






**The Catholic University of Eastern Africa**

TITLE	AUTHOR
<b>PROCEDURE FOR DISCIPLINARY ACTION (CUEA/DVC ADM/HRM/08)</b>	<b>HR MANAGER</b>
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	<b>NONE</b>
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<b>NOTE:</b> <ol style="list-style-type: none"> <li>Write amendments on the page provided (Clause 0.2)</li> <li>Controlled copies of this document will be in the HR and the DVC ADM Office</li> </ol>	

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### 0.2 RECORD OF CHANGES

No.	Date	Details of Changes		Authorization
	<i>(dd-mm-yy)</i>	<i>Page</i>	<i>Clause/subclause</i>	<i>Title</i>
1	21 June 2011	3	6.1 Inclusion of the words “The HR Manager shall ensure that...” and timelines.	HR Manager

### 0.3 Distribution / Circulation

This Standard Operating Procedure is available at relevant functions for authorized users.

#### 1. PURPOSE

To ensure thorough and expeditious investigation into the allegations of misconduct


#### 2. SCOPE

This procedure covers all employees in CUEA.

#### 3. TERMS AND DEFINITIONS

##### 3.1 Definitions of Terms Used:

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For the purpose of this procedure the following terms shall apply in addition to those already defined in the CUEA Quality Management Manual.

3.1.1 ‘Misconduct’ is an unacceptable behavior by an employee.

3.1.2 ‘Disciplinary action’ reprimanding or punishing an employee as a result of misconduct.

### **3.2 Abbreviations and Acronyms**

3.2.1 HR - Human Resources

## **4. REFERENCES**

This procedure makes reference to the following documents which form part of the QMS documentation:

4.1 HR Policies and Procedures Manual

4.2 ISO 9001:2008, Quality Management systems –Requirements clauses 4.2.4; 8.3; 8.5.2 & 8.5.3

## **5. PRINCIPAL RESPONSIBILITIES**

5.1 The HR Manager shall ensure that the procedure is being followed and adhered to.

## **6. METHOD**

### **Stage 1: First Verbal Warning**

6.1 The HR Manager shall ensure that the immediate supervisor discusses a founded allegation of misconduct with the employee in question; the Supervisor shall immediately give the first verbal warning informing the employee about the seriousness of the issue and possible consequences if there is no improvement or if offence is repeated

6.2 The immediate supervisor shall prepare a report on the discussion and give a copy to the individual concerned within 2 working days. This note is not kept on the employee personal file.


### **Stage 2: Second Verbal Warning**

6.3 In the event of the same continued misconduct, the immediate supervisor shall refer the matter to the HOD or the second supervisor if HOD is the subject.

6.4 The HOD or second supervisor shall review the matter, discuss it with the staff member and the immediate supervisor on the allegation raised at Stage 1.

6.5 The HOD or second supervisor shall give a second verbal warning and a record of the discussion shall be maintained by the second supervisor and copied to the parties concerned within two days (ISO 9001: 2008 Clause 4.2.4).

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6.6 If the matter is resolved by the end of the review period as advised by supervisor, the matter shall be concluded. A statement to this effect shall be forwarded to the staff member and copied to the second supervisor and HR Manager for filing in the employee's personal file.

### **Stage 3: First Written Warning**

6.7 In the event of continuation of the same misconduct, the HOD/Supervisor/equivalent shall refer the matter to the HR Manager within 3 working days. The Manager shall review the written report indicating the nature of the allegation, the report of the discussion at stage 2, and the employee's conduct during the review period.

6.8 The HR Manager shall meet the staff, the HOD and/or second supervisor and discuss the allegation raised in stage 2. A record of the discussion is maintained and copied to the parties concerned (ISO 9001: 2008 Clause 4.2.4).

6.9 If the matter complained about is resolved by the end of the review period, the matter is concluded. A statement to this effect shall be forwarded to all concerned parties and a copy put into the employee's personal file.

6.10 If the matter is not resolved at this point, the employee shall receive a written warning from the HR Manager which shall also set out a further review period. A copy of this warning shall be maintained in the employee's personal file.

### **Stage 4: Final Written Warning**

6.11 In the event of the same continued misconduct, a further meeting shall be held between the employee and the Disciplinary Committee as appointed by the VC or his designate. This Committee shall review the outcome of Stage 3.

6.12 Before the meeting, the employee shall be furnished with a written report indicating the University's view of his/her conduct regarding the issues raised at stage 3. If the matter is resolved, a statement to that effect shall be forwarded to the HR Manager within a day. If not resolved then:

6.12.1 The gravity of the situation shall be discussed

6.12.2 The staff member shall be made aware that if there is no acceptable improvement within a final review period, appropriate disciplinary action shall follow


6.12.3 The employee shall receive a final written warning from the relevant DVC within 3 working days. This written warning shall include reference to the review period.

### **Stage 5: Disciplinary Action**

6.13 If the matter is resolved at the end of the review period, the relevant DVC shall notify the HR manager in writing within 2 working days

6.14 If the conduct and/or performance of the staff member does not improve to a satisfactory level during the period set out in the final written warning the matter shall be reviewed by the VC before appropriate disciplinary action is taken.

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6.15 No disciplinary action shall be taken pending the outcome of any appeal in accordance with the procedures except for serious misconduct.

#### **Notice of Dismissal**

6.16 For further acts of misconduct, other than gross misconduct, by an employee who is under final warning given in accordance with stage 4 above, the employee shall be liable to notice of dismissal as spelt out in the HR policies and Procedures Manual.

6.17 The Vice Chancellor signs all letters on dismissal.

#### **Stage 6: Dismissal**

6.18 If all the above steps have been followed and nothing seems to change, the University shall have no other alternative but to dismiss the employee in accordance with the University's disciplinary policy and the Kenya Employment Act of 2007

6.19 Notwithstanding any other provision in this code, gross misconduct may justify summary dismissal and therefore, the foregoing procedures shall not apply.

#### **Stage 7: Appeal**

6.20 At any stage of this disciplinary procedure, the employee can appeal to the Vice Chancellor. However, an employee who has been dismissed may appeal to the University Council within 30 days after the sanction.

#### **Stage 8: Validity period**

6.21 The validity period for this disciplinary procedure is one year.

### **7 APPENDICES**

- None

### **8. Associated Documents**

8.1 Employment Act 2007 of the laws of Kenya

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