



**DISCIPLINARY PROCEDURE AND DISCIPLINARY CODE GUIDELINE  
(Annexure B and C to the Conditions of Service)**

<b>Procedure and Guideline Owner</b>	Chief Operating Officer
<b>Division/Unit/Department</b>	Human Capital Management
<b>Date of Initial Approval</b>	18 September 2014
<b>Approved by</b>	Council
<b>Approval Dates of Revisions/Amendments</b>	22 September 2020 21 September 2023
<b>Next Review Date</b>	2028
<b>Platform to be published on</b>	Intranet

**Disclaimer:** Copyright of UJ Governance Documentation reserved to the University of Johannesburg (UJ). All rights not expressly granted are reserved. Users may download, view, and print the content of these document(s) for private and commercial purposes only. UJ must be referenced in any extraction of these policy document(s).

## Contents

### Table of Contents

<b>Annexure B to the Conditions of Service: DISCIPLINARY PROCEDURE .....</b>	<b>3</b>
<b>1. OBJECTIVE .....</b>	<b>3</b>
<b>2. DEFINITIONS AND INTERPRETATION .....</b>	<b>3</b>
<b>3. GENERAL PRINCIPLES.....</b>	<b>4</b>
<b>4. NATURE OF DISCIPLINARY MEASURES.....</b>	<b>5</b>
4.1 Informal discipline .....	5
4.2 Formal discipline .....	5
<b>5. PROCEDURE.....</b>	<b>6</b>
5.1 Level 1: Written warning.....	6
5.2 Level 2: Final written warning .....	7
5.3 Level 3: Disciplinary inquiry.....	7
<b>6. PRE-ARBITRATION DISMISSAL ENQUIRY.....</b>	<b>9</b>
<b>7. REVIEW PROCEDURE.....</b>	<b>9</b>
<b>8. RECORD KEEPING .....</b>	<b>10</b>
<b>ANNEXURE A: DISCIPLINARY WARNING FORM – GUIDE.....</b>	<b>11</b>
<b>ANNEXURE B: NOTICE TO ATTEND A DISCIPLINARY INQUIRY - GUIDE .....</b>	<b>13</b>
<b>Annexure C to the Conditions of Service: DISCIPLINARY CODE GUIDELINE .....</b>	<b>14</b>
<b>9. PREAMBLE .....</b>	<b>14</b>
<b>10. DEFINITIONS.....</b>	<b>14</b>
<b>11. INTERPRETATION.....</b>	<b>14</b>
<b>12. ABSENTEEISM.....</b>	<b>15</b>
<b>13. TIME-RELATED MISCONDUCT.....</b>	<b>15</b>
<b>14. DISORDERLY CONDUCT .....</b>	<b>15</b>
14.1 Insubordination and abusive behaviour .....	15
14.2 Unacceptable behaviour .....	16
14.3 Dishonesty.....	17
<b>15. MISUSE OF UNIVERSITY PROPERTY.....</b>	<b>17</b>
<b>16. VIOLATION OF SAFETY AND HYGIENE RULES .....</b>	<b>18</b>
<b>17 ALCOHOL OR DRUGS MISCONDUCT .....</b>	<b>18</b>
<b>18. INDUSTRIAL ACTION .....</b>	<b>18</b>

## **Annexure B to the Conditions of Service: DISCIPLINARY PROCEDURE**

### **1. OBJECTIVE**

- 1.1 The University's Disciplinary Procedure aims to establish a fair and uniform procedure for managing discipline at the University of Johannesburg. Given the complex nature of Employment Relations, the disciplinary Code and Procedure serve as a guide to evaluate cases on their merit while ensuring fairness and consistent application.
- 1.2 This procedure also aims to rectify unacceptable conduct to establish, maintain and develop sound employment relations at the University.
- 1.3 This procedure is implemented by the principles of natural justice, substantive fairness and procedural fairness.
- 1.4 The provisions of Schedule 8 of the Labour Relations Act (LRA) form the point of departure for this procedure. Although a separate policy deals with incapacity matters, the same procedural informal and formal corrective measures apply in incapacity cases as guided by Schedule 8 of the Act.

### **2. DEFINITIONS AND INTERPRETATION**

- 2.1 In this procedure, all words have the same meaning as those defined in the consolidated conditions of service unless the context indicates otherwise.
- 2.2 **Procedure:** means the Disciplinary Procedure, which forms part of all employees' conditions of service.
- 2.3 Whenever several days are prescribed in this procedure, 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 to interpret this procedure.
- 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, the effect must be given to it as if it were a substantive provision.
- 2.6 **Delegated Authority:** means a person delegated in terms of the Human Capital Management (HCM) Delegation of Authority Manual.
- 2.7 **Employee** means – (a) Any person, excluding an independent contractor, who works for the University and receives, or is entitled to receive remuneration; and (b) Any other person who assists in carrying on or conducting the employer's business.
- 2.8 **Employer** means The University of Johannesburg.
- 2.9 **Management** means the person who directly or indirectly directs (oversees and regulates) the employee's activities and is duly authorised by the University of Johannesburg to act as a manager or management representative.
- 2.10 **Workplace** means any place where employees work.
- 2.11 **Conditions of Service** means the terms on which an employee is employed and expressly apply to all employees employed by the University of Johannesburg, irrespective of their membership of trade unions or otherwise.
- 2.12 **Remuneration** means any payment in money or kind, or both in money and in kind, made or owing to any person in return for that person working for the University and 'remunerate' has a corresponding meaning.

- 2.13 **Misconduct** is one of the grounds recognised by the law that may give a reason for the dismissal of an employee. It means improper or unacceptable behaviour by the employee, which implies that an employee knows or should know the rule yet does not comply with it.
- 2.14 **Incapacity** refers to an employee's temporary or permanent lack of ability to perform effectively due to ill health or injury, poor work performance or incompatibility.
- 2.15 **Trade union** means an association of employees whose principal purpose is to regulate relations between employees and employers, including any employers' organisations.
- 2.16 **Trade union representative** means a trade union member elected to represent employees in a workplace.
- 2.17 **Legal practitioner** means any person admitted to practice as an advocate or an attorney in the Republic.
- 2.18 **Schedule 8 of the Labour Relations Act (LRA)** means the Code of Good Practice: Dismissal that deals with the Substantive and Procedural fairness for dismissal for reasons of misconduct.
- 2.19 **The Labour Relations Act (LRA), Act 66 of 1995**, aims to promote economic development, social justice, labour peace and democracy in the workplace.
- 2.20 **CCMA** means the Commission for Conciliation, Mediation and Arbitration, established in terms of Section 112 of the Labour Relations Act, 1995. The CCMA is an independent organisation that resolves labour disputes.

### **3. GENERAL PRINCIPLES**

- 3.1 The University's Management is responsible for maintaining discipline in the workplace, and this responsibility is enforced through this procedure.
- 3.2 This procedure applies to all University employees.
- 3.3 This procedure is implemented for matters related to misconduct enquiries. This procedure must also consider other related Policies, such as those dealing with incapacity.
- 3.4 This procedure has no bearing on terminating employees' services for operational reasons (retrenchments).
- 3.5 This procedure is a guideline for affected employees of the University.
- 3.6 Records of disciplinary action taken are filed in employees' personnel files for safekeeping and future reference, and employees are entitled to a copy of such warnings.
- 3.7 Written warnings are valid for six (6) months, and final written warnings are for twelve (12) months from the date of issue, after which they expire. All expired documents will be kept to demonstrate a pattern of behaviour.
- 3.8 Disciplinary action against employees is taken within a reasonable period after the University has become aware of and evaluated the need for such action.
- 3.9 This procedure acknowledges that employees are entitled to choose one representative who is a colleague, a trade union representative at level 1 and level 2, at level 3, a colleague or a trade union official/ representative or a legal representative to assist them during the implementation of discipline subject to paragraph 5.3.3.6(e).

### 3.10

#### The Vice-Chancellor and Principal

- a) Shall be entitled to authorise the precautionary suspensions for any reasons permitted and recognised in law; these reasons include but are not limited to:
  - i) When the continuous presence of the employee/s may hamper investigations.
  - ii) If there is a perceived and reasonable possibility that employees suspected of having committed misconduct may intimidate and/or influence witnesses or attempt to destroy evidence.
- b) If the employee's continuous presence threatens life, property and/or the orderly continuation of the business.
- c) The precautionary suspension will be at total remuneration.
- d) Will have the discretion (but will not be obliged) to give the employee/s opportunity to make a representation (in writing or person) before the implementation of the intended suspension, provided that in cases, as set out in paragraphs 3.10.a) the Vice-Chancellor and Principal may authorise the precautionary suspension and only after that allow the employee to give reasons why the precautionary suspension should be rescinded.
- e) The Vice-Chancellor and Principal may rescind the suspension of employees at any time, but the proceedings concerning the misconduct charge may continue despite such rescission.
- f) The acquittal or conviction of an employee on a criminal charge by a court of law shall not prevent steps being instituted against them on a charge of misconduct, even though the facts set out in charge of misconduct, should they be proven, would constitute the misconduct set out in the criminal charge on which he has been so acquitted or convicted or any other offence of which he might have been found guilty at his trial for the said criminal charge. Internal disciplinary proceedings may thus occur concurrently, before, or after and independently of any external criminal proceedings.

## 4. NATURE OF DISCIPLINARY MEASURES

One (1) informal level and three (3) formal levels of disciplinary action may be taken against employees.

### 4.1 **Informal discipline**

4.1.1 Informal discipline is implemented using a verbal reprimand that is not placed on record.

4.1.2 A verbal reprimand makes provision for daily operational matters rather than specifically unacceptable conduct.

### 4.2 **Formal discipline**

4.2.1 Formal disciplinary action may be taken against employees at three (3) levels (see subparagraph 4.5) when the Disciplinary Code is breached or Conditions of Service are not complied with.

4.2.2 The following three (3) levels of disciplinary action are followed (in order of less serious to more serious):

4.2.2.1 Written warning.

4.2.2.2 Final written warning.

4.2.2.3 Disciplinary inquiry, which could lead to employees' dismissal.

- 4.3 Warnings are cumulative and progressive to correct conduct where possible and appropriate.
- 4.4 Where applicable and depending on the totality of circumstances, corrective action may be instituted as listed in 4.2.2 above by following the levels described in (a) to (c) for related offences.
- 4.5 The various levels of disciplinary action for which provision is made in 4.2.2 do not always follow a fixed sequence. Discipline may be implemented directly at the appropriate level, considering all circumstances in terms of the objectives of this procedure and the nature and seriousness of the case.

## **5. PROCEDURE**

Formal disciplinary action is taken as follows.

### **5.1 *Level 1: Written warning***

- 5.1.1 If an employee's immediate Head (or a more senior employee if it is preferable and advised by the Employment Relations Department that a more senior employee deals with the matter) believes that a written warning is for the offence, the procedure below is followed.
- 5.1.2 The person identified in 5.1.1 must notify the employee/s in writing of a meeting to take place as well as the purpose of the meeting. The employees' rights must be listed in the notification. Should the employee not consent to 5.1.1, the employee can invoke para 5.3 of the procedure.
- 5.1.3 At the meeting, the nature of the identified issues of misconduct is discussed with the employee in the presence of the employee's representative (if the employee/s so required), as well as a management observer and or HCM representative whose role is to advise everyone on related processes and procedures, including conditions of service.
- 5.1.4 Employees are also given ample opportunity to state their cases. Should an employee, notwithstanding timeous notice to make themselves available for this procedure, not attend the process without a reasonable explanation communicated to the management observer, the process may continue in their absence as a default procedure.
- 5.1.5 An interpreter appointed by the Head may also be present at the employee's request.
- 5.1.6 If the person dealing with the matter still decides to issue the warning after the employee has stated their case and the process described in 5.1.2 is concluded, a warning in writing is issued (see Annexure A as a guide).
- 5.1.7 The person issuing the warning ensures that the employee understands the nature of the warning and the possible consequences of a recurrence of the same or similar offence during the period duration of the warning.
- 5.1.8 The employee and their representative must sign the warning form to acknowledge receipt of the warning even if the employee disagrees with the disciplinary action being taken.
- 5.1.9 If the employee or the representative refuses to sign the warning form, the management observer and/or the HCM representative will confirm that the warning was issued in the employee's presence by endorsing the form to this effect.
- 5.1.10 The employee's refusal to sign this form does not render a warning invalid, and a

warning that is endorsed accordingly will have the same validity as a warning that an employee signs.

- 5.1.11 A copy of the completed warning form must be made available to the employee, and the original will be kept in the employee's personnel file.
- 5.1.12 The duration of the validity of the warning will be per paragraph 3.7.

## **5.2 Level 2: Final written warning**

- 5.2.1 Suppose the Chairperson feels that a final written warning may be the appropriate disciplinary measure. In that case, the employee can elect the procedure outlined in level 1 to be followed or as described in 5.3. The steps listed above (in level 1) will be followed should an employee elect the former. The meeting outcome will determine an outcome short of dismissal, which may include a final written warning.
- 5.2.2 The person issuing the warning must ensure that the employee understands that a recurrence of the same or similar offence during the validity period of the final written warning may lead to a disciplinary inquiry, which could, in turn, lead to the employee's dismissal.

## **5.3 Level 3: Disciplinary inquiry**

- 5.3.1 A disciplinary inquiry is conducted in the event of any serious offence that would warrant dismissal as a possible measure or in the event of the recurrence of the same or similar offence or where progressive corrective measures have been instituted, which justifies the formalisation of a disciplinary inquiry.
- 5.3.2 Disciplinary enquiries are instituted upon the approval of the Director: Employment Relations, whose role is to ensure that fairness prevails and that adequate corrective measures and procedures followed justify a disciplinary inquiry's institution.
- 5.3.3 The procedure below is followed if a disciplinary inquiry is conducted:
  - 5.3.3.1 The employee receives a five (5) working days written notice to attend the inquiry.
  - 5.3.3.2 The written notice (see Annexure B as a guide) is issued and handed to the employee by a member of the Employment Relations Department.
  - 5.3.3.3 An employee notified of a disciplinary enquiry has the right to request further particulars and documents concerning the charges to be submitted to them no less than three (3) working days before the date of the hearing, subject to such information being reasonably required for purposes of preparing a defence and further subject to the limitations of section 16 of the LRA.
  - 5.3.3.4 The Chairperson of an inquiry may postpone the disciplinary inquiry at their sole discretion, but only on good cause shown.
  - 5.3.3.5 The Chairperson may also grant a postponement in cases of serious illness or death in the employee's immediate family.
  - 5.3.3.6 The inquiry is attended by:
    - a) The *Chairperson*, who:
      - i) is appointed by the Management Executive Committee (MEC);
      - ii) must not directly or indirectly be involved in the allegations against the employee;
      - iii) must not have any direct or indirect interest in the case;
      - iv) is appointed either internally or externally by the University;
      - v) is vested with the delegated power of the Council to make a finding of

"Guilty" or "Not Guilty" and make a recommendation about the sanction to the Vice Chancellor and Principal ;

vi) as authorised by the Council, the Vice-Chancellor and Principal may ratify the Chairperson's recommendation or refer it back if further clarification is needed, wherein the Chairperson must follow the appropriate process to enable them to respond in terms of the issues raised.

b) The University can appoint an internal or external representative in internal hearings.

c) The University representative officially represents the University, serves the function of initiator, and leads the proceedings on behalf of the University.

d) The *employee* against whom the allegations are being made, who, if they refuse or fail to attend a hearing, may be tried *in absentia*.

e) The representative of their choice will represent the employees, and it is the employee's responsibility to ensure the availability of their representative at the start of the hearing. Applications to be legally represented must be brought in advance of the disciplinary inquiry where the employer is not legally represented and will be granted/denied at the discretion of the Chairperson.

f) An interpreter approved by the Chairperson if the employee wishes to have one present.

g) An HCM Division/Employment Relations Department representative ensures proper administrative procedures and processes are followed.

5.3.3.7 The University representative and the employee have the right to call witnesses and to cross-examine any other witnesses called by the opposite party.

5.3.3.8 The witnesses must enter the venue of the inquiry one at a time and leave as soon as they have completed testifying and the cross-examination has been completed. Witnesses are not allowed to communicate with possible other witnesses before the procedure has been finalised on any aspect regarding this particular procedure.

5.3.3.9 The Chairperson announces the outcome of guilty/non-guilty after the University representative and the employee or their representative have concluded their respective cases and after the Chairperson has taken a recess to consider the case.

5.3.3.10 The Chairperson's finding needs to be made on a balance of probability and as prescribed by the relevant legislation applicable

5.3.3.11 If the Chairperson finds the employee guilty, the employee or their representative is allowed to bring mitigating circumstances or other relevant information to the Chairperson's attention, and the University representative of the allegations will also be allowed to bring aggravating circumstances or other relevant factors to the Chairperson's attention.

5.3.3.12 After hearing the mitigating and/or aggravating circumstances, the Chairperson will have the employee's personnel file fetched, from which the Chairperson will determine the employee's period of service, whether there is a record of any valid and related warnings, as well as any other relevant information, such as the employee's circumstances, and consider these when in recommending a sanction.

5.3.3.13 In recommending a sanction, the Chairperson must take account of:

a) The measures being proportionate to the misconduct of which the employee has been found guilty.

b) The circumstances of the employer and the employee and the impact of the



transgression on workplace relationships.

- c) Aggravating factors may include the employee's position, seniority and previous disciplinary offences and warnings.
- d) Mitigating factors that may include the employee's length of service, a clean disciplinary record or extenuating personal circumstances.

5.3.3.14 The sanction recommended by the Chairperson will be communicated to the office of the Vice-Chancellor and Principal for decision as delegated by Council and as described in 5.3.3 (g) (i). The decision taken by the Vice-Chancellor and Principal will be communicated to the employee by the Director: Employment Relations or their designate.

5.3.3.15 The possibilities of demotion or suspension without pay may be put to the employee only as alternatives short of dismissal. The employee must accept them in writing to be valid.

5.3.3.16 Once informed of the sanction and the employee wishes to challenge the decision, they have the right to exercise their rights in paragraph 7.

5.3.3.17 The Chairperson is responsible for ensuring that proper minutes of the inquiry are kept, and the employee is entitled to a copy of the minutes.

5.3.3.18 An audio recorder must always be used to record disciplinary inquiries. The service of an employee and the employment relationship only ends when the final decision regarding the review procedure is communicated in writing to the employee, where a review application is lodged and considered.

5.3.3.19 Notwithstanding what is stated above, it is within the University's discretion to limit a disciplinary inquiry to written representations only, where appropriate and with the changes required by the context.

## **6. PRE-ARBITRATION DISMISSAL ENQUIRY**

The parties may, as an alternative to clause 5.3 and provided that an employee's prior consent (as stipulated in sections 188A(4)(a) and (b)) was obtained or per a collective agreement:

6.1 Conduct a pre-arbitration dismissal enquiry in terms of section 188A.

6.2 An accredited agency of the CCMA shall conduct pre-arbitration to conduct an arbitration into an allegation about the conduct or capacity of an employee as provided for under Section 188A of the LRA.

## **7. REVIEW PROCEDURE**

7.1 An employee may apply in writing to the Vice-Chancellor and Principal for a leave to record a review after receiving the Chairperson's recommendation for sanction within five (5) working days of the report being communicated. Should an employee not exercise their right as contemplated in paragraph 7.1 and the sanction is the termination of employment services, the termination date will only come into effect after the five (5) day period has lapsed and as per the notice of termination received in writing.

7.2 The substantive and procedural grounds for leave to record a review must be clearly defined in the application.

7.3 The Vice-Chancellor and Principal grants or rejects such application within seven (7) working days after receiving the application as prescribed above.

7.4 Suppose the application is rejected, and the sanction is the termination of services.

In that case, the termination date will be as per the outcome communicated in writing to the employee. The employee may, after that, refer the matter to the CCMA for adjudication or any other relevant statutory body as prescribed by the related legislation.

- 7.5 If the application is granted, a review panel (consisting of one (1) person) is appointed to evaluate the grounds per the scope determined by the Vice-Chancellor and Principal in the ruling on the application for a review. The review panel may uphold, reject or amend the verdict and/or sanction. The outcome will be communicated to the employee and line manager via the Director: Employment Relations and Employee Wellness or their delegated authority. This decision will be final as officially communicated. The employee may, after that, refer the matter to the CCMA within thirty (30) days.

## **8. RECORD KEEPING**

- 8.1 The Executive Director: HCM ensures that all records of disciplinary inquiries are kept for at least twelve (12) months after the termination of the proceedings.

# ANNEXURE A: DISCIPLINARY WARNING FORM – GUIDE



## ANNEXURE A: DISCIPLINARY WARNING FORM - GUIDE

Employee's name: .....

Job title: .....

Department/Division: .....

Supervisor/Head: .....

Date of offence: .....  
(where applicable)

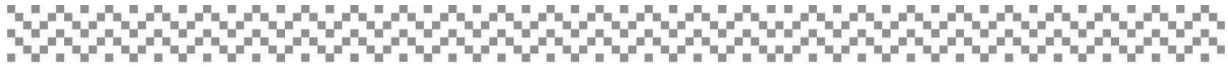
Time of offence: .....  
(where applicable)

Nature of misconduct in terms of the code guidelines:  
.....  
.....

Employee's statement for misconduct (in brief):  
.....  
.....

Reason accepted?  
Yes/No: .....

If reason was not accepted, the following corrective action is necessary to avoid future misconduct:  
.....  
.....  
.....



Action taken:                      Warning / Final warning (*delete as appropriate*).

In the event of a final warning being given, the employee was advised that should he/she be found guilty of a similar violation within the validity period of this warning, then dismissal may follow.

.....  
Employee's signature

.....  
Date

.....  
Line Manager's / Head's Signature

.....  
Date

.....  
Employee Representative's Signature

.....  
Date

.....  
HR Representative

.....  
Date

NOTES:

1. One copy to employee and one copy for employee's file.
2. Written warning stays valid for six months.
3. Final warning stays valid for twelve months.

## ANNEXURE B: NOTICE TO ATTEND A DISCIPLINARY INQUIRY - GUIDE



### ANNEXURE B: NOTICE TO ATTEND A DISCIPLINARY INQUIRY - GUIDE

Name of employee: .....

Department/Division: .....

1. Alleged transgression (including date, time and place if appropriate):

.....  
.....

2. Date of disciplinary inquiry: .....

Time: .....

Place: .....

Name of Chairperson of disciplinary inquiry: .....

3. Please inform the Chairperson within five working days before the date of the inquiry:

- (a) if an interpreter is required;
- (b) the name of your representative;
- (c) the name of any additional witnesses; and
- (d) if any further particulars and documents are required for purposes of preparing a defence.

4. During the inquiry you are entitled:

- (a) to state your case;
- (b) to be represented by a fellow employee / recognised trade union representative, union official or legal practitioner;
- (c) ask questions on any evidence produced or of statements by witnesses;
- (d) to have an interpreter of the Chairperson's choice; and
- (e) to call witnesses.

5. If you do not attend and cannot give reasonable grounds for failing to attend, the inquiry will be held in your absence.

6. I acknowledge receipt of this notice and understand the contents thereof.

.....  
Signature of Initiator Date

.....  
Signature of employee Date

## **Annexure C to the Conditions of Service: DISCIPLINARY CODE** **GUIDELINE**

### **9. PREAMBLE**

- 9.1 This Code sets out a schedule of offences indicating the disciplinary action that will typically be applied, but it must be noted that the schedule provides only guidelines.
- 9.2 Depending on the circumstances of a particular case, any offence may warrant a more or a less severe penalty than that laid down.
- 9.3 The relevant schedule/s of the Labour Relations Act and other related legislation must always be considered, 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.
- 9.4 The list of offences is not exhaustive; unforeseen matters will create new precedents over time.
- 9.5 An employee found guilty of committing an offence not specifically described in this Code may nevertheless be disciplined in appropriate circumstances considering the conditions set out in 1.1 to 1.4 and the employment history in totality. Substantive and procedural fairness principles are important when making disciplinary action decisions.

### **10. DEFINITIONS**

- 10.1 In this Code, all words have the same meaning as those defined in the consolidated conditions of service unless the context indicates otherwise.
- 10.2 "**Code**" means this Disciplinary Code, which forms part of all employees' conditions of service.
- 10.3 Legend for abbreviations used in the schedule:
  - 10.2.1 VW: Verbal Warning
  - 103.2 WW: Written Warning
  - 103.3 FW: Final Warning
  - 103.4 DC: Dismissal with notice
  - 10.3.5 SD: Summary dismissal (Dismissal without notice)

### **11. INTERPRETATION**

- 11.1 Whenever several days are 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.
- 11.2 Paragraph headings are inserted for convenience only and cannot be used to interpret this Code.
- 11.3 If any provision confers any right or imposes any obligation on any party, then notwithstanding that it is only in the interpretation clause, the effect must be given to it as if it were a substantive provision.

**12. ABSENTEEISM**

	Schedule of Offences	Disciplinary action to be applied				
(a)	Absenteeism without leave: 1 day		WW	FW	DC	
(b)	Absenteeism without leave: 2 days		WW	FW	DC	
(c)	Absenteeism without leave: 3 days			FW	DC	
(d)	Absenteeism without leave: 4 days or more				DC	
(e)	Abuse of sick leave		WW	FW	DC	
(f)	Non-notification of absence		WW	FW	DC	

**13. TIME-RELATED MISCONDUCT**

	Schedule of Offences	Disciplinary action to be applied				
(a)	Arriving late at work	VW	WW	FW	DC	
(b)	Unauthorised absence from the workplace	VW	WW	FW	DC	
(c)	Leaving the workplace without permission	VW	WW	FW	DC	
(d)	Leaving the workplace before closing time	VW	WW	FW	DC	
(e)	Unauthorised breaks during work	VW	WW	FW	DC	
(f)	Receiving unauthorised visits 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 the time idly, loafing (failing to complete tasks)	VW	WW	FW	DC	

**14. DISORDERLY CONDUCT**

**14.1 *Insubordination and abusive behaviour***

	Schedule of Offences	Disciplinary action to be applied				
(a)	Insolence or insubordination to a senior employee			FW	DC	
(b)	Unwillingness or refusal to accept or execute lawful instruction from a 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	

	<b>Schedule of Offences</b>	<b>Disciplinary action to be applied</b>				
(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 an offence					SD
(n)	Victimisation/intimidation			FW		SD
(o)	Harassment			FW	DC	
(p)	Indecency		WW	FW	DC	
(q)	Unauthorized possession of a dangerous weapon(s)				DC	
(r)	Behaviour which could tarnish the University's image or relationships		WW	FW	DC	
(s)	Improper/disgraceful conduct			FW	DC	

## 14.2 ***Unacceptable behaviour***

	<b>Schedule of Offences</b>	<b>Disciplinary action to be applied</b>				
(a)	Smoking in a 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 a DC)	VW	WW	FW	DC	
(b)	The unauthorised placing of posters/notices	VW	WW	FW	DC	
(c)	Sleeping on duty (In the case of a Security Guard, a first offence warrants an SD)	VW	WW	FW	DC	
(d)	Gambling on duty on University's premises	VW	WW	FW	DC	
(e)	Conducting private business during 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	



	Schedule of Offences	Disciplinary action to be applied				
(g)	Poor maintenance of vehicles, machines or equipment		WW	FW	DC	
(h)	Intentional interference with or obstruction of other employees in the performance of their duties			FW	DC	
(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	

### 14.3 Dishonesty

	Schedule of Offences	Disciplinary action to be applied				
(a)	Bribery/corruption					SD
(b)	Fraud/forgery					SD
(c)	Theft					SD
(d)	Misuse of University funds					SD
(e)	Unauthorised possession of University property or another employee or visitor's property				DC	SD
(f)	Disclosure of confidential information				DC	
(g)	Giving false statements				DC	
	Unauthorised access to UJ IT systems or distribution of information				DC	
	Cyberbullying				DC	

### 15. MISUSE OF UNIVERSITY PROPERTY

	Schedule of Offences	Disciplinary action to be applied				
(a)	Willful loss of property		WW	FW	DC	
(b)	Willful abuse or misuse of property			FW	DC	
(c)	Damage to property through negligence			FW	DC	
(d)	Willful damage to property				DC	

	Schedule of Offences	Disciplinary action to be applied				
(e)	Wasting of resources/materials		WW	FW	DC	
(f)	Driving vehicles without permission			FW	DC	
(g)	Negligent or reckless driving			FW	DC	
(h)	Speeding		WW	FW	DC	

## 16. VIOLATION OF SAFETY AND HYGIENE RULES

	Schedule of Offences	Disciplinary action to be applied				
(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	

## 17. ALCOHOL OR DRUGS MISCONDUCT

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

	Schedule of Offences	Disciplinary action to be applied				
(a)	In unauthorised possession of alcohol/drugs at the workplace				DC	
(b)	Arrival at work under the influence of alcohol/drugs				DC	
(c)	Being under the influence of alcohol/drugs during working hours				DC	
(d)	Consuming alcohol in any form in the workplace (except sanctioned social occasions)				DC	
(e)	Inability to work correctly as a result of alcohol/drugs				DC	
(f)	Driving a University vehicle while under the influence of alcohol/drugs				DC	

## 18. INDUSTRIAL ACTION

	Schedule of Offences	Disciplinary action to be applied				
(a)	Participation in an unprotected strike/industrial action				DC	

	<b>Schedule of Offences</b>	<b>Disciplinary action to be applied</b>				
(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				DC	
(f)	Damaging University property or causing injury to employees during a protected strike/industrial action			FW	DC	
(g)	Trashing University property during a protected strike/industrial action (including but not limited to overturning rubbish containers)			FW	DC	

Approved by the Council on 18 September 2014  
Amendments approved by the Council on 22 September 2020  
Amendments approved by the Council on 21 September 2023