



Disciplinary Code Guideline

Annexure C to the Conditions of Service

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Disciplinary Code Guidelines

1. PREAMBLE

- 1.1 This code sets out a schedule of offences indicating the disciplinary action that will normally be applied, but it must be borne in mind that the schedule provides only guidelines.
- 1.2 Depending on the circumstances of a particular case, any offence may warrant a more or a less severe penalty than that laid down.
- 1.3 The relevant schedule/s of the Labour Relations Act and other related legislation must always be borne in mind, as must the provisions of any relevant policies and or conditions of services and or applicable contract/s that may have a bearing on the matter.
- 1.4 The list of offences is not exhaustive and unforeseen matters will create new precedents over time.
- 1.5 An employee who is found guilty of committing an offence not specifically described in this code may nevertheless be disciplined in appropriate circumstances considering the conditions as set out in 1.1 – 1.4 as well as the employment history in totality. Substantive and procedural fairness principles are important as when making disciplinary action decisions.

2. DEFINITIONS AND INTERPRETATION

- 2.1 In this Code, all words have the same meaning as those defined in the consolidated conditions of service, unless the context indicates otherwise.
- 2.2 “Code” means this Disciplinary Code, which forms part of all employees’ conditions of service.
- 2.3 Whenever a number of days is prescribed in this code, such number shall be calculated by excluding the first day, but including the last day, unless the last day falls on a Saturday, Sunday or an official Public Holiday, in which case the last day shall be the next day that is not a Saturday, Sunday or an official Public Holiday.
- 2.4 Paragraph headings are inserted for convenience only and cannot be used in the interpretation of this Code.
- 2.5 If any provision confers any right or imposes any obligation on any party, then notwithstanding that it is only in the interpretation clause, effect must be given to it as if it were a substantive provision.
- 2.6 Legend for abbreviations used in the schedule:

VW: Verbal warning

WW: Written warning

FW: Final warning

DC: Dismissal with notice

SD: Summary dismissal (Dismissal without notice)

3. ABSENTEEISM

- | | | | | |
|-----|--|----|----|----|
| (a) | Absenteeism without leave: 1day | WW | FW | DC |
| (b) | Absenteeism without leave: 2days | WW | FW | DC |
| (c) | Absenteeism without leave: 3days | | FW | DC |
| (d) | Absenteeism without leave: 4days or more | | | DC |
| (e) | Abuse of sick leave | WW | FW | DC |
| (f) | Non-notification of absence | WW | FW | DC |

4. TIME-RELATED MISCONDUCT

- | | | | | | |
|-----|---|----|----|----|----|
| (a) | Arriving late at work | VW | WW | FW | DC |
| (b) | Unauthorised absence form workplace | VW | WW | FW | DC |
| (c) | Leaving workplace without permission | VW | WW | FW | DC |
| (d) | Leaving workplace before closing time | VW | WW | FW | DC |
| (e) | Unauthorised breaks during work | VW | WW | FW | DC |
| (f) | Receiving unauthorised visit during working time | VW | WW | FW | DC |
| (g) | Unauthorised occupation of other employees' time (e.g. selling goods, collection lists) | VW | WW | FW | DC |

(h) Passing time idly, loafing (failing to complete tasks)

VW WW FW DC

5. DISORDERLY CONDUCT

5.1 Insubordination and abusive behaviour

(a)	Insolence or insubordination to senior employee		FW	DC	
(b)	Unwillingness or refusal to accept or execute lawful instruction from person in authority		FW	DC	
(c)	Contravenes or fails to comply with the University's conditions of employment, written agreements with trade unions, operating regulations, security measures, codes, rules and statutory requirements	WW	FW	DC	
(d)	Refusing to work agreed overtime	WW	FW	DC	
(e)	Horseplay	WW	FW	DC	
(f)	Injury to others due to horseplay		FW	DC	
(g)	Abusive/obscene language	WW	FW	DC	
(h)	Threats of violence			DC	
(i)	Assault/attempt to assault				SD
(j)	Fighting				SD
(k)	Grossly offensive behaviour				SD
(l)	Riotous behaviour		FW		SD
(m)	Inciting others to commit offence				SD
(n)	Victimization/intimidation		FW		SD

(o)	Harassment		FW	DC
(p)	Indecency	WW	FW	DC
(q)	Unauthorised possession of dangerous weapon			DC
(r)	Behaviour which could tarnish the University's image or relationships	WW	FW	DC
(s)	Improper/disgraceful conduct		FW	DC

5.2 Unacceptable behaviour

(a)	Smoking in non-smoking area (In the case of a dangerous non-smoking area (e.g. in the presence or proximity of flammable material) a first offence warrants DC)	VW	WW	FW	DC
(b)	Unauthorised placing of posters/notices	VW	WW	FW	DC
(c)	Sleeping on duty (In the case of a Security Guard a first offence warrants SD)	VW	WW	FW	DC
(d)	Gambling on duty on University's premises	VW	WW	FW	DC
(e)	Conducting private business in working hours (Subject to the provisions of the University's Private Work Policy)		WW	FW	DC
(f)	Failing to report an accident at work			FW	DC
(g)	Poor maintenance of vehicles, machines or equipment		WW	FW	DC
(h)	Intentional interference with or obstruction of other employees in			FW	DC

performance of their duties

- | | | | | | |
|-----|---|----|----|----|----|
| (i) | Minor negligence | WW | FW | DC | |
| (j) | Gross negligence | | | | DC |
| (k) | Dereliction of duty | | | | SD |
| (l) | Performing private work without permission | WW | FW | DC | |
| (m) | Performing private work that amounts to a conflict of interest (Such as an academic employee who teaches the same course at the University as at a private college) | | | | DC |

5.3 Dishonesty

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|-----|---|--|--|----|----|
| (a) | Bribery/corruption | | | | SD |
| (b) | Fraud/forgery | | | | SD |
| (c) | Theft | | | | SD |
| (d) | Misuse of University's funds | | | | SD |
| (e) | Unauthorised possession of University property or of another employee's or visitor's property | | | DC | SD |
| (f) | Disclosure of confidential information | | | DC | |
| (g) | Giving false statements | | | DC | |

6. MISUSE OF UNIVERSITY PROPERTY

- | | | | | | |
|-----|--------------------------|----|----|----|--|
| (a) | Willful loss of property | WW | FW | DC | |
|-----|--------------------------|----|----|----|--|

(b)	Willful abuse or misuse of property		FW	DC
(c)	Damage of property through negligence		FW	DC
(d)	Willful damage of property			DC
(e)	Wasting of resources/materials	WW	FW	DC
(f)	Driving vehicle without permission		FW	DC
(g)	Negligent or reckless driving		FW	DC
(h)	Speeding	WW	FW	DC

7. VIOLATION OF SAFETY AND HYGIENE RULES

(a)	Minor infringement of health, hygiene and safety rules and regulations	WW	FW	DC
(b)	More serious infringement of health, hygiene and safety rules and regulations		FW	DC
(c)	Gross violation of health, hygiene and safety rules and regulations			DC
(d)	Failure to wear specific personal protective clothing		FW	DC

8. ALCOHOL OR DRUGS MISCONDUCT

Drugs do not only mean illicit drugs but also prescription drugs or other hallucinogenics obtained illicitly (also see the University's policy for dealing with substance abuse).

(a)	In unauthorised possession of alcohol/drugs at the workplace			DC
(b)	Arrival at work under influence of			DC

alcohol/drugs

- | | | | |
|-----|---|--|----|
| (c) | Being under the influence of alcohol or drugs during working hours | | DC |
| (d) | Consuming alcohol in any form in the workplace (except sanctioned social occasions) | | DC |
| (e) | Inability to work properly as a result of drugs or alcohol | | DC |
| (f) | Driving a University vehicle while under the influence of alcohol or drugs | | DC |

9. INDUSTRIAL ACTION

- | | | | |
|-----|---|----|----|
| (a) | Participation in an unprotected strike/industrial action | | DC |
| (b) | Participation in an unprotected secondary (sympathy) strike / industrial action | | DC |
| (c) | Participation in unprotected picketing | | DC |
| (d) | Participation in unprotected protest action | | DC |
| (e) | Inciting unprotected activity | FW | DC |
| (f) | Damaging University property or causing injury to employees during strike action | | DC |
| (g) | Trashing University property during industrial action (including but not limited to overturning rubbish containers) | FW | DC |

Approved by Council on 18 September 2014