

Disciplinary

Policy Statement

Bethlehem University aspires to fostering shared values, moral principles and dedication to serving the common good. This policy seeks to provide a clear statement of the University's expectations of its employees and outline a fair and comprehensive way in dealing with unsatisfactory performance and/or misconduct. It is preferable that issues arising from unsatisfactory performance and/or misconduct are resolved at the lowest possible level. Supervisors clearly convey performance expectations of all employees for whom they are responsible. They support and monitor employee contribution, through ongoing dialogue with them, setting expectations of performance and working with them to resolve issues. Supervisors are expected to deal promptly with any incidences of unsatisfactory performance and misconduct as they arise. The University reserves the right to take disciplinary action, which may include the termination of employment in compliance with the Palestinian Labor Law and a certified penalty list, with regard to an employee who does not perform her or his duties to a satisfactory standard.

Purpose

The purpose of this policy is to explain the responsibilities and obligations of employees, supervisors and the University with regard to managing unsatisfactory performance and/or misconduct at Bethlehem University.

Application

This policy applies to all employees at Bethlehem University.

Guiding principles and procedure

This procedure is to help ensure consistent and fair treatment for all employees and to ensure compliance with natural justice which both respects and affirms the dignity of all persons involved in any disciplinary process ensuing from unsatisfactory performance and/or misconduct.

Verbal Notification

Once they become known, incidences of unsatisfactory performance and/or misconduct should be dealt with without delay. The supervisor will discuss this matter with the employee concerned. The purpose of these discussions is to ensure that the employee understands:

- i- The nature of the concerns
- ii- Expectations of improvements in conduct
- iii- Where appropriate, timescales for improvement and the nature of any support available.

Any discussions will be confirmed in writing to the employee. The supervisor will retain any note of these informal discussions. Following a satisfactory outcome to the use of the informal procedure, the matter will be considered resolved.

Formal Written Warning

Where an issue has been discussed with an employee and if the required improvements in conduct are not achieved in the appropriate time scale the immediate supervisor will discuss the matter with his/her higher supervisor and/or the area Vice President. The employee will receive a formal written warning outlining:

- i- The nature of the concerns
- ii- Expectations of improvements in conduct

- iii- Timescales for improvement and the nature of any support available. The higher supervisor and/or the area Vice President may either determine an extension of the time frame for improvement is warranted.

Final Written Warning

If the pattern of behavior still persists within the timescale for improvement the immediate supervisor issues a final written warning. Following this final letter of warning, if the offense is not corrected within a reasonable time period, the immediate supervisor notifies and discusses the case with her/his immediate supervisor up to the level of the appropriate Vice President. The immediate supervisor of the concerned employee then sends a written notification to their higher supervisor and the Vice President for Human Resources, explaining the case and recommending further action be taken up to and including dismissal from the University according to the approved penalty list by the Ministry of Labor.

Disciplinary Investigation

Upon receiving a final written warning the concerned employee has the right to request a disciplinary investigation. The disciplinary investigation will be carried out by the Vice President for Human Resources and Administrative Affairs, or his/her delegate to ensure the matters are handled fairly, reasonably and in compliance with current legislation and University procedure. The purpose of the investigation is to:

- i- Establish the nature of the allegations
- ii- Gather evidence to enable a decision to be taken on whether the final written warning is justified.
- iii- Consider if the matter should proceed to a **Disciplinary Hearing** (Step 5)

The investigation will be concluded as soon as reasonably possible whilst allowing sufficient time to interview relevant parties. Employees must be kept informed if there is any unexpected delay in the process. Investigatory interviews are part of the process to establish whether disciplinary action is warranted. As part of the investigation the employee who is the subject of the allegation will be asked to attend an investigatory interview at which s/he may be accompanied by a support person of their choice. The employee must inform the delegate of the Vice President for Human Resources and Administrative Affairs any facts or witnesses that s/he feels are relevant to the case. Where appropriate, witnesses will also be interviewed. Interview statements which are signed and dated will be produced.

The outcomes of an investigation may be:

- i- There is no case to answer and therefore no disciplinary action is taken.
- ii- The matter is dealt with informally, if appropriate with support and or training to resolve the matter.
- iii- A recommendation that there is a disciplinary case to answer and a disciplinary hearing should be arranged

Disciplinary Hearing

If following an investigation there is a recommendation that there is a disciplinary case to answer the employee will normally be given 5 days' notice and requested to attend a disciplinary hearing. The employee will again be provided with details of the allegation(s) and an indication as to whether the alleged misconduct is considered as potentially a serious/gross misconduct case and therefore whether a sanction less than or up to dismissal may be considered. The employee will be invited to make any written submissions or bring forward witnesses. Prior to the hearing, any documentation that will be referred to in the hearing will be made available to the employee.

Members of the disciplinary hearing panel will include:

- i- Vice President for Human Resources and Administrative Affairs (Chair)
- ii- The Assistant Vice President for Human Resources and Administrative Affairs (minute secretary)
- iii- Administrative Council members
- iv- Other personnel deemed necessary by the chair of the disciplinary hearing

The employee will be given an opportunity to present his/her case, question witnesses and raise any issues s/he wishes to have considered. The employee has the right to be accompanied by one or two support people. The chair conducting and hearing the case will be able to question those involved in the case. The panel hearing the case will consider all representations then decide if on the balance of probabilities the allegation(s) are proven and if so what level of disciplinary sanction is appropriate. Based on their findings the panel, through Vice President for Human Resources and Administrative Affairs, will recommend the disciplinary action, sanctions or dismissal, to the Vice Chancellor. The decision will be confirmed in writing to the employee within five working days of the hearing. The correspondence shall also notify the individual employee of his/her right to appeal against any sanction. In the event that the decision is taken to dismiss the employee, the letter will include the reasons for dismissal and the date that his/her employment will terminate, together with details of any notice arrangements.

Dismissal

Only the Vice Chancellor can make the decision to dismiss an employee. The employee will be provided with written reasons for dismissal, the date on which employment is terminated, and the right of appeal. In cases of gross misconduct, the employee may be dismissed summarily without notice in compliance with both Palestinian Labor Law and with the certified Penalty list. Previous warnings need not have been given. In any case of dismissal employee has a right of appeal as set out below.

Appeal

The role of the Appeals hearing is not to re-hear the case but to review the process that led up to the management decision, ensuring that the procedure was used correctly, the action taken reasonable and to consider any new evidence brought forward. The employee should submit in writing to the Vice President for Human Resources and Administrative Affairs notice of his/her intention to appeal within 7 working days of receiving the letter confirming the disciplinary action. This letter must be accompanied by a clear statement specifying the basis upon which an appeal is made. An appeal should be made on the basis for example on one of the following circumstances:

- i- The procedure was not used correctly
- ii- New evidence can reasonably be brought forward
- iii- The disciplinary action was unreasonable and/or the penalty imposed was disproportionate to the offence;

Where disciplinary action has taken the form of dismissal, the appeal procedure will normally be carried out as soon as practicable. The appeal will be heard by delegates of the Vice Chancellor.

Examples of unsatisfactory performance and misconduct

The following examples are intended to illustrate what can constitute misconduct or gross misconduct. The examples should not however be regarded as being either exhaustive or mutually exclusive – much depends on the particular circumstances.

- i- Persistent lateness or leaving early
- ii- Unauthorized absence from work
- iii- Failure to comply with the requirements of the job description
- iv- Failure to comply with work instructions

- v- Serious professional misconduct, including failure to discharge professional responsibilities
- vi- Inappropriate behavior towards, or relationships with, students
- vii- Making a false declaration on any job application form
- viii- Misuse/Abuse of University property
- ix- Conduct which may bring the University into disrepute
- x- Assault or intimidation of other employees, students, visitors to the University, or members of the public, during working hours or at the work place or at a work-related event