

STAFF DISCIPLINARY AND GRIEVANCE HANDLING POLICY

(15th COUNCIL MEETING HELD DECEMBER 9, 2011)

PRELIMINARY PROVISIONS

TITLE, DEFINITIONS, INTERPRETATION, AND OBJECTIVE OF THE POLICY

1. TITLE

The Policy be known as the Busitema University StaffDisciplinary and Grievance Handling Policy

2. DEFINITIONS OF TERMS USED

In this policy, unless the context otherwise requires-

“Appointment” means conferment upon a person of an office or post of emolument in the service of the University.

“Appointing Authority” means Busitema University.

“Contract of service” means any contract in writing whether express or implied, where a person agrees in return for remuneration to work for an employer and includes a contract of apprenticeship.

“Day” means a period of 24 hours.

“Exempted Member of staff” means staff on secondment to the University, Part timers, visiting staff, casual employee

“Leave” means a period competently granted to a member of staff to be off duty for a specific reason and time.

“Member of Staff” means a person appointed by Busitema University to work in its service.

“Month” means calendar month of the year.

“Staff Code of Conduct” means Busitema University Staff code of conduct

“University” – means Busitema University established under the Universities and Other Tertiary Institutions Act 2001.

“University Staff Tribunal” means the Tribunal as provided for by the University’s and Other Tertiary Institutions Act.

“Vice Chancellor” means the Vice Chancellor of Busitema of University

3. INTERPRETATION

The interpretation of this Policy shall rest with, the University Council.

The various expressions used in this policy shall, except where a contrary intention appears, have the same meaning as in the Universities and Other Tertiary Institutions Act 2001.

- a) Where a dispute arises in regard to the interpretation of this Policy, appeals shall be made to the Staff Tribunal.
- b) Where any of the provisions of this Policy may not be in conformity with the existing legislation, the provisions of such legislation shall prevail.

4. OBJECTIVE OF THE POLICY

The Policy is a guide and tool for efficient handling of disciplinary cases and grievances by the University.

1.0 BACKGROUND

Section 7.2 (b)iv of Tenure, Terms and Conditions of Service of Academic, Administrative and Support Staff of Busitema University provides that the procedure to be followed in removing a member of staff from office for good cause is set out and will be described in a separate sheet. The procedure detailed below provides for a disciplinary mechanism to be applied to all officers and staff of the University Service.

2.0 POLICY STATEMENT

The University recognizes the importance of having human resources that operate within the University's core values and regulations

2.1 POLICY OBJECTIVES

The objectives of the Policy are:

- i) To direct the conduct of staff so as to promote the core values of the University.
- ii) To ensure compliance with the University rules and regulations
- iii) To ensure fair and just treatment of staff who become liable to disciplinary actions.

2.2 LEGISLATION FRAME WORK

The University shall comply with all the existing relevant national and international laws applicable to employee discipline.

2.3 POLICY APPLICATION

The Policy shall apply to all staff except honorary, seconded, part-time, temporary, casual and visiting staff whose disciplinary proceedings will be contained in the relevant instruments of appointment.

2.4 THE POLICY

- i) The University shall provide a conducive environment for her staff to conduct themselves in a professional manner and with integrity and to promote respect for diversity.
- ii) The University staff shall at all times be expected to abide by and comply with all regulations and policies of the University.
- iii) Disputes and grievances shall be handled in accordance with rules of natural justice.
- iv) Punitive or disciplinary measures shall not be instituted against a member of staff without such a member being informed in writing of what his or her "offence" is, and being given an opportunity to defend him or herself at the hearing and the right to appeal if need arises.

3.0 GUIDING PRINCIPLES

- i) The University shall apply rules of natural justice in handling all disciplinary cases and grievances.
- ii) Persons handling disciplinary cases shall exercise and exhibit high degree of impartiality and confidentiality.

4.0 IMPLEMENTATION

- i. Management through the office responsible for the human resource function shall be responsible for the implementation of the policy in terms of the necessary processes, systems and procedures.
- ii. Heads of Department, Deans of Faculties and immediate supervisors shall be responsible for ensuring compliance of the policy.
- iii. Management through the office responsible for the human resource shall be in charge of administration and monitoring of implementation of the policy on a day to day basis.

5.0 OFFENCES

5.1 Disciplinary offences under this policy

Breaches, Acts and Omissions that would result in indiscipline are;

- (a) Breach of Confidence-
 - i. Disclosing or conveying, verbally or otherwise, directly or indirectly any information, without lawful authority whether or not for a reward, service or favor to an unauthorized person, office organization or institution regarding any examination, test, or progressive assessment (either before, during or after such examination, test or progressive assessment) or confidential information or secrets regarding any department, section or office or individual in the University.
 - ii. Aiding examinations mal practices.
- (b) Offences against public morality, that is to say behaving in an indecent manner accompanied by moral turpitude.
- (c) Sexual harassment that is to say repeated unwelcome sexual advances, requests for sexual favors and other or other verbal or physical conduct of a sexual nature where submission to or rejection of such conduct by a staff member is used or reasonably appears to be likely to be used as the basis for work related decisions affecting such member.
- (d) Illicit sexual conduct between members of staff and students or between staff and staff, or between staff and members of the public, in return for favors in the University service and activities.
- (e) Discreditable conduct, that is to say, acting or conducting oneself or making utterances verbally or in writing or appearing in public, in a disorderly manner or in any way prejudicial

to the discipline or likely to bring or lead to discredit or disrepute to the name and image, or disturbance of smooth relationships among members or sections, of the University.

(f) Neglect of duty-

- i. Neglecting or without good or sufficient cause, omitting to diligently, regularly and punctually attend to or carry out anything which is his/her duty;
- ii. failing, within his/her competency and ability to perform any duty in accordance with his/her terms of service or specially given instructions;
- iii. leaving his/her station or place of work without prior permission competently granted to him/her in that regard;
- iv. Absconding from duty or Persistent late coming without informing and obtaining permission from immediate supervisor
- v. Disregard or violation of security rules.
- vi. Breach of professional ethics.
- vii. failing to report or take appropriate action on any matter coming to his/her knowledge or information which is prejudicial to the interests or good name or image of the University;
- viii. insubordination, that is to say, unreasonably refusing to participate in the general organization and administration of the University or any department thereof as may be, from time to time competently required of him/her;

(g) Engaging in corrupt practices-

- i. Soliciting or receiving directly or indirectly any bribe;
- ii. failing to account for or make prompt or true return of any monies or property received by him/her in his/her official capacity or failing to account satisfactorily when called upon by the responsible officer or member of staff so to do, for any monies or property in his/her possession or control or received by him/her otherwise in his/her official capacity;
- iii. Improperly using one's official position to one's private advantages.
- iv. Abuse of power

(h) Incitement or attempting to do the same-

- i. leading, inducing or persuading or joining students in misconduct against the University regulations or;
- ii. Instigating or attempting to instigate discontent among staff and or students against the well being and name of the University.
- iii. Taking part in a strike
- iv. Incitement with intention to cause disobedience to University Authority

- (i) Falsehood-
 - i. making or signing in any official document or book, any statement or entry which one knows or has reasonable grounds to believe to be false; or
 - ii. willfully or negligently making a false, misleading or inaccurate statement to the detriment of the University; or
 - iii. destroying or mutilating any official document or record or altering or erasing any entry therein;
- (i) False pretences-
- (j) using, adopting, assuming or allowing oneself to be associated with any academic or professional title or qualification which he/she has never officially or formally been conferred or has never acquired;
 - i. crediting him/herself with or plagiarizing any publication or literary, scientific or artistic work or any legal right therein or there from which is not a result of his/her labour, skill or effort.
 - ii. Drunkenness or drug abuse - if one, while on duty, is unfit or unable to discharge his/her responsibilities due alcohol or drugs;
- (k) Any criminal offence under any written law related to or in connection with the University.
- (l) Irregular conduct - acting in any irregular manner prejudicial to discipline or the good name of the University.
- (m) Failure and discontinuation from the course, abandonment of a course, by a staff member on the Staff Development Program.
- (n) Unauthorized possession and use of University property.
- (o) Holding another full time job.
- (p) Theft, fraud embezzlement of University Funds or property
- (q) Forgery and falsifying documents, removal, alteration and mutilation of documents.
- (r) Failure by a Head of department to enforce discipline among his or her subordinates.
- (s) Failure to enforce University Rules and Regulations.
- (t) Use of abusive language.
- (u) Using University property and premises for personal business without authorization.

5.2 AVOIDANCE OF DOUBT

For avoidance of doubt, it is expressly provided that the Appointments Board will have power to conduct disciplinary proceedings against any member of staff even where a misconduct by such member falls under or is covered by his/her Professional Code of Ethics or Oath.

It is further provided that the fact that an employee is charged with, or remanded in custody or is convicted of a criminal offence for an act committed outside working hours shall not automatically give rise to a dismissal or other disciplinary action and consideration in such cases shall always be given to the extent to which such a conviction shall make the employee unsuitable for his or her work.

6.0 INSTITUTION OF DISCIPLINARY PROCEEDINGS

i) Any member of staff may initiate a cause of action arising out of a grievance or disciplinary matter in writing and addressed to the Officer in charge of Human Resources.

ii) The University authority shall investigate or cause an investigation of cases reported to him/her and depending on his/her findings may clear or forward the cases to the Appointments Board.

iv. As soon as a grievance or disciplinary offence has been established, the Officer in charge of Human Resources shall ensure that a written notice stating the nature of the grievance or offence with which a member of staff is charged and attaching copies of all relevant documents, if any, the nature and consequences of the proceedings taken against him or her.

v. The member of staff against whom a grievance or charge is preferred shall be required to make a written reply to same addressed to the Officer in charge Human Resources within fourteen (14) days from the date of receipt of the notice.

vi. Any disciplinary offence referred to the Board shall be in writing accompanied by copies of the relevant documentary evidence.

7.0 DISCIPLINARY PENALTIES

Depending on the gravity of the offence, there shall be the following forms of disciplinary penalties:

- i) Warning
- ii) Suspension
- iii) Forced Leave
- iv) Termination
- v) Dismissal
- vi) Summary Dismissal

The appointing authority shall exercise its discretion in imposing disciplinary penalties upon an employee for misconduct as it may deem appropriate.

7.1 Warning

There shall be two types of warning.

- i. **Verbal warning** shall be given once to a first time offender deemed to have committed a lightoffence.
- ii. **Written warning** shall be given where an employee fails to correct his/her behavior or commitsanother offence after being given a verbal warning. A written warning shall specify:
 - a) The identified deficiencies or inadequacies, their consequences and improvements required;
 - b) Any recommendations to assist the employee reform
 - c) The period within which an employee must show improvement beyond which subsequent disciplinary action shall be taken.
- iii. A second written warning shall serve as the **final warning** and shall be given where an employee has failed to achieve the improvement required within the given period.

7.2 Suspension

As soon as a disciplinary offence has been established, and if the Management, considers that the interest or welfare of the University requires that such a member of staff should cease his/her services to the University, he/she may suspend that member of staff from his/her services to the University, pending disciplinary and or court proceedings against him/her.

The power to suspend services of an employee shall be vested in with the Vice – Chancellor or theappointing authority.

- i. Whenever the University is conducting an inquiry which it believes may reveal a cause for dismissal of a member of staff, the University Management may suspend that member of staff on half pay.
- ii. Any suspension shall not exceed four (4) weeks or the duration of the inquiry, whichever is shorter.
- iii. An employee may also be suspended from duty on half pay where such an employee has been apprehended on account of an offence that requires investigations or is charged in a court of law or is remanded pending criminal proceedings.
- iv. The appointing authority shall take a decision in the case of a suspended employee at the expiry of four (4) weeks or conclusion of an inquiry into the case, whichever comes first.
- v. Where an employee is re-instated, he/she shall be entitled to claim the half pay of the salary

withheld during the suspension period.

7.3 Forced Leave

- i. Where allegations of possible breaches of the Staff Code of Conduct are made, the University Secretary may send the officer against whom the allegations have been made on forced leave. This will be necessary if the affected officer is likely to interfere with or hamper preliminary investigations into the alleged breaches. The preliminary investigations are aimed at establishing possible disciplinary offences.
- ii. Staff on forced leave shall retain their full pay.

7.4 Termination

The power to terminate the services of an employee shall be vested in the appointing authority.

- i. The appointing authority shall terminate an employee's employment contract with or without notice should it believe that the continued employment of such a person would prejudice or affect other employees' performance or compromise the University's interests.
- ii. Termination shall be with benefits as the appointing authority shall decide.

7.5 Dismissal

The power to dismiss an employee shall be vested in the Appointing Authority.

- i. Both gross misconduct and gross neglect of duty are punishable by dismissal from employment.
- ii. An employee who is dismissed from service as a result of criminal conviction shall neither be given notice nor paid salary in lieu.
- iii. An employee who is dismissed following suspension shall forfeit the half salary withheld during the period of suspension as well as any other benefits.
- iv. The provision in (iii) above shall not apply to personal contributions to the terminal benefits scheme(s).

7.6 Summary Dismissal

The power to summarily dismiss shall be vested in the Vice Chancellor.

- i. Summary dismissal shall take place when the University terminates the service of an officer or staff without notice or with less notice than that to which the officer or staff is entitled by the statutory provisions or contract.
- ii. The University is entitled to dismiss summarily, and the dismissal shall be termed justified, where the staff has, by his or her conduct indicated that he or she has fundamentally broken his or her obligations arising under the contract of service

8.0 HEARING OF DISCIPLINARY CASES

8.1 Staff other than exempted staff

- i) The accused member of staff shall be allowed full opportunity to adduce and present evidence, including examining of witnesses, if any, in his/her defense.
- ii) The Appointments Board will conduct its proceedings expeditiously but without influence from anybody.
- iii) The proceedings of the Appointments Board will not be open to the public or media.
- iv) The Appointments Board will be guided in its proceedings by principles of natural justice.

8.2 Where, on the expiry of the period given in the notice for the hearing of a disciplinary offence, the accused member of staff;

- i. admits, in writing, having committed the offence and does not wish to be heard in person; or
- ii. has not responded in writing without any known reasonable excuse (the determination of which shall be by the Appointments Board) and the Appointments Board having been satisfied that he/she was served with and received the required written notice;

The Appointments Board may proceed to hear and decide on the accusation, including the decision on the issue of the punishment, in the absence of that accused member of staff.

8.3 Service of Documents

Where, under the provisions of this Policy,

- i. It is necessary to serve any notice, charge or other document upon a member of staff; or to communicate any information to any member of staff by reason of such member having absented him/herself from duty, and,

- ii. It is not possible to effect such service upon or communicate such information to such member personally,

It shall be sufficient if such notice, charge or other document or letter containing such information is served upon such member at his/her residence or by registered post or public media.

9.0 SANCTIONS

a) The Appointments Board may impose one or more of the following sanctions upon any member of staff as a result of disciplinary proceedings under this Statute:-

- i. Summary Dismissal;
- ii. dismissal;
- iii. Retirement in the interest of the institution;;
- iv. denial of consideration for promotion (for some definite period);
- v. Stoppage of increment for a defined period of time;
- vi. Reduction of pay within the salary scale;
- vii. Extension of probationary period for a definite period;
- viii. Denial of all or some of the privileges under the terms of service, for a specified period of time;
- ix. Written reprimand;
- x. Replacement of property as that lost or damaged due to the misconduct or negligence of the convicted member of staff;
- xi. Recovery of the total or part of the cost of any loss of or damage to property caused by default, negligence, or misconduct, of the convicted member of staff;
- xii. Refund of money spent on training.

(b) It shall be the duty of the Appointments Board to communicate its findings or decision(s) to the concerned staff within fourteen days from the date of the decision.

10.0 APPEALS

i. A member of staff who is dissatisfied with the decision of the Appointments Board shall within fourteen days from receipt of the written decision file an appeal with the University Staff Tribunal.

li. The appeal shall be in writing

iii. The decision of the Appointments Board shall remain in force until the appeal is disposed. The University Staff Tribunal may uphold, quash, set aside the decision appealed against.

11.0 EXEMPTED MEMBER OF STAFF

i. An exempted member of staff may only be disciplined by the Appointing Authority in accordance with his/her terms of service.

iii. Misconduct under this Statute by an exempted member of staff shall be reported to the Appointing Authority either by the Vice Chancellor in the case of honorary, visiting lecturers or seconded staff, or by the Chairman of Council in the case of Vice Chancellor or Deputy Vice Chancellor.

12.0 MISCELLANEOUS PROVISIONS

This Code shall be part of the Terms of Service for every member of staff.

13.0 REVIEW

The Staff Disciplinary and Grievance Handling Policy shall be reviewed by the Council from time to time when need arises.

13.0 APPROVAL

The date of commencement of the Staff Disciplinary and Grievance Handling Policy of Busitema University is the date of approval by the University Council- Approved by the University Council on the 9th day of December, **2011**

Signed By:

Witnessed By:

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CHAIRPERSON UNIVERSITY COUNCIL

UNIVERSITY SECRETARY