be to reject or confirm the ***warning letter***. The decision shall be final.

Should an ***employee***, who has been dismissed or summarily dismissed (ref 5.2.4), wish to challenge the outcome of the ***Disciplinary Board***, they may refer the matter to the Commission for Conciliation, Mediation and Arbitration via the Department of Labour within the time period as laid down in the Labour Relations Act No 66 of 1995 and its regulations as amended.