

**HONG KONG BAPTIST UNIVERSITY**

**HUMAN RESOURCES POLICIES & PROCEDURES/ DISCIPLINARY  
PROCEDURES**

**Procedures for Handling Staff Disciplinary Matters**

**Preamble**

The following procedures provide a framework for dealing with instances where staff members are alleged not to have met the required standard of performance or conduct, and to ensure prompt, consistent and fair treatment for all staff members.

**Basic principles**

2. The following principles should be adhered to in applying these procedures:
  - (a) In the majority of cases, to enable staff to improve their performance or behaviour, matters should be dealt with promptly when they arise, and be escalated to the stage of formal disciplinary procedures only when the problems persist or when the seriousness of the matters warrants;
  - (b) The principles of justice and fairness should be upheld in every step of the procedures. The procedures should be carried out with due regard to any equality and diversity issues which may have affected the original situations or may affect the process of handling the matters; and
  - (c) All disciplinary matters should be treated with strict confidentiality. Related documentation will be subject to the provisions of the Personal Data (Privacy) Ordinance, and staff members responsible for conducting the procedures and/or maintaining the records must ensure that the records are kept in a secure place and made available only to authorised persons.

**Grounds for disciplinary action**

3. Disciplinary action may be taken against a staff member who is found to have:
  - (a) failed, refused, neglected or been unable to perform some or all of the duties which he/she has been reasonably and legally assigned, or to comply with some or all of the conditions attached to his/her post, or to perform these duties or comply with those conditions in a satisfactory or adequate manner;
  - (b) engaged in behaviour or conduct which is judged to be inappropriate or unacceptable on the part of the holder of his/her post, such as (but not limited to) the following:
    - (i) breaching any obligation or duty arising under the University's regulations regarding financial matters, harassment, equal opportunities, health and safety, and data protection, or any other rules binding on the staff member;
    - (ii) wilfully or negligently damaging or improperly using University facilities, premises, property or equipment;

- (iii) engaging in fraud, deceit, deception or dishonesty in relation to the University or in any related activity, including research and the conducting of examinations;
  - (iv) breaching confidentiality by divulging information or material received in confidence; and
- (c) convicted of a criminal offence judged to be serious by the University.
4. The above list is not exhaustive, and an investigation may need to be conducted to look into the circumstances to determine the seriousness of the matter.

#### **A. Procedures for handling performance problems**

##### **Communicating performance problems**

5. It is strongly encouraged that the direct supervisor should communicate with the staff member concerned on any detected performance problems. It is suggested that the following “good management practices” should be employed in the process of communication:

- (a) Respect the individual as a person;
  - (b) Do not talk in a condescending manner and do not attack the person;
  - (c) Focus on work performance/conduct;
  - (d) Demonstrate objective evidence instead of subjective feeling and impressions;
  - (e) Demonstrate fairness that the same standard is required of the other staff;
  - (f) Give a chance for staff feedback and explanations;
  - (g) Ask for staff opinion on how to improve performance/conduct if deemed appropriate;
  - (h) Show willingness to help staff improve performance; and
  - (i) Give an opportunity for improvement.
6. The Dean/Head of Department/Office should be kept informed of such communication and the advice of Dean/Head should be sought where appropriate. Proper record of the meeting should be kept. The assistance of the Human Resources Office may be sought, if considered appropriate and necessary.
7. In order that performance problems could be tackled early, all annual performance reports with an overall rating of “below standard”, i.e. “E”, could be reported to the Human Resources Office for appropriate follow-up actions. After reading the reports, the Human Resources Office will try to understand the situation to see if the performance problems are caused by misunderstanding and miscommunication, poor service attitude, inadequate core competence skills, mismatch of job abilities with requirements and/or poor interpersonal skills.

8. Depending on the cause for performance problems, the Human Resources Office may decide to mediate between the Head/supervisor and the staff concerned to strengthen communication, and/or to meet with the Head and/or supervisor and the staff concerned to understand if there are ways to improve the staff's performance to meet the standards. The staff concerned may be encouraged to put in more efforts, to change his/her work attitude, or to go through some development courses or re-training programmes.

### **Possible measures**

9. Taking into account the seriousness of the performance problem, the likely cause and the possible solutions, the supervisor may recommend one or several of the following actions to the Dean/Head of Office who will consult the Human Resources Office on the most appropriate measure to be taken:

(a) *Giving a verbal/written warning*

- (i) In case where the staff member concerned fails to improve his/her performance after communication and advice given the Dean/Head of Office may issue a verbal warning, and to be followed, if necessary and if the performance problem still prevails, by written warning and final written warning.
- (ii) In the event that a verbal/written warning is given, the warning should specify the staff member's inadequacies, the improvement expected of him/her, the time allowed for making the improvement, and the consequences of failure to make the necessary improvements; and
- (iii) Verbal warning should be given in the presence of a witness. A record should be kept of the warning and such record should be copied to the Human Resources Office for record. Record of verbal warning and written warning will be kept in the personal file of the staff member concerned.

(b) *Alternative measures*

Under certain special circumstances where the staff member concerned has very little chance to improve his/her performance up to the required standard through re-training, but, in the judgement of the Dean and Head of Department/Office, he/she is still capable of making a contribution to the University at a different level or in a different capacity, a recommendation may be made by the Dean and Head of Department/Office to consider, if appropriate, redeploying the staff member to another unit or regrading him/her to another grade/rank. The success of "redeployment" will depend on whether there are appropriate openings in other departments/offices and subject to the consent of the receiving department/office. Recommendations on "re-grading to another grade/rank" would need to be presented to the appropriate approving authority or the respective University Review Panel for consideration and decision.

(c) *Recommendation on termination of appointment*

If unsatisfactory performance persists over a specified period of time, and that warning has been given and opportunity provided for improvement, or if the performance problem is of a serious nature, the relevant Dean/Head of Office

may make a recommendation to the Human Resources Office on termination of appointment in accordance with the Policy Guidelines & Procedures Governing Removal/Termination of Appointment as set out in **Appendix 1** (for staff on substantiated appointment) or **Appendix 2** (for other staff).

## **B. Procedures for handling conduct-related problems**

### **Early handling and communication**

10. Depending on the nature and seriousness of the problem, the immediate supervisor should consider the appropriate steps and measures to be taken to handle the problem. Advice may be sought from the Head of Department/Office or the Dean, and if necessary, also from the Human Resources Office. As a first step, the immediate supervisor is encouraged to communicate in person with the staff member about any detected or complaints received on conduct-related problems.

11. For less serious cases of conduct-related problem, counselling or advice given to the staff member concerned by the immediate supervisor, the Head of Department/Office or the Dean may quickly resolve the problem. A record of the discussion will be kept by the Head/Dean and forwarded to the Human Resources Office. A staff member of the Human Resources Office may also assist in the conduct of a meeting by serving as a witness and keeping a record of the meeting. The record will include specific and measurable objectives for improvement and reasonable time frames for the achievement of the objectives agreed with the staff member. A copy of the record will be given to the staff member.

12. In the event that counselling or advice is not considered appropriate, or if the conduct-related problem persists over a period of time despite counselling/ warning having been given, and the opportunity having been provided for improvement, or if the conduct-related problem is of a serious nature (as illustrated in paragraph 3), the Head/Dean may make a recommendation on further action/ investigation to the Human Resources Office.

13. If the Head/Dean considers that the disciplinary action to be instigated may lead to removal or termination of appointment, then the Policy Guidelines & Procedures Governing Removal/Termination of Appointment as set out in **Appendix 1** (for staff on substantiated appointment) or **Appendix 2** (for other staff) will be followed.

### **Investigation**

14. If the Head/Dean considers that further investigation should be conducted before determining the seriousness of the disciplinary matter, the investigation will be conducted by an Inquiry Panel (the Panel) chaired by the Head/Dean. The Panel will include a senior staff member of the Department/Office or, as appropriate, a senior staff member from outside the Faculty/School/Office and a senior staff member of the Human Resources Office. In certain cases (e.g. if the Head/Dean is involved in any allegation) it would not be appropriate for him/her to conduct the investigation; another senior staff member either from within or outside the Department/Office or Faculty/School will be appointed by the Dean/Vice-President (VP)/Provost\* to chair the Panel. Members involved should not have any conflict of interest with the staff member being investigated.

15. The investigation may comprise formal discussions with the staff member, obtaining written statements, interviewing witnesses and collecting any other relevant documentary evidence.

16. The investigation will normally be completed within 60 working days from the date the staff member was first notified of the formal complaint against him/her. If an extension of the period is considered necessary by the Panel, this will be communicated to the staff member, along with the reasons.

17. The investigation should be fully completed before any disciplinary action is recommended.

### **Outcome of investigation**

18. On completion of the investigation, the Panel will submit a report to the Dean/VP/Provost\* on the findings, and all supporting documentation should be appended to the report. The report will conclude with a recommendation on the course of action to be taken.

19. The Dean/VP/Provost\* will consider the recommendation and then decide to take appropriate/further disciplinary action or that there is no case for taking any action.

### **Disciplinary action**

20. If the disciplinary matter is considered to be less serious, then the disciplinary action may be any one or more of the following:

- (a) Verbal/written warning;
- (b) A mutually agreed solution; and
- (c) Filing of a record for future reference.

21. In the event that verbal/written warning is given, the warning should specify:

- (a) the staff member's inadequacies;
- (b) the improvement expected of him/her;
- (c) the time allowed for making the improvement; and
- (d) the consequences of failure to make the necessary improvement.

22. If the disciplinary matter is considered to be serious, but not to the extent of leading to removal or termination of appointment, then any one or more of the following sanctions may be recommended to the President and Vice-Chancellor (P/VC) for approval:

- (a) Assessing a fine, payable on demand;
- (b) Requiring compensation for damage or loss;
- (c) Documenting the case for future reference; and
- (d) Any other appropriate measures.

[Note: (a) and (b) above will be imposed within the limit as permitted under the Employment Ordinance.]

23. If the disciplinary matter is considered to be very serious, then the staff member's appointment may be terminated in accordance with the Policy Guidelines & Procedures Governing Removal/Termination of Appointment as set out in **Appendix 1** for staff on substantiated appointment or **Appendix 2** for other staff.

## **Appeal procedures**

24. For cases not leading to termination of appointment, if the staff member is dissatisfied with the disciplinary process or action, he/she may lodge an appeal to the Dean/VP/Provost\* within one month of being notified of the outcome of the investigation or the disciplinary action to be taken. If the Dean/VP/Provost\* is involved in the process, the appeal should be made to the P/VC.

25. The appeal authority may review the case on procedural grounds, and decide to:

- (a) dismiss the appeal;
- (b) appoint an ad hoc committee to look into the appeal;
- (c) remove or modify the disciplinary action; or
- (d) take any other action considered appropriate.

26. For cases leading to termination of appointment, the appeal procedures will follow the respective Policy Guidelines & Procedures on Removal/Termination of Appointment as set out in **Appendix 1** for staff on substantiated appointment or **Appendix 2** for other staff.

\* References to Dean/VP/Provost include the Associate Vice-President (Engagement) (AVP(E)).

Note: Disciplinary matter involving the Deans or Heads of Offices will be handled by the P/VC, Provost, respective VP or AVP(E) in accordance with the reporting relationship, that involving the AVP(E) will be handled by the P/VC, and that involving against the P/VC, Provost and VPs will be handled by the University Council.

Human Resources Office

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(Approved by Council in 06/17)