

BEHAVIOURAL MANUAL

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In this manual the plural shall include the singular and *vice versa* and any reference to one gender shall include the other.

1 Proposed definitions

The expressions here below shall have the following meanings assigned to them:

Accused employee means an employee who allegedly transgressed the disciplinary code.

Chairperson shall mean an independent person who is the decision-maker in a disciplinary enquiry. Such appointed persons may not necessarily be employees but must be knowledgeable with regard to the process.

Committee shall mean the Chairperson (and co-committee member if applicable)

Co-committee member shall mean a supervisor or equal person who assists the Chairperson in reaching a finding, when applicable.

EO representative
(shop steward) shall be a member in good standing of the EO, duly elected by the EO members to represent employees in a workplace, either in accordance with the constitution of the EO.

Employee Organisation (EO) means a duly registered trade union in terms of the laws of Republic of South Africa and which enjoys recognition by the employer.

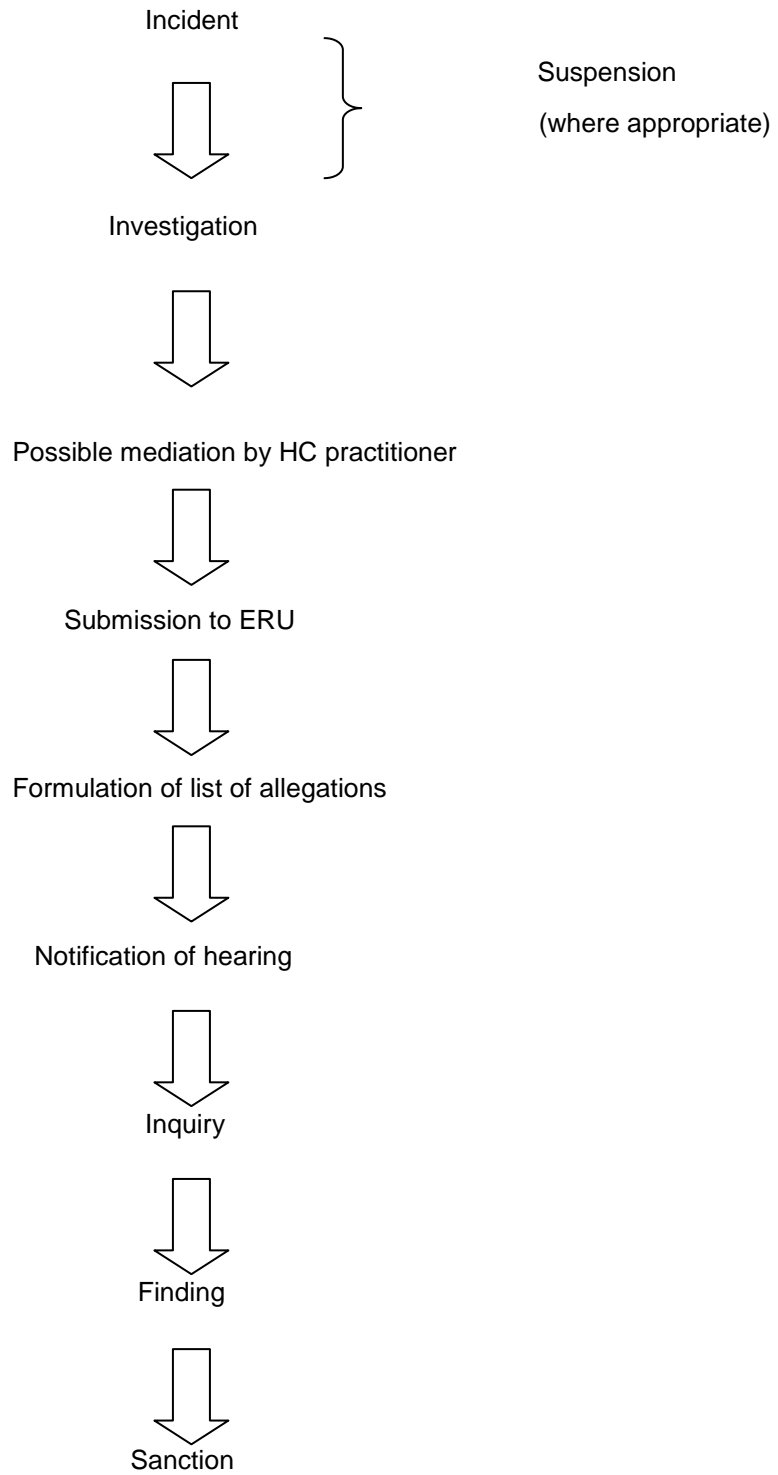
Employee means an employee as defined in the LRA and also an employee of the University.

ERU means the Employee Relations Unit of the University.

Harassment:	<p>shall have the following elements:</p> <ul style="list-style-type: none"> ○ Persistent and unwelcome conduct. ○ Conduct that is hostile or offensive to a reasonable person. ○ Conduct that induces fear of harm. ○ Conduct that demeans, humiliates or creates a hostile or intimidating environment. ○ Conduct that is calculated to induce submission by actual or threatened adverse consequences. <p>includes the following forms of harassment but are not limited to these examples:</p> <ul style="list-style-type: none"> ○ Sexual harassment. ○ Racial harassment. ○ Workplace bullying. ○ Religious harassment. ○ Stereotyping.
Head of Department	shall refer to the Manager of the Department, Faculty, School or division.
House parents	means anybody who is appointed under the rules for the appointment of house parents to fulfil the functions within a particular hostel or residence of the University.
Immediate supervisor	means an employee of the University as herein defined who has been designated as a supervisor by the University, and to whom the responsibility and authority for overseeing the work of any category of employees has been delegated and who has been authorised to maintain the discipline amongst such employees.
Initiator	shall refer to the person appointed to represent the University in disciplinary enquiries and related proceeding. Such appointed persons are not necessarily employees of the University.
Interpreter	shall mean an employee of the University or an independent interpreter whose sole function is to interpret the hearing into the preferred language of the accused employee.

LRA	shall mean the Labour Relations Act, Act No. 66 of 1995, (as amended).
Perpetrator	shall mean the person who has allegedly harassed the victim.
Representative	means an EO Representative (shop steward) or an employee of the University.
Scribe	shall mean a person from the ERU or the relevant Human Capital (HC) Practitioner who records the enquiry and can also act as technical advisor.
Senior employee	means any employee employed in a managerial position and/or capacity.
Students	means registered students of the University
University	shall mean North-West University.
Victims	shall mean the persons who have been subjected to harassment.

2 Flow diagram for internal disciplinary procedure



3 Procedures

A1. Disciplinary procedure

1 General

- 1.1 Employees of the University are subject to discipline in respect of all forms of misconduct or dereliction of duty as contained in the rules published in the applicable disciplinary procedures read with the LRA as amended from time to time, together with schedule 8 of the LRA.
- 1.2 By the acceptance of this disciplinary procedure, management exercises its statutory right and prerogative.

2 Application

This disciplinary procedure shall apply to all employees of the University.

3 Objectives

- 3.1 The University and its employees must treat each other with mutual respect and fairness with a view to the effective management of the University.
- 3.2 The procedures and the code must provide certainty and consistency in the exercise of discipline. The aim with discipline is, *inter alia*, to correct behaviour or to apply progressive discipline. This approach regards the purpose of discipline as a means for employees to know and understand what standards are required of them. All employees must take cognisance of the fact that some rules or standards are so well established and well known and their seriousness so obvious that it is not necessary to communicate them specifically or to include them in this code.

4 Fair dismissal

- 4.1 Dismissal is unfair if it is not applied for a valid reason and in accordance with a fair procedure, even if it complies with the notice period for termination of service as stipulated in the service contract. Whether or not a dismissal occurs for a valid reason is determined by the facts (nature, seriousness and circumstances) of the matter and by the relevance of the disciplinary measure.
- 4.2 When it is decided whether to impose the disciplinary measure of dismissal, the hearing committee, in addition to considering the facts, nature and seriousness of the misconduct, must also consider factors such as the following:

4.2.1 The employee's circumstances (including period of employment, previous disciplinary record and personal circumstances).

4.2.2 The nature of the work performed by the employee.

4.3 Procedural fairness as determined by the procedures contained in this manual.

5 Grounds for termination of service

5.1 This code recognises that the LRA allows three bases upon which termination of service may be lawful, namely:

5.1.1 The behaviour (misconduct) of the employee.

5.1.2 The incapacity of the employee.

5.1.3 The operational requirements of the employer.

5.2 This procedure, as set out in this part of the Manual, is only intended to deal with the misconduct of employees.

6 Disciplinary steps against a representative of an employee organisation

Discipline against an EO representative or an employee who is an office-bearer may, in terms of the LRA, not be instituted until the EO has been informed in writing and the EO has been consulted.

7 Disciplinary steps against a senior employee

Depending on the gravity of the transgression and/or surrounding circumstances, management reserves the right to follow a curtailed disciplinary procedure, having due regard to fairness and the *audi alteram partem* rule.

8 Disciplinary steps against a house parent

House parents are regarded as employees of the University and are therefore also subject to the principles contained in this disciplinary procedure.

9 Disciplinary records

9.1 In the case of informal reprimands, the reprimand must be sent to the ERU for the allocation of a case number and record keeping.

9.2 After the conclusion of a Departmental or University hearing, particulars of the finding and disciplinary measure must be recorded on the personnel file at the Human Capital: Operations Department.

9.3 In all cases where hearings lead to termination of employment, all process documents must be placed on the employee's personnel file at the Human Capital Department.

10 Disciplinary rules

- Any allegation made by an employee which is vexatious, frivolous and/or malicious may result in a disciplinary hearing against such an employee.
- Level A infringements are the responsibility of the specific campus / workplace where the infringement occurred.
- Level B infringements are the responsibility of the Employee Relations Unit in conjunction with the specific campus / workplace where the infringement occurred.
- Where shift employees are the accused employees or witnesses, attempts will be made to schedule hearings in their shifts, as far as possible.
- Service of notices:
 - Departmental hearing – Supervisor
 - University hearing – Supervisor / Protection Services (if Supervisor cannot serve the notice)
 - Suspension – Supervisor / Protection Services
 - Notice of hearing if on suspension – Protection Services
- Any disciplinary action must be taken within a reasonable period.
- At the discretion of the ERU, a Level B infringement may in certain circumstances be dealt with as a Departmental hearing which may not result in a dismissal.

10.1 Levels of infringements

10.1.1 The procedure is based on the levels of infringements according to their seriousness, as well as on the repetitive nature of infringements.

10.1.2 In applying disciplinary measures, it is important always to bear in mind that the behaviour and working conditions of employees may differ.

10.1.3 The disciplinary measures referred to the various categories merely serve as guidelines. Their purpose is not establish fixed rules but rather to ensure fair, just and (as far as possible) consistent application of disciplinary measures.

10.1.4 In determining a suitable disciplinary measure, the following should be taken into consideration:

10.1.4.1 The level to which the infringement belongs.

10.1.4.2 The seriousness of and the circumstances whereunder the infringement was committed.

10.1.4.3 Previous disciplinary measures taken in respect of a similar infringement.

10.1.4.4 Previous informal reprimands and written warnings which have not yet lapsed.

10.1.4.5 The position of the employee at the University.

10.1.4.6 The number of years of service of the employee in the employ of the University, as well as any exceptional work achievement or action of the employee in the past.

10.2 Referral provision

Should the Initiator, during the pre-investigation, or the appropriate Chairperson, during a Departmental hearing, come to the conclusion that dismissal may be the suitable disciplinary measure that should be employed, he must refer the matter to the ERU for purposes of a University hearing.

Categories of infringements

10.3 Level A

The infringements listed in this level only serve as examples and do not constitute a *numerus clausus* (specific number) of infringements.

Level A infringements:

10.3.1 Absence from service for one day or a shift or a part thereof without acceptable reason or prior/early notification to the supervisor or immediate superior, including late-coming or leaving before closing time.

10.3.2 Sleeping on duty (also see par. 10.3.18).

- 10.3.3 Failure to carry out any lawful instructions.
- 10.3.4 Use of the computer and network facilities for purposes not related to the official tasks, duties and activities of the University.
- 10.3.5 Non-compliance with established or standard procedures, rules and regulations.
- 10.3.6 Endangering property or persons by ignoring occupational health and safety regulations.
- 10.3.7 Negligent damage to property where the value of the damage does not exceed R500,00.
- 10.3.8 Refusal to subject himself to a search or to have his property searched without good cause.
- 10.3.9 Displaying a lack of respect for other persons including the use of foul / inappropriate language and/or remarks.
- 10.3.10 Withholding or distributing information to the detriment of the University or another employees and/or students.
- 10.3.11 Being on the premises of the University under the influence of alcohol and/or drugs or a substance which has a narcotic effect.
- 10.3.12 Refusal to submit to an alcohol test at the request of an official of Protection Services.
- 10.3.13 Insubordination (e.g. defying authority of a superior).
- 10.3.14 Sleeping on duty in the case of employees of Protection Services and/or where occupational health and safety regulations are ignored or violated. (See also par. 10.3.2.)
- 10.3.15 Absence from work for more than one day without prior notice or reason or prior/early notification to the supervisor or immediate superior.
- 10.3.16 Organising and/or attending unauthorised meetings on campus / workplace.

- 10.3.27 Trespassing in a prohibited area or area that has been demarcated as prohibited by an official of the University.
- 10.3.18 Misuse of any social networking systems (e.g. Facebook, Twitter, etc.)
- 10.3.19 Any other infringement not specifically mentioned but of similar seriousness which can be construed as misconduct in this level.

The disciplinary sanction may vary from written warnings to formal written warnings subject to the provisions of paragraphs 10.1.4 and 11.1.1, provided that a similar transgression during a validity period cannot have the same outcome.

10.4 Level B

The infringements listed in this level only serve as examples and do not constitute a *numerus clausus* (specific number) of infringements.

Level B infringements:

- 10.4.1 Absent from work for two days or more without an acceptable reason or permission or prior/early notification to the supervisor or immediate superior.
- 10.4.2 Non-compliance with occupational health and safety rules and/or damage to property resulting in injury or damage to property and/or people on campus / workplace.
- 10.4.3 Assault on an employee, a student or any member of public on campus / workplace.
- 10.4.4 Any act or behaviour which has an element of dishonesty and/or misappropriation which could cause / causes detriment to the University and/or another person.
- 10.4.5 Graft (any unauthorised receiving of money or taking gratification) / corruption.
- 10.4.6 Causing detriment to the University or a colleague by providing false information or refusal to testify about facts within his knowledge.
- 10.4.7 Unauthorised removal/possession of property belonging to the University and/or another person.

- 10.4.8 Committing or attempting to commit a common law or statutory offence, which offence is work related.
- 10.4.9 Insubordination and/or any other act aimed at defying authority in the presence of his subordinates/other.
- 10.4.10 Resisting arrest by an official of Protection Services or the South African Police Services.
- 10.4.11 Any conduct that negatively affects the integrity, good name and/or public image of the University.
- 10.4.12 Any conduct aimed at interfering with the normal activities of the University, e.g. interrupting lectures or preventing students from attending classes.
- 10.4.13 Any violation or attempts to bypass the security system of any computer network or information system of the University.
- 10.4.14 Intimidation of colleagues, students or members of the public or threats about the use of violence or causing damage and/or injury to other persons.
- 10.4.15 Any physical and/or *quid pro quo* (e.g. a favour for a favour) forms of harassment and/or explicit/implied victimisation/retaliation as a result of a valid complaint being lodged, as well as sexual favouritism and/or a hostile, abusive or offensive behaviour in the working and/or academic environment, including racism. Any persistent behaviour – after a warning – is included.
- 10.4.16 Any verbal and/or non-verbal forms of harassment and/or explicit/implied victimisation/retaliation as a result of a valid complaint being lodged, including racism.
- 10.4.17 Unauthorised copying and/or use of information of the University, whether stored on paper, magnetic tape or in any other manner whatsoever.
- 10.4.18 Disclosure of confidential information.
- 10.4.19 Any other infringement not specifically mentioned but of similar seriousness which can be construed as misconduct in this level.

11 Disciplinary procedure

11.1 Duration of warnings

11.1.1 Warning will be valid for the following periods:

All informal reprimands (Departmental hearing)	3 months
All written warnings (Departmental hearing)	6 months
All final written warnings (University hearing)	12 months

11.1.2 All second or later infringements must be measured against the similar previous infringement in any level for which the employee has been reprimanded or warned and for which the period of validity of the reprimand or warning has not lapsed.

11.1.3 When there is a previous similar infringement for which the period of validity has not lapsed, the next level step in the progressive application of discipline is to be taken.

11.1.4 Despite the fact that informal reprimands and written warnings are only valid for the prescribed periods, a repetition of infringements or the circumstances of a specific incident may justify a deviation from the prescribed validity period.

11.2 Disciplinary competence on various levels

Subject to the referral provision (see 10.2) the following applies:

11.2.1 Informal reprimands must be issued by the immediate superior of the accused employee.

11.2.2 Written warnings are the responsibility of the Head of Department concerned, whilst the immediate superior will be the complainant or the witness of the incident.

11.2.3 Final written warnings are only given by the Chairperson of a University hearing as an appropriate sanction, and as an alternative to a dismissal, after finalisation of the said hearing.

11.2.4 Discipline that may lead to a dismissal falls within the jurisdiction of the University hearing committee, whilst the Initiator (or his duly authorised delegate) will represent the University.

11.3 Informal reprimands

- 11.3.1 Informal reprimands must be preceded by an establishment of the facts during which the accused employee is afforded the opportunity to state his case in full.
- 11.3.2 All reprimands must be formally issued and recorded on the relevant informal reprimand form and the original must be sent to the ERU via the HC practitioner for record purposes and the allocation of a case number.
- 11.3.3 The accused employee concerned must sign the informal reprimand, thereby acknowledging receipt of such reprimand. Should the accused employee refuse to sign the reprimand, the immediate superior may call a witness to acknowledge the refusal in writing.
- 11.3.4 If the informal reprimand form has not been signed by the accused employee, but only by a witness, it shall in no way influence the validity or the implementation of the informal reprimand.
- 11.3.5 Where the accused employee does not accept the informal reprimand, this fact and the reason therefore must be recorded and the matter must immediately be referred to a Departmental hearing via the HC practitioner.

11.4 Written warnings

- 11.4.1 Where an accused employee receives a written or a final written warning, and admits guilt to the allegation and accepts the appropriate disciplinary action at an informal Departmental hearing, the fact must be recorded on the relevant informal Departmental hearing form.
- 11.4.2 Where the accused employee denies guilt or admits guilt and the appropriateness of the disciplinary action is not accepted, a formal Departmental hearing must be held to determine the guilt or the innocence of the accused employee and/or to consider an appropriate disciplinary measure. Record must be kept of the formal Departmental hearing on the Formal Departmental or University hearing form.
- 11.4.3 All written warnings must be formally issued and the original must be sent to the ERU via the HC practitioner for record purposes and the allocation of a case number.

11.5 Preliminary investigation

- 11.5.1 Departmental (Level A) and University hearings (Level B) must be preceded by a preliminary investigation by either the ERU and/or Protection Services and/or the relevant HC practitioner to

establish whether a *prima facie* case exists. Statements may be obtained from various parties and evidence may be collected.

11.5.2 During the preliminary investigation the following guidelines must be considered in determining responsibility:

11.5.2.1 Whether the accused employee transgressed a rule or a procedure which regulates behaviour in, or is relevant to, the workplace; and

11.5.2.2 if a rule or a procedure was not adhered to, whether or not the following applies:

- i) Whether the rule or procedure was valid, lawful and reasonable;
- ii) Whether the accused employee was aware of the rule or procedure, or that it could be reasonably expected of him to be aware of it;
- iii) Whether the rule or procedure was consistently applied by Head of Department; and/or
- iv) Whether the disciplinary measure was appropriate under the circumstances in relation to the transgression of the rule or adherence to procedure.

11.5.3 Note should be taken of the possible implications of the referral provision (see par 10.2).

11.6 Attendance at disciplinary hearings

11.6.1 The general principle is that every accused employee has the right to a fair hearing. During any formal disciplinary proceedings, an accused employee is entitled to be represented by a colleague or friend who is an employee of the University or by a recognised EO representative where he enjoys membership.

11.6.2 If the accused employee has received proper notice to attend a disciplinary hearing and he and/or his representative is not present without notifying the ERU (at least 24 hours) before the hearing, or he refuses or fails to participate in the proceedings, or chooses to leave the hearing before it closes, he forfeits this right.

11.6.3 It is the sole responsibility of the accused employee to ensure that his representative and witnesses are timeously informed, upon his receipt of the notice to attend a disciplinary hearing, of his request to attend and assist him.

- 11.6.4 The disciplinary hearing described in par. 11.6.1 above may either continue in the absence of the accused employee and/or his representative or the Chairperson may postpone the hearing to another date and time.
- 11.6.5 If an accused employee and/or his representative fails to appear for a second time at the hearing or refuse or fails to participate, the hearing will continue in his absence, having regard to the rules of natural justice.
- 11.6.6 Any accused employee who was formally notified of the hearing and refuses to attend the hearing or refuses to participate must be warned that his absence may lead to a hearing that may be held in his absence. The same applies to a representative who displays similar conduct, having regard to the provisions of par 11.6.2.

11.7 Departmental hearings

- 11.7.1 As a result of the sanctions that may be imposed by the Head of Department (in terms of par. 11.2.2) Departmental hearings will be chaired by a senior delegated official.
- 11.7.2 Legislation stipulates that this need not be a formal hearing, although it should be held at the next level of authority. (Also see par 11.2).

11.8 Notice of a Departmental hearing

- 11.8.1 The accused employee must receive prior notice of at least two (2) full working days that a Departmental hearing will be held (excluding the first day of notification).
- 11.8.2 The notice must be in writing (on the Notice of a Disciplinary Hearing form) and must include the exact date, time and venue of the hearing. The details of the alleged misconduct (list of allegations) must accompany the written notice as well as all relevant documentary evidence which is to be used during the hearing..
- 11.8.3 The notice must also inform the accused employee of his rights during the hearing:
- 11.8.3.1 The right to the services of an interpreter (in the preferred language to be indicated on Notice of a Disciplinary Hearing form).
- 11.8.3.2 The right to be represented by an EO representative or a fellow employee who is available, present and well-prepared on the said date and time of the hearing.

- 11.8.3.3 The right to present the case in full, to call witnesses and to present other evidence to substantiate his case.
- 11.8.3.4 The right to cross-examine the witnesses of the complainant.
- 11.8.3.5 It is the duty of the accused employee to inform and brief his chosen EO representative or colleague as soon as practically possible after receiving the written notice and list of allegations about the allegations and the date, time and venue of the scheduled disciplinary hearing.
 - 11.8.3.5.1 The representative needs to obtain prior permission from his supervisor to attend the specific hearing, unless the hearing is not scheduled during the normal working hours of the chosen representative.
 - 11.8.3.5.2 Representatives working shifts, who consider representing employees outside of the shift hours of such representative and must take extra precaution in respect of their health and safety and other hazards.
 - 11.8.3.5.3 Representatives working shifts, who consider representing an accused employee outside the shift hours of the former, will not receive additional remuneration.

11.9 The hearing procedure

The hearing is conducted according to the Chairperson's Guide form.

- 11.9.1 The Chairperson explains the role and rights of all the parties present.
- 11.9.2 The disciplinary procedure is explained to all the parties.
- 11.9.3 The Initiator puts the list of allegations to the accused employee.
- 11.9.4 The accused employee either admits guilt or denies guilt to the allegations.
 - 11.9.4.1 Admitting guilt

When the accused employee admits guilt to the allegations, the plea is recorded. The Chairperson must question the accused employee to satisfy himself if the

accused employee is in fact guilty of the transgression. (If the Chairperson is satisfied, par. 11.9.4.2.4 below will be followed.)

11.9.4.2 Denying guilt:

11.9.4.2.1 When the accused denies guilt to the allegations, the Chairperson will hear relevant evidence in this regard (e.g. exhibits, statements and/or oral evidence where applicable in this regard) as presented by the duly authorised Initiator or his delegate.

11.9.4.2.2 After both parties have presented their evidence, the Chairperson calls for a recess to examine the evidence presented.

11.9.4.2.3 On reconvening, the Chairperson must communicate his finding in respect of the guilt/innocence of the accused. If the accused is found to be innocent, he is acquitted and the hearing adjourns.

11.9.4.2.4 After admission of guilt or guilty finding, the Chairperson provides the parties with an opportunity to present mitigating and aggravating circumstances.

11.9.4.2.5 The Chairperson adjourns the meeting to consider the arguments of the parties and to consider an appropriate disciplinary measure.

12.9.4.2.6 On reconvening the hearing, the decision in respect of the disciplinary measure with reason is communicated by the Chairperson to the accused and is recorded on the Formal Departmental or University hearing form.

11.10 University hearing

General provisions:

11.10.1 No accused employee may be dismissed for misconduct unless a University hearing has first been conducted.

11.10.2 Where an accused employee has received a final written warning and thereafter commits a similar infringement, or where an accused employee commits an infringement which warrants a dismissal or another serious disciplinary measure, the Head of the Department of the accused employee concerned must be notified immediately.

- 11.10.3 When the complainant is of the opinion that an accused employee should not be present on the premises, he must propose to Head of Department that the accused be suspended with full pay, pending the hearing. An employee may only be suspended if the Suspension Procedure (3PR/3/13/12) has been followed.
- 11.10.4 The accused employee's supervisor must give the final permission for the employee to be suspended once there has been compliance as stated in 11.10.3 above.
- 11.10.5 Where applicable, the accused will be assisted by Protection Services and the EO representative / colleague concerned to leave the premises.

11.11 Notice of University hearing

The same notification procedure as in the case of a Departmental hearing (see par. 11.8) must be followed, with the following exceptions:

- 11.11.1 The accused employee must receive at least two (2) full working days' notice.
- 11.11.2 In preparation for the hearing, the accused employee and/or his EO representative / colleague must be provided with reasonable access to the documentary or any other evidence which the Initiator intends using at the hearing.

11.12 The hearing committee

- 11.12.1 The Chairperson of the hearing committee is appointed by the Vice-Rector or the Campus Rector (as the chief disciplinary official or his duly delegated disciplinary official) or the Vice-Chancellor.
- 11.12.2 Depending on circumstances, the University hearing need not necessarily comprise of a delegated hearing official together with co-committee member.
- 11.12.3 The University reserves the right to appoint external officials to assist with a University hearing.
- 11.12.4 The hearing committee will be comprised in collaboration between the ERU and the Campus Registrar in circumstances where 11.12.1 cannot apply.
- 11.12.5 The course of the University hearing is similar to the Departmental hearing procedure as detailed in par. 11.8. The Chairperson communicates the findings and the decision of the hearing committee to the relevant parties.

- 11.12.6 The Initiator (i.e. the Director: Employee Relations, his sub-ordinate (an Employee Relations Practitioner) or his delegate) is not part of the hearing committee, but will present the University's case to the hearing committee.
- 11.12.7 If the Initiator of a University hearing is someone other than the Director: Employee Relations or his sub-ordinate (an Employee Relations Practitioner), a delegation of his powers will be required.
- 11.12.8 A delegation of powers from the Campus Rector or the Vice-Rector or the Vice-Chancellor will be required if the Chairperson is not an employee.

12 Last day of service

Should the sanction be one of summary dismissal, the employee's last day of work will be the day on which the hearing took place and the sanction was imposed.

13 Referral of a dispute

No dispute shall be referred to the Commission for Conciliation, Mediation and Arbitration (CCMA) unless the internal disciplinary procedures were fully completed.

A2. Procedure in cases of abscondment

1. Should an employee only be absent for a day or two days without notification or prior arrangement and/or without a valid reason, a Departmental hearing must be held. If an employee has been absent for three days or more, the abscondment procedure must be followed.
2. If an employee is absent for three or more working days without notification or prior arrangement and/or without a valid reason, the HC practitioner must be informed of the employee's absence in writing.
3. Reasonable attempts must be made by the line manager / supervisor to contact the employee (telephone calls, sms, etc.) and notes should be made of the dates, times, messages left, no answers and responses, if any. It is unnecessary to visit the employee's residence.
4. The HC practitioner must ensure that a letter is sent via registered mail to the employee requesting him to contact his supervisor within five days after receipt or date of the letter. Weekends should be taken into account with delivery of the letter.
5. Should the employee fail and/or neglect to do so, he will be seen to have absconded after five working days' absence.
6. Should the employee return to work prior or after the letter from the HC practitioner or contact his supervisor:
 - 6.1 He may not resume work until an explanation for his absence has been given (as the employee is then regarded as dismissed).
 - 6.2 The employee must understand that he may not repeat their absence notification or prior arrangement in the future, depending on the validity of the reasons for the absence.
 - 6.3 The employee must understand that more serious steps (disciplinary steps) will be taken against him, should the same situation occur in the future.
 - 6.4 The employee must receive a letter which stipulates the problem (absence without notification or prior arrangement), the contents of the discussion as mentioned and the agreement for the future and sign receipt of the letter.
 - 6.5 Should the employee refuse to sign for the letter, a witness must sign the letter and the employee should also receive a verbal warning. Refusal to sign for the verbal warning does not nullify the warning.
 - 6.6 No similar future occurrences may be ignored.

7. Should the employee not return to work after five days after the first day of absence and in spite of the letter written by the practitioner:
 - 7.1 The HC practitioner should be requested via email to write a registered letter to the employee informing him that he has been dismissed due to abscondment.
 - 7.2 An instruction should also be given by the supervisor / line manager that the employee may not resume work after receipt of the abovementioned letter, but must report to the practitioner who should convene a committee to hear the employee's reasons for re-appointment.
 - 7.3 The HC practitioner, the employee, his supervisor and a Chairperson (Head of Department) shall be in attendance during the enquiry.
8. The days the employee was absent may be deducted as unpaid leave, but only after the committee's enquiry has been concluded. Deduction of money coincides with a disciplinary hearing.
9. Should the employee be regarded as dismissed or remain dismissed after the enquiry, the date of dismissal will be the last day the employee worked.

A3. Procedure in cases of suspension

1. Should an employee pose a threat to a colleague, himself and/or may interfere with the investigation of allegations against him, such an employee may be suspended.
2. The ERU should be contacted and consulted with in order to determine if suspension is appropriate.
3. Should the suspension be appropriate in the circumstances, the Notice of Intention to Suspend form should be completed with the assistance of the ERU and the relevant HC practitioner
4. The employee must be given an opportunity and adequate time to respond in writing with reasons why he should not be suspended.
5. Due considerations must be given to the reasons advanced by the employee.
6. If the employee's reasons are found to be sufficient and adequate, he is informed in writing that his reasons was sufficient and that he will not be suspended.
7. If the employee's reasons are found to be insufficient and/or inadequate and/or he failed/refused to advance reasons, he must be informed in writing he is suspended.
8. The employee's manager must sign the final suspension letter and thereby gives permission to suspend the employee.
9. The manager may request Protection Services to assist with the serves of the suspension form on the employee.
10. Should the employee refuse to sign the form, it must be noted as such on the form and a witness must sign the form.
11. When an employee is suspended, the employee's card as well as office keys should be retained.
12. Protection Services should be informed of the suspension of the employee and the original suspension form should be sent to the ERU.
13. An employee will be suspended with pay until finalisation of a disciplinary hearing and/or the investigation.

A4. Procedure in cases of intoxication

1. Should an employee appear to be under the influence of alcohol and/or drugs, Protection Services should be contacted immediately and informed of the situation.
2. Protection Services must perform an alcohol test on the employee.
3. Protection Services will suspend the employee, in conjunction with his line manager, for the rest of the day, whilst it is being determined whether the employee is under such influence of alcohol and/or drugs or not.
4. Should the employee refuse to undergo the alcohol test, he will still be suspended for the rest of the day.
5. Protection Services must ensure that all visible observations regarding the employee's demeanour are indicated on their suspension form, regardless of whether the employee underwent the alcohol test or not.
6. Protection Services will compile a docket against the employee and forward same to the ERU for further attention and scheduling of a disciplinary hearing.
7. A disciplinary hearing will be scheduled. Should the employee indicate that he has a substance abuse problem, the hearing might be postponed pending the employee's suitability for rehabilitation and the successful completion of the rehabilitation program.
8. If it is ascertained that the employee has a substance abuse problem, the employee assistance practitioner at the Employee Wellness Programme must be contacted to assist the employee with possible rehabilitation.
9. The University will only assist an employee financially for the first time he is referred for rehabilitation.
10. Should the employee need additional rehabilitation, such costs will be his own responsibility.

A5. Procedure for searching of employees and/or their property by the SAPS or Protection Services

1. Point of departure:

The University reserves the right to protect its assets. These rules enable the University to protect its most important assets, i.e. its employees and students, but also its property and visitors.

2. Procedure:

- 2.1 Searches must be conducted by employees of the Protection Services Department or the South African Police Service unless the lack of availability of such employees will lead to a delay that will defeat the purpose of the search.
- 2.2 No person can be searched unless there are reasonable grounds to believe that he has committed an offence.
- 2.3 The only acceptable reason for a search is a reasonable suspicion of an offence.
- 2.4 The search may never be taken further than required by the circumstances.
- 2.5 Searches may not be conducted on a basis of unfair discrimination.
- 2.6 So as not to injure a suspect's dignity and good name, a search should, where reasonably possible, not be conducted in a public area.
- 2.7 Any suspected stolen goods that are found, but to which the suspect alleges ownership, will be taken into safe keeping by Protection Services and a receipt shall be issued. The onus will rest on the suspect to prove his ownership of the goods.
- 2.8 Searches must be conducted by a person of the same gender as the individual being searched.
- 2.9 Searches must, when feasible, take place in a well-lit area.
- 2.10 At least one other witness must be present.
- 2.11 Any personal information regarding the suspect discovered during a search must be considered as strictly confidential.

A6. Reporting acts of dishonesty to the SAPS

1 Definition of terms

These rules and procedure apply to the following instances of misconduct:

1.1 Theft

This is the illegal removal of goods which are able to be removed, with the purpose to permanently deprive the owner of his ownership.

1.2 Fraud

This involves a deliberate misrepresentation, while knowing that it is false, to persuade another to part with his property.

1.3 Corruption

This is the use of unlawful or undue methods to influence someone in a position of power so that a benefit may be obtained to which the person is not entitled. The same applies *mutatis mutandis* to a person in a position of power who unduly influences another to obtain a benefit to which he is not legally entitled.

1.4 Other misdemeanours

Other misconduct relating to formulated policy, rules and procedures as contained in the employees manual.

2 Guidelines

2.1 Misconduct such as theft, fraud and corruption are treated as misconduct (category B) in terms of the University's disciplinary code and procedure, and may result in dismissal or another appropriate disciplinary measure.

2.2 It is the right of the University as a legal entity to also report misconduct against the University with the South African Police Service (SAPS), and then within the following guidelines:

2.2.1 If the monetary value of the misconduct is less than R500,00, the disciplinary hearing committee will make a recommendation to the University's Head of Department regarding the reporting of the misdemeanour the SAPS;

2.2.2 If the monetary value is more than R500,00, the misconduct will be reported to the SAPS, and the SAPS investigating branch will indicate if the case will be referred to the commercial branch.

2.3 The ERU will report the matter to the SAPS and inform the University's internal audit department of the case number.

B. Procedure for managing incapacity

This procedure must be read in conjunction with the Managing Incapacity: Poor Work Performance Guidelines. After the said guidelines have been followed, the following guidelines should be taken into consideration.

Incapacity can be due to one or more of the following:

- Poor work performance - issues such as the performance output of employees, that do not comply with expectations as agreed in their task agreement and as verified by merit assessment and performance appraisal programmes due to motivational problems, personality issues, performance barriers, training needs, incompatibility, etc.
- Incompatibility (the inability on the part of the employee to work in harmony either within the corporate culture of the University, or with fellow employees, resulting in incapacitation)
- Ill health or injury

1 Managing instances of poor work performance or incompatibility

After adherence to the Managing Incapacity: Poor Work Performance Guidelines, the final discussion takes place.

1.2.1 Step 6 (Final discussion)

1.2.1 If it becomes evident that the employee cannot or will not achieve the desired performance results, the dean/director/departmental head shall compile and submit a report to his senior managerial head (with copies of the previous documentation).

1.2.2 The senior managerial head arranges a final discussion with the employee, who may be assisted by an employee representative or by a colleague. The notice period is at least two working days. During the final discussion the senior managerial head is the Chairperson, and the direct managerial head, as well as the Director: Employee Relations (or his delegate) must be present.

1.2.3 The purpose of this final discussion is to evaluate the course/progress of the process and to ensure that:

1.2.3.1 The procedure was followed properly; and

1.2.3.2 The employee is given another opportunity to present his case.

1.2.4 The senior managerial head and the Director: Employee Relations (or his delegate) decide on the appropriate action by the University that may include:

1.2.4.1 That the employee should be transferred to another and more suitable position within the particular department or within the University (sometimes it is not appropriate to find an alternative position within the same working

environment, e.g. when the particular working environment creates or exacerbates an allergic condition) and/or;

1.2.4.2 that the salary of the employee should be reduced to align his remuneration with his work performance and results, and if so, the proportion of the salary reduction;

1.2.4.3 that the job level and the salary of the employee should be reduced to a level commensurate with his work performance and results, and if so, to which job level and salary;

1.2.4.4 any recommendation which is justifiable and equitable and short of dismissal; or

1.2.4.5 that the services of the employee be terminated, because:

- The employee failed to meet a fair and reasonable performance standard.
- Was aware of the performance standard.
- Was given a fair opportunity to meet the required standard.
- Was guided by a proper and fair corrective procedure.
- All alternatives to termination of service with the University have been explored.
- Termination is an appropriate step in relation to the severity of the poor performance.

1.2.5 The senior managerial head and the Director: Employee Relations (or his delegate) shall submit a written proposal to the Director: Human Capital Operations and the latter discusses the proposal with the delegated Head of Department official. The senior managerial head and the Director: Employee Relations (or his delegate) communicate the final decision to the employee and the decision is confirmed in writing.

1.2.6 The employee and/or his representative are informed of his right to refer the matter to the CCMA within 30 days.

1.3 Guidelines in cases of dismissal for poor work performance

Any person determining whether a dismissal for poor work performance is unfair should consider –

- (a) whether or not the employee failed to meet a performance standard; and
- (b) if the employee did not meet a required performance standard whether or not-
 - (i) the employee was aware, or could reasonably be expected to have been aware, of the required performance standard;
 - (ii) the employee was given a fair opportunity to meet the required performance standard; and

- (iii) dismissal was an appropriate sanction for not meeting the required performance standard.

2 Incapacity due to ill health or injury

2.1 Incapacity: Ill health or injury - background

- 2.1.1 Incapacity on the grounds of ill health or injury may be temporary or permanent. If an employee is temporarily unable to work in these circumstances, the employer should investigate the extent of the incapacity or the injury. If the employee is likely to be absent for a time that is unreasonably long in the circumstances, the employer should investigate all the possible alternatives short of dismissal. When alternatives are considered, relevant factors might include the nature of the job, the period of absence, the seriousness of the illness or injury and the possibility of securing a temporary replacement for the ill or injured employee. In cases of permanent incapacity, the employer should ascertain the possibility of securing alternative employment, or adapting the duties or work circumstances of the employee to accommodate the employee's disability.
- 2.1.2 In the process of the investigation referred to in subsection (1) the employee should be allowed the opportunity to state a case in response and to be assisted by a trade union representative or fellow employee.
- 2.1.3 The degree of incapacity is relevant to the fairness of any dismissal. The cause of the incapacity may also be relevant. In the case of certain kinds of incapacity, for example alcoholism or drug abuse, counselling and rehabilitation may be appropriate steps for an employer to consider.
- 2.1.4 Particular consideration should be given to employees who are injured at work or who are incapacitated by work-related illness. The courts have indicated that the duty on the employer to accommodate the incapacity of the employee is more onerous in these circumstances.

2.2 Step 6 (Final discussion)

- 2.2.1 If it becomes evident that the employee cannot recuperate/regain his health or becomes incompatible with the working environment and its reasonable alternatives, the dean/director/departmental head compiles a report and submits it to his senior managerial head (with copies of the previous documentation).
- 2.2.2 The senior managerial head arranges a final discussion with the employee, who may be assisted by an employee representative or by a colleague. The notice period is two working days. During the final discussion the senior managerial head is the Chairperson as well as the Director: Employee Relations (or his delegate) are present.

- 2.2.3 The purpose of this final discussion is to evaluate the course/progress of the process and to ensure that:
- 2.2.3.1 The procedure was followed properly.
- 2.2.3.2 The employee and his representative are given another opportunity to present his side of the matter.
- 2.2.4 The senior managerial head and the Director: Employee Relations (or his delegate) decide on the appropriate action by the University that may include:
- That the employee should be transferred to another and more suitable position within the particular department or another department within the University (sometimes it is not appropriate to find an alternative position within the same working environment, e.g. when the particular working environment creates or exacerbates an allergic condition) and/or;
 - that the salary of the employee should be reduced to align his remuneration with his health condition, injury or disability, work performance and results, and if so, the proportion of the salary reduction;
 - that the job level and the salary of the employee should be reduced to a level commensurate with his work performance and results, and if so, to which job level and salary;
 - another justifiable recommendation; or
 - that the services of the employee be terminated.
 - Consider terminating the employee's employment if:
 - His health/injury/disability is so severe that he is unable to work for the foreseeable future;
 - all alternatives to termination have been exhausted; and
 - the employee and his representative have been consulted fully on the alternatives.
 - Give 30 days' notice of termination of service in relation to the severity of the ill-health/injury/disability.
- 2.2.5 The senior managerial head and the Director Employee Relations (or his delegate) shall submit a written proposal to the Director: Human Capital Development and the latter discuss the proposal with the delegated Head of Department official. The senior managerial head and the Director: Employee Relations (or his delegate) communicate the final decision to the employee and the decision is confirmed in writing.
- 2.2.6 Circumstances may exist where or determine that some of the formal steps of this procedure may be curtailed and/or discarded in order to resolve the matter as expediently as possible. Depending on the complexity and the nature of the intervention to improve/manage the condition, the process

should ideally not exceed a period of six weeks from the commencement of Step 1, or a shorter period.

2.2.7 The employee and/or his representative are informed of his right to refer the matter to the CCMA within 30 days.

2.3 Guidelines in cases of dismissal arising from ill health or injury

Any person determining whether a dismissal arising from ill health or injury is unfair should consider-

- (a) whether or not the employee is capable of performing the work; and

- (b) if the employee is not capable-
 - (i) the extent to which the employee is able to perform the work;
 - (ii) the extent to which the employee's work circumstances might be adapted to accommodate disability, or, where this is not possible, the extent to which the employee's duties might be adapted; and
 - (iii) the availability of any suitable alternative work.

C1. Employee grievance procedure

1. General

1.1 Introduction

In order to achieve both ultimate goals of the University's human capital development strategy – i.e. organisational effectivity and quality of working life – a formal mechanism is necessary by which employee grievance can be addressed speedily and efficiently by means of a facilitative or mediatory process.

1.2 Application

This grievance resolution procedure is applicable to all employees.

1.3 Definition

A grievance is any feeling of dissatisfaction, unhappiness or injustice allegedly experienced by an employee or a group of employees and which involves:

- 1.3.1 The behaviour of another employee or supervisor/manager toward the aggrieved employee; and/or
- 1.3.2 circumstances in the workplace (e.g. equipment, occupational health and safety); and/or
- 1.3.3 the infringement of the employment rights of an employee.

1.4 Objectives

- 1.4.1 The objective of this grievance policy and procedure is to provide employees with a formal upward channel of communication by which their grievances can openly be brought to the attention of Head of Department – individually or in a group.
- 1.4.2 The approach of all the parties involved should be that grievances should be addressed and resolved as speedily as possible and at the lowest managerial level possible.
- 1.4.3 The grievance procedure cannot be used to counter-act a disciplinary investigation that has already been implemented. The grievance procedure – on the other hand – sometimes reveals the necessity for a disciplinary investigation. The latter procedure is then the direct result of a grievance that has been brought to the attention of Head of Department and the grievance procedure ends as soon as the disciplinary procedure is instituted.
- 1.4.4 During the grievance discussion, it might be found that a more appropriate forum/structure should address the problem, for example the occupational health and safety committee. In such an instance the Chairperson of the grievance discussion must take the necessary steps to report the matter to the specific structure – in consultation with the parties involved.
- 1.4.5 Unless the parties involved agree otherwise, the stipulated time frames for the reporting and the addressing of the grievance must be adhered to.

1.4.6 An employee is entitled to be represented by a colleague or friend who is an employee of the University at that specific campus / workplace or by an EO representative on campus / workplace from the EO where he enjoys membership.

2. Procedure

2.1 Mediatory step

2.1.1 The aggrieved employee (hereinafter referred to as “the aggrieved”) directly communicates the nature and the result of the grievance to the person allegedly causing the grievance (hereinafter referred to as “the respondent”) and thereafter they must jointly, together with the HC practitioner, as mediator, earnestly attempt to resolve the grievance.

2.1.2 Where a group of employees experience a grievance, a spokesperson or EO representative must be appointed by the said group who must continue his duty as spokesperson for the duration of the grievance procedure until the grievance is resolved satisfactorily.

2.2 Step 1 (formal)

2.2.1 When the proposed informal grievance procedure in paragraph 2.1.1 is not practicable or does not lead to the resolution of the grievance, the aggrieved discusses the grievance by appointment with his supervisor or immediate manager. If the said supervisor or immediate manager is the respondent, he shall make an appointment with his managerial head to discuss the grievance.

2.2.2 Once a formal grievance is registered, it is important that the expedient resolution of the grievance is facilitated as a matter of urgency. Parties involved are therefore expected to adhere meticulously to the provisions.

2.2.3 At the start of the discussion, the aggrieved must communicate the grievance clearly and specifically to the supervisor/managerial head, why it grieves him and how it affects him.

2.2.4 The supervisor/manager/managerial head must facilitate individual and/or joint discussions between the aggrieved and the respondent in order to resolve the grievance.

2.2.5 Should all relevant parties resolve the grievance amicably, the grievance procedure ends here.

2.2.6 The step must be completed within three working days after the aggrieved reported the grievance to the supervisor/manager/managerial head, unless the parties jointly agreed to another date.

2.3 Step 2 (formal)

2.3.1 Should the grievance not be resolved to the satisfaction of the aggrieved in Step 1, the latter must obtain a formal grievance form from the ERU and then complete it in duplicate. The aggrieved submits the copy to the ERU and the original grievance form to the managerial head at the next (higher) level.

- 2.3.2 The managerial head concerned must facilitate the grievance discussion on an individual and/or joint basis between the aggrieved, the respondent and the supervisor/manager at the previous level (the latter if he is not the respondent).
- 2.3.3 Should the parties concerned resolve the grievance amicably, the grievance procedure ends by the completion and signing of the grievance form, where after the senior managerial head submits the said form to the ERU.
- 2.3.4 This step must be completed within five (5) working days after the aggrieved submitted the grievance form to the senior managerial head, unless the parties jointly agreed to another date.

2.4 Step 3 (final)

- 2.4.1 Should the grievance not be resolved to the satisfaction of the aggrieved in Step 2, the senior managerial head must indicate on the grievance form that the matter could not be resolved and then submits the form to the ERU.
- 2.4.2 The ERU will convene an appropriate grievance committee within ten (10) working days (or a period agreed upon by the parties), which will consist of the aggrieved, the respondent, the supervisor/manager (if he is not the respondent) the managerial head, the managerial head of the section/department/faculty concerned or another member from Head of Department and a member of the ERU.
- 2.4.3 The member from Head of Department or his delegate will act as a Chairperson of the grievance committee and will facilitate a solution of the grievance in whichever way he sees fit.
- 2.4.4 Should the grievance be resolved to the satisfaction of the aggrieved, the grievance procedure ends by submitting a written report – compiled by a member of the ERU and signed by all the parties concerned – to the ERU for recordkeeping purposes.
- 2.4.5 This step must be completed within ten (10) working days after the senior managerial head submitted the grievance form to the ERU, unless the Chairperson of the grievance committee and the aggrieved jointly agree to another date.
- 2.4.6 Should the grievance committee not satisfy the aggrieved with the proposed solution, he could register a dispute at the CCMA, and only if the procedure described above has been exhausted.

C2. Procedure in cases of harassment

Harassment means any form of submission or rejection which is made either explicitly or implied as a term or condition of an individual's employment or status as a student, or by an individual as a basis for employment or academic decision; or for withholding favourable employment or academic opportunities, evaluation or assistance; or of which the purpose or effect is interference with the individual's performance at work or in study by creating an intimidating, hostile or offensive environment in which to work or study.

1. General

Harassment by employees or students on the premises of the University or by employees or students in the execution of their official functioning shall not be tolerated.

2. Application

All employees, job applicants, students and other persons who have dealings with the University have the right to be treated with dignity.

3. Objectives

3.1 Persons who have been subjected to any form of harassment by employees or students on the premises of the University, or by employees or students in the execution of their official duties, have a right to raise the matter, should it occur, and appropriate action will be taken by the University.

3.2 The Head of Department is obliged to implement and apply this policy and take appropriate action against employees who do not comply with the policy.

3.3 The Director: Employee Relations is obliged, via the ISRC (Institutional Student Representative Council) to implement and apply this policy and take appropriate action against students, via the Dean of Students on the relevant campus, who do not comply with the policy.

3.4 The procedure on harassment should be communicated effectively to all employees and students of the University.

4. Procedure for victims of harassment

4.1 The University will ensure that the following be done in matters of alleged harassment:

4.1.1 Allegations of harassment will be dealt with seriously, expeditiously, sensitively and confidentially.

4.1.2 Employees and/or students will be protected against victimisation, retaliation for lodging grievances and from false accusations.

4.2 Advice and assistance for victims who feel unable to lodge a formal grievance or turn to colleagues or friends for advice and assistance can be obtained from a designated person. A designated person is any person whom victims may approach for confidential advice. Such a person:

4.2.1 In the matter of an employee being the victim:

4.2.1.1 Persons employed by the University to perform *inter alia* such a function, e.g. a University HC practitioner, or an EO representative or colleague or outside professionals.

4.2.2 In the matter of a student being the victim:

4.2.2.1 Persons employed/appointed by the University to perform *inter alia* such a function, e.g. the house parents, Dean of Students, a third party (friend, guardian), Residence Committee, Student Council, ISRC or outside professionals.

4.3 The victims should be advised that there are two options for resolving the problem of harassment:

- Either an attempt can be made to resolve the problem in an informal way (mediation); or
- A formal procedure can be embarked upon, as envisaged in this procedure.

4.4 The victim should be under no duress to accept one or the other option.

5. Informal procedure

5.1 It may be sufficient for the victim concerned to have an opportunity where he can explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their performance.

5.2 If the informal approach has not provided a satisfactory outcome, or if the matter is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure. Severe matters may include: sexual assault, rape, a strip search and *quid pro quo* harassment.

6. Formal procedure for forms of harassment (excluding sexual harassment) for employees / students of the University

6.1 The formal procedure is handling a grievance and following the steps of the formal process. The steps of the formal process for employees:

6.1.1 Handing the grievance (using the Harassment form) to the relevant HC practitioner who will take responsibility for investigating and possible mediation of the allegations. The victim of the harassment may choose to take up the grievance with a third party (friend, guardian) who will refer the matter to the ERU.

6.1.2 The relevant HC practitioner will refer the matter to the ERU if the mediation process did not resolve the matter.

6.1.3 The ERU will take responsibility for the matters referred to ERU.

- 6.2 The formal procedure is handling a grievance and following the steps of the formal process. The steps of the formal process for students:
- 6.2.1 The students may approach the Residence Committee who will refer the matter to the Student Council and the Student Council will refer the matter (using the harassment form available from the ERU) to the Student Dean who will take responsibility for investigating and mediating the allegations. The victim of the harassment may choose to take up the grievance with a third party (friend, guardian) to the Student Dean who will take responsibility for investigating and mediating the allegations.
- 6.2.2 If the mediation does not resolve the matter, the Student Dean may refer the matter to the relevant Campus Registrar as Head Student Disciplinary Officer for further action.
- 6.2.3 The Campus Registrar will take responsibility for the matters referred to him.

7. Sexual harassment complaints

- 7.1 Should the victim wish to do so, a sexual harassment complaint can be forwarded in writing to the Ombudsperson who will assess the complaint.
- 7.2 The sexual harassment complaint should be completed on the Sexual Harassment Complaint form available from the ERU or ISRC or Student Council and can be placed in the Internal Audit boxes situated on all campuses / workplaces and addressed to the *Ombudsperson Sexual Harassment* or it can be forwarded via email or post to the Ombudsperson.
- 7.3 The complaint will be treated in confidence by the Ombudsperson.
- 7.4 The Ombudsperson will determine the validity of the complaint and make a recommendation to the ERU regarding possible disciplinary steps.

8. Disciplinary action with sexual harassment complaints

- 8.1 The final decision regarding the proceeding with disciplinary steps against an employee who is the alleged perpetrator, remains with the ERU.
- 8.2 The final decision regarding the proceeding with disciplinary steps against a student who is the alleged perpetrator, remains with the relevant Dean of Students.