

CODE OF CONDUCT FOR EMPLOYEES

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1.1 Introduction

- This document is an expression of BS Abdur Rahman Crescent Institute of Science and Technology's policy on discipline and a guide to all BS Abdur Rahman Crescent Institute of Science and Technology employees.
- Discipline is a system designed to promote orderly conduct.
- Formal disciplinary action should be the final course of action in rectifying employee behavior.
- Disciplinary action should be supported through investigation, reasonable evidence of guilt and careful consideration of the circumstances of each case before formal action is taken.
- Disciplinary action should always be prompt, fair and firm.
- While every attempt has been made to ensure that this disciplinary code is applicable to general disciplinary instances in BS Abdur Rahman Crescent Institute of Science and Technology, the requirement for use of discretion within the framework of and in accordance with the spirit of the code may be required.
- A successful disciplinary system and climate is dependant on the good judgment, understanding and consistent treatment of the parties involved in disciplinary action.

1.2 Procedure and Documentation

The action of senior when an alleged offense has been committed or is reported to have been committed

When an offense is alleged to have been committed, the senior concerned will investigate or have the matter investigated, and take any form of the following actions:

- Dismiss the case;
- Counsel the employee;
- Give a verbal warning;
- Give a recorded warning;
- Initiate a formal disciplinary inquiry;

Informal disciplinary action

It is desirable for sound interpersonal relations within BS Abdur Rahman Crescent Institute of Science and Technology that senior where possible resolve disciplinary matters by

means of informal disciplinary action. Informal disciplinary action can take the form of either a verbal warning or counseling.

An employee found to have committed an offense of a minor nature should be counseled by the Dean, without an entry being made on the employee's personal record. The Dean may, however, make a record of the counseling session to allow for an assessment of the employee's performance record, should this be necessary at the time, and with the employee's knowledge and understanding thereof, formulate a plan of corrective action.

During the counseling, the senior should ensure that the employee is made aware of the nature of the offense and the standard of the conduct or performance that will be expected in the future.

Procedure for formal complaints

- A Dean/HOD/Other officer handling a formal complaint must investigate the case with the assistance of the Human Resources, where possible, and ensure that the relevant sections of the complaint form are correctly completed within 48 hours of the offense having been committed or the Dean having been made aware of the fact that an offense has been committed
- A copy of the complaint form should be passed without delay to the Human Resources who will advise whether:
- The accused should be suspended pending full investigation (if this has not already been done)
- Advise the Dean on whether to continue with a formal complaint

Disciplinary Inquiries

The Human Resources will be responsible for the overall application of the code of conduct and should where possible:

- Advise and guide all employees on the Disciplinary Code
- Ensure that the code is applied fairly and consistently in all cases

1.3 Special Cases

Suspension

- An employee may be suspended from work immediately if he/she has allegedly committed or is allegedly involved in any one of the following offenses:
 - Assault/attempted assault
 - Desertion
 - Sleeping on duty

- Negligent driving, damage or misuse of BS Abdur Rahman Crescent Institute of Science and Technology property
- Abuse of electronic/data facilities
- Sexual Harassment
- Fighting
- Riotous Behavior
- Alcohol and drug offenses
- Willful loss, damage or misuse of BS Abdur Rahman Crescent Institute of Science and Technology property
- Theft/Unauthorized possession of BS Abdur Rahman Crescent Institute of Science and Technology property
- Breach of Trust
- Offenses related to dishonesty
- Any act or omission which intentionally endangers the health or safety of others, or is likely to cause damage to BS Abdur Rahman Crescent Institute of Science and Technology property
- Interference with disciplinary and/or grievance investigations
- Abusive or provocative language (when it is likely to cause a disturbance)
- Insubordination (if the situation shows signs of getting out of control)
- Persistent refusal to obey instructions.

Poor Work Performance

Cases involving substandard or deteriorating work performance are to be treated differently from those regarded as transgressions of misconduct.

The following guidelines should be considered when dealing with such cases. An attempt should be made to resolve alleged poor work performance by means of counseling the individual involved. Where senior identifies work performance, the following procedural action should be considered:

- Investigate and identify the problem area(s)
- Communicate this to the individual concerned, and jointly agree on the appropriate plan of action in order to resolve the matter. If deemed necessary and relevant, norms should be established by arranging appropriate task lists and the time duration allowed for the completion of each task;
- Consideration should be given to the appointment of a coach or mentor to assist the employee to improve performance;
- Accurately minute the agreed contents of any agreement put in place and provide the Human Resources with a copy for record keeping purposes;

- Regular evaluation and follow up on the agreed plan of action should be made;
- Should counseling fail to produce the desired improvement, alternative action should be considered in liaison with the Human Resources. The alternative action could include but is not limited to (Ref. 1.5) , termination of the employment contract on the grounds of incapacity, demotion or a transfer to an alternative position. The employee, throughout this process, will be entitled to representation.

Offenses outside normal working hours

BS Abdur Rahman Crescent Institute of Science and Technology reserves the right to take any action it may deem appropriate against employees who are, in the opinion of BS Abdur Rahman Crescent Institute of Science and Technology, guilty of gross misconduct not merely in their working situations. This is particularly so where the nature of the misconduct may affect the employment relationship with any other party. Actions that directly relate to the nature of the business are also liable for disciplinary action.

Court Actions

Where an employee has been criminally charged or legal action has been instituted for an employment-related breach, BS Abdur Rahman Crescent Institute of Science and Technology reserves the right to take disciplinary action against the employee for the alleged offense, in terms of this Code.

1.4 Classification of Offences:

Offenses are classified into five major categories.

- 1.4.1 Absenteeism
- 1.4.2 Offences related to Control at Work
- 1.4.3 Offences relating to indiscipline or disorderly behavior
- 1.4.4 Offences related to dishonesty

1.4.1 Absenteeism

Absenteeism in the disciplinary context means being absent from work for an entire working shift, or part thereof, without the expressed permission from a senior

A sanction of dismissal can apply for the first offense of being absent without permission provided that the employee was absent for three continuous working days without a valid reason.

- Absent without leave;
- Desertion: Leave the workplace without intending ever to return; leave without help or support; abandon; leave without authority or permission.

1.4.2 Offences related to Control at Work

- Poor Time Keeping and related offenses
- late for work
- Leaving work early
- Extended or unauthorized breaks during working hours
- Persistently committing all or any of the above.

- Sleeping on duty

Any employee who is found asleep on duty, whether or not such an action constitutes a hazard to the safety and health of the offender or others or leads to damage to BS Abdur Rahman Crescent Institute of Science and Technology property, shall be deemed guilty of an offense.

- Negligent Loss, Damage or Misuse of BS Abdur Rahman Crescent Institute of Science and Technology property
- Negligent loss of BS Abdur Rahman Crescent Institute of Science and Technology property: any act whereby an employee, through carelessness or negligence, loses BS Abdur Rahman Crescent Institute of Science and Technology property or is unable to account for it satisfactorily.
 - Negligent driving; driving a BS Abdur Rahman Crescent Institute of Science and Technology owned or rented a vehicle without due care, whether such an act results in an accident or not.
 - Negligent damage to BS Abdur Rahman Crescent Institute of Science and Technology property: any act whereby an employee through carelessness or negligence causes or allows BS Abdur Rahman Crescent Institute of Science and Technology property to become damaged.
 - Misuse of BS Abdur Rahman Crescent Institute of Science and Technology property: using BS Abdur Rahman Crescent Institute of Science and Technology property for a purpose other than that for which it was intended.
- Unsatisfactory Work Performance
 - Carelessness: Performance of a task or duty without the exercise of due care and attention.
 - Negligence: Failure to exercise proper care and regard to the manner of discharging the duty to the extent that tasks have to be repeated or equipment or persons are at risk of damage or injury.
 - Inefficiency: Failure to carry out work at the required standard or failure to complete tasks within the given reasonable time limits, without reasonable cause. This includes poor supervision.
 - Loafing: Passing time idly or failing without reasonable cause to complete tasks set.

1.4.3 Offences Related to Indiscipline or disorderly behavior.

- Disobedience and related offenses
- Refusing to obey an instruction: deliberate refusal to carry out a lawful and/or reasonable instruction given by the person in authority and within the area of his jurisdiction.
- Failing to obey an instruction: failure to obey a lawful instruction given by a person in authority and within the framework of his/her jurisdiction.
- Non-compliance with established procedure/standing instructions: failure to follow established procedures.
- Abuse of electronic / Data facilities: excessive use/abuse of e-mail and communication facilities; storage and/or transmission of the material of discriminatory nature; storage and/or transmission of pornographic material; unauthorized monitoring and interception of electronic documentation.

Abuse and related offenses

- Abusive Language:
The uttering of any words or the publication of any writing expressing or showing hatred, ridicule or Contempt for any person or group of persons.
The offense is more serious when it is wholly or mainly because of his/her/their nationality, race, color, ethnic origin, sex, marital status, religion, creed, political opinion, social or economic status, the degree of physical or mental ability, sexual orientation or culture.
- Insubordination:
Insolence towards a superior shown by action or words.

Disorderly behavior and related offenses

Disorderly behavior:

Indulging in rough or unruly behavior or practical jokes whether or not such behavior endangers the safety or health of others or the smooth running of the workplace.

Threatening violence:

Threatening to do physical injury to any other person.

Fighting:

Physical contact between two or more persons, engaging in or inciting a group of persons to indulge in disorderly behavior or willfully to damage BS Abdur Rahman Crescent Institute of Science and Technology property.

Riotous behavior:

Unruly behavior between two or more persons, engaging in or inciting a group of persons to indulge in disorderly behavior or willfully to damage BS Abdur Rahman Crescent Institute of Science and Technology property.

Sexual Harassment:

Any unwanted or unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, causes unreasonable interference with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Discrimination:

Any act whereby an employee discriminates against any other employee or group of employees on the grounds of nationality, race, color, ethnic origin, sex, marital status, religion, creed, political opinion, social or economic status, the degree of physical or mental ability, sexual orientation or culture.

Willful loss, damage or misuse of BS Abdur Rahman Crescent Institute of Science and Technology property

Willful loss: any act whereby an employee willfully or deliberately loses or causes BS Abdur Rahman Crescent Institute of Science and Technology property to be lost.

Willful damage: any act whereby an employee willfully or deliberately damages, or allows or causes damage to B. S. Abdur Rahman Crescent University property.

Willful misuse: any act whereby an employee willfully or deliberately misuses BS Abdur Rahman Crescent Institute of Science and Technology property.

1.4.4 Offences Related to Dishonesty

Disciplinary cases involving the following offenses must be reported to the Human Resources.

Bribery or Corruption

Giving or receiving or attempting to give or receive any bribe or inducing or attempting to induce any person to perform any corrupt act.

False Evidence

Deliberately giving untrue, erroneous or misleading information or testimony whether verbally or in writing.

Forgery and uttering

Falsifying or changing any documentation with fraudulent intent or attempting to do so. Uttering or attempting to utter Fraudulent or false statements or documents.

Misappropriation

Applying or attempting to apply to a wrong use or for any unauthorized purpose, any funds, assets or property belonging to BS Abdur Rahman Crescent Institute of Science and Technology.

Theft of or unauthorized act

Possession of BS Abdur Rahman Crescent Institute of Science and Technology property Stealing or attempting to deprive BS Abdur Rahman Crescent Institute of Science and Technology permanently of its rightful owner. Being in possession or disposing of BS Abdur Rahman Crescent Institute of Science and Technology property without due authorization.

Fraud

The unlawful taking of a misrepresentation with intent to defraud, which causes actual or potential prejudice to another party.

Breach of Trust

Actions or conduct of an employee that cause a reasonable suspicion of dishonesty or mistrust and for which there exist extraneous evidence to prove a breakdown in the relationship of trust between the concerned employee and BS Abdur Rahman Crescent Institute of Science and Technology. This will include a situation where the conduct of the employee has created mistrust, which is counterproductive to BS Abdur Rahman Crescent Institute of Science and Technology 's commercial activities or to the public interest, thereby making the continued employment relationship an intolerable one.

1.5 PENALTIES

Classification of Penalties:

- 1.5.1 Verbal Warning
- 1.5.2 Recorded Warning
- 1.5.3 Severe Warning
- 1.5.4 Final Warning
- 1.5.5 Demotion
- 1.5.6 Transfer
- 1.5.7 Dismissal
- 1.5.8 Alternative Penalty to Dismissal

1.5.1 Verbal Warning

Any senior may, at any time and at his discretion, reprimand an employee without completing a complaint form, in which case there will be no entry made on the employee's disciplinary record. When a verbal warning is given, the senior must ensure that the employee being reprimanded is made aware of the existence and function of the Disciplinary Code. A verbal warning is usually issued where the offense is of a minor nature.

1.5.2 Recorded Warning

Application: This may be given for a repetition of an offense for which an unrecorded warning has been given, or it may be given for a first offense.

Validity Period: The employee must be informed that the warning will remain in force for a period of six months.

1.5.3 Severe Warning

Application: Given for a repetition of the same offense or similar offense during a period when a recorded warning is still in effect, or for the first offense of a more serious nature.

Validity Period: The employee must be informed that the warning will remain in force for a period of nine months.

1.5.4 Final Warning

Application: Given for a repetition of the same offense or a similar offense during a period when a severe warning is still in effect or depending on nature thereof, for the first offense of a serious nature. In the case of an employee being found guilty of an offense of a dissimilar nature within the prescribed period, the hearing official may, at his discretion, issue a comprehensive final warning on the understanding that if any offense is committed within the next 12 months, it will render him liable for dismissal.

Validity Period: A final warning is effective for a period of twelve months. The employee is advised in writing by the official hearing the case of the period applicable and reminded that a repetition of the offense or the committing of any similar serious offense within the prescribed period will render him liable for dismissal. A copy of the notice shall be forwarded to the Human Resources Department.

1.5.5 Dismissal

Application: Dismissal is the final sanction and should be used:

- when other forms of disciplinary action have failed;

- when an employee on a final warning commits a serious offense;
- when the offense committed is of such a serious nature that it amounts to a serious breach or repudiation of the employee's contractual obligations;
- in cases relating to dishonesty e.g. theft, fraud or corruption;
- in the case of any employee who is absent from work without permission for a period of six continuous working days or more. In this case, the employee will be dismissed in absentia after the sixth day if no reason for such absence is received. Should the employee return to work after he has already been dismissed, he may request that the case be reopened?

Once an employee has been dismissed in accordance with the procedure contained in this Code, under no circumstances will he be considered for re-employment should he re-apply at a later stage. If it is discovered that a dismissed employee has obtained re-employment with BS Abdur Rahman Crescent Institute of Science and Technology either inadvertently or through deception, his services will be terminated immediately.

1.5.6 Demotion

Demotion is not an acceptable corrective action and is, therefore, not used as a punishment for a specific offense. It is used only where the employee is unable to meet the requirements of his present job but is suitable for continued employment in a lower capacity.

1.5.7 Transfer

The transfer is not permitted as a tool for disciplining employees. A transfer shall only be effective in terms of B.S. Abdur Rahman Crescent Institute of science and technology's Conditions of Employment and Service. Transfer, as the result of the outcome of a disciplinary action, will be considered in special circumstances.

1.5.8 Alternative Penalty to Dismissal

A comprehensive final warning may be considered at the discretion of the Hearing Chairperson as an alternative penalty to dismissal in instances where an employee is found guilty of an offense of a dissimilar nature to a valid final warning on his personal record.

The sanctioning of a comprehensive final warning will only be considered in circumstances warranting corrective action and liaison between the Hearing Chairperson and the Human Resources Officer is encouraged before such a penalty is imposed.

A comprehensive final warning will be valid for twelve months from the date of the imposed penalty.

The Role of the HR Officer

The maintenance of workplace discipline is strictly a function of line management. Human Resources Officer should be available to assist line management where required. As far as possible, the Human Resources Officer should, in consultation with the official chairing the hearing, ensure that disciplinary action taken is procedurally and substantively fair.

The Human Resources Officer should be available to advise and assist all employees on all disciplinary matters.

The Human Resources Officer must not impose penalties, nor hear appeals in respect of own subordinates.

The Human Resources Officer is responsible for:

- Ensuring that the complaint form properly identifies the offense and is otherwise correctly completed
- Ensuring that the alleged offender is aware of the charges against him/her
- Interviewing and taking statements from the Complainant, accused and any witness
- Investigating the domestic circumstances of the alleged offender, when necessary
- Ensuring that all facts are collated marshaled and presented without bias.
- Advising the Complainant, accused, witness (as) and representative of their roles and rights
- Ensuring that documentation pertaining to the hearing is forwarded to the appropriate officials
- Advising the accused and his representatives of progress made for cases that are pending or in recess.

The Human Resources Officer may at his/her discretion recommend that a concluded disciplinary case be reopened in instances where gross non-compliance to the Disciplinary Code is evident.

The Role of the Representative

Any employee, against whom formal disciplinary proceedings are held may at his request, be accompanied at the initial and any subsequent hearing by a colleague from the same working section, or in the case of an employee who is represented by a properly constituted consultative committee, by a member of such a committee. The representative has no right to insist on the employee being accompanied if he does not wish it; that is, a representative will attend a disciplinary hearing only at the request of the employee. He will be invited to comment on the evidence.

The representative may ask question and cross-question during the disciplinary hearing, but may not give evidence during such hearings.

The representative may make submissions to the hearing official on the guilt or otherwise of the accused prior to the hearing official making his finding. He may also make submissions to the hearing officials on the mitigating factors to be considered and on the penalty to be imposed.

Should the representative's comments at the hearing be of such a nature as to warrant reconsideration of certain matters or further investigations, time should be allowed for this and, if necessary, the inquiry recessed.

1.5.9 Dismissal Procedure

- A direct Department Senior may recommend that an employee is dismissed.
- For the purpose of the dismissal procedure, a direct Department senior is defined as an employee graded D-lower or above who has a senior link to the employee concerned.
- Following a disciplinary hearing outcome being advised to the employee who results in the recommendation for a dismissal and the employee accepts the recommendation; the Hearing Official will refer the case documentation for review to the relevant Manager for the department concerned.
- The relevant Manager will endeavor to review the case within forty-eight hours/two working days and endorse or reject the recommendation.
- If the recommendation for dismissal is endorsed, the hearing official shall refer the recommendation to the Human Resources Officer who will review the case with the relevant Head of Department.
- If the recommendation for dismissal is rejected, the case shall be referred to the Human Resources Officer and the original hearing official.
- The relevant Manager may sanction the recommendation in writing, thereby affecting dismissal, or reject it.
- The employee shall be notified of the decision verbally by the Hearing Official. If the employee is dismissed, the employee will be notified in writing. This notification shall be signed by the relevant Executive Committee Member.
- Every employee has the right to appeal against a decision to dismiss him/her.

1.6 Disciplinary Appeal Procedure

Every employee has the right of appeal against any decision which involves any entry on his/her disciplinary record and which may thus affect his future employment prospects.

Any employee who wished to appeal against the outcome of any disciplinary hearing against him/he must notify the Human Resources Officer in writing within two days of being notified of the outcome of the disciplinary hearing. The right of appeal must be based on one or more of the following appeal grounds.

- Dispute of Guilt
- The severity of Penalty/Mitigating Factors
- Procedural Inconsistencies
- New Evidence

Classification of Offences – Guide to Disciplinary Action

2. GRIEVANCE POLICY

2.1 Introduction

Grievances may be real or imagined, but in either case, it is essential that the grievance is brought to light, discussed and the matter resolved to the satisfaction of all concerned. Failure to do so will only result in the grievance becoming a worsening source of conflict and eventually ending in a far more serious problem.

BS Abdur Rahman Crescent Institute of Science and Technology regards it important that all its employees will have sufficient knowledge of such procedure and easy access to it. To this effect, BS Abdur Rahman Crescent Institute of Science and Technology has formulated a grievance procedure, which has as its main objective the speedy resolution of grievances and thereby eliminating possible and unnecessary causes of conflict.

2.2 Objectives

- The Grievance Procedure is aimed at resolving work-related grievances within BS Abdur Rahman Crescent Institute of Science and Technology as fairly and as swiftly as possible. Grievances are feelings of injustice or dissatisfaction affecting an employee.
- This Procedure is not used for appeals against disciplinary action. Such is to be carried out in accordance with Disciplinary and Appeal Procedure and Code.
- Employees may lodge grievances without fear of victimization.
- Grievances should be resolved at the lowest possible level within BS Abdur Rahman Crescent Institute of Science and Technology.
- An employee can lodge grievances with Deans of respective departments. Employees lodging grievances have the right to be represented by a fellow employee of his/her choice.
- Records will be kept of all statements and decisions.

2.3 Procedure and Guideline

The Grievance Procedure will be implemented as follows:

Step 1 - HOD

- In step 1 the employee must discuss his grievance with his HOD in the event of a grievance
- The HOD must endeavor to solve the problem within two (2) working days and inform the employee.
- Should the employee not satisfied with the outcome, he may proceed to Step 2.

Step 2 - Dean

- The Department Manager shall endeavor to solve the problem within two (2) working days and inform the employee.
- Should the employee not be satisfied with the outcome, he may proceed to step 3.

Step 3 - HR

- The matter is referred to the Head HR by handing him the grievance detail together with any other further relevant written information.
- The Head HR shall convene a grievance hearing and attempt to resolve the matter within a period of ten (10) working days by discussing with management and that decision will be final.

Procedure to be followed by a Group of Employees

If a grievance to be raised affects not one employee, but a group then a spokesman for the Group, accompanied (if he so wishes) by a delegation of not more than ten (10) of the employees concerned, should proceed with Step 2 as for an individual grievance.