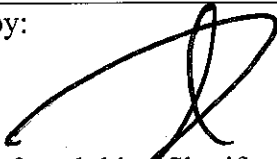
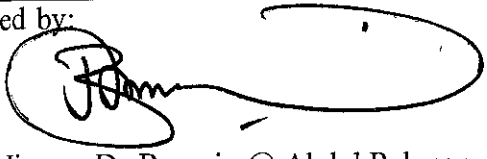
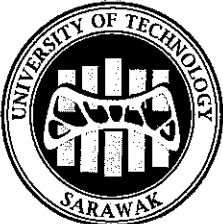
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Prepared by:  Name: Nurfaezah binti Sharif Position: Manager, Human Capital and Administration Department	Approved by:  Name: Jimmy De Rozario @ Abdul Rahman Position: Registrar, Registrar Office
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AMENDMENT RECORDS

No.	Date	Remarks	Revision No.	Approved by
1	11/04/18	Establishment	00	Senior Manager, HCD
2	10/07/24	Review the whole contents	01	Registrar, Registrar Office

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1.0 OBJECTIVE

To establish a comprehensive and transparent Standard Operating Procedure (SOP) for disciplinary action within the university, ensuring fair and consistent measures are taken to address employee misconduct, maintain a positive work environment, and uphold the values and policies of the university.

2.0 SCOPE

This scope of this SOP applies to all staff offered to work by the university.

3.0 REFERENCES

- 3.1 UTS Code of Ethics
- 3.2 UTS Terms and Conditions of Service.

4.0 DEFINITIONS / ABBREVIATIONS

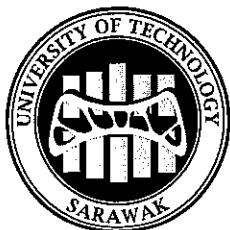
UTS	:	University of Technology Sarawak
HCAD	:	Human Capital and Administration Department
HOD	:	Head of Department
VC	:	Vice Chancellor
IS	:	Immediate Superior
SOP	:	Standard Operating Procedure

5.0 RESPONSIBILITY

- 5.1 The Registrar is responsible to ensure that this SOP is adhered to the steps required by all UTS staff.

6.0 PROCEDURE

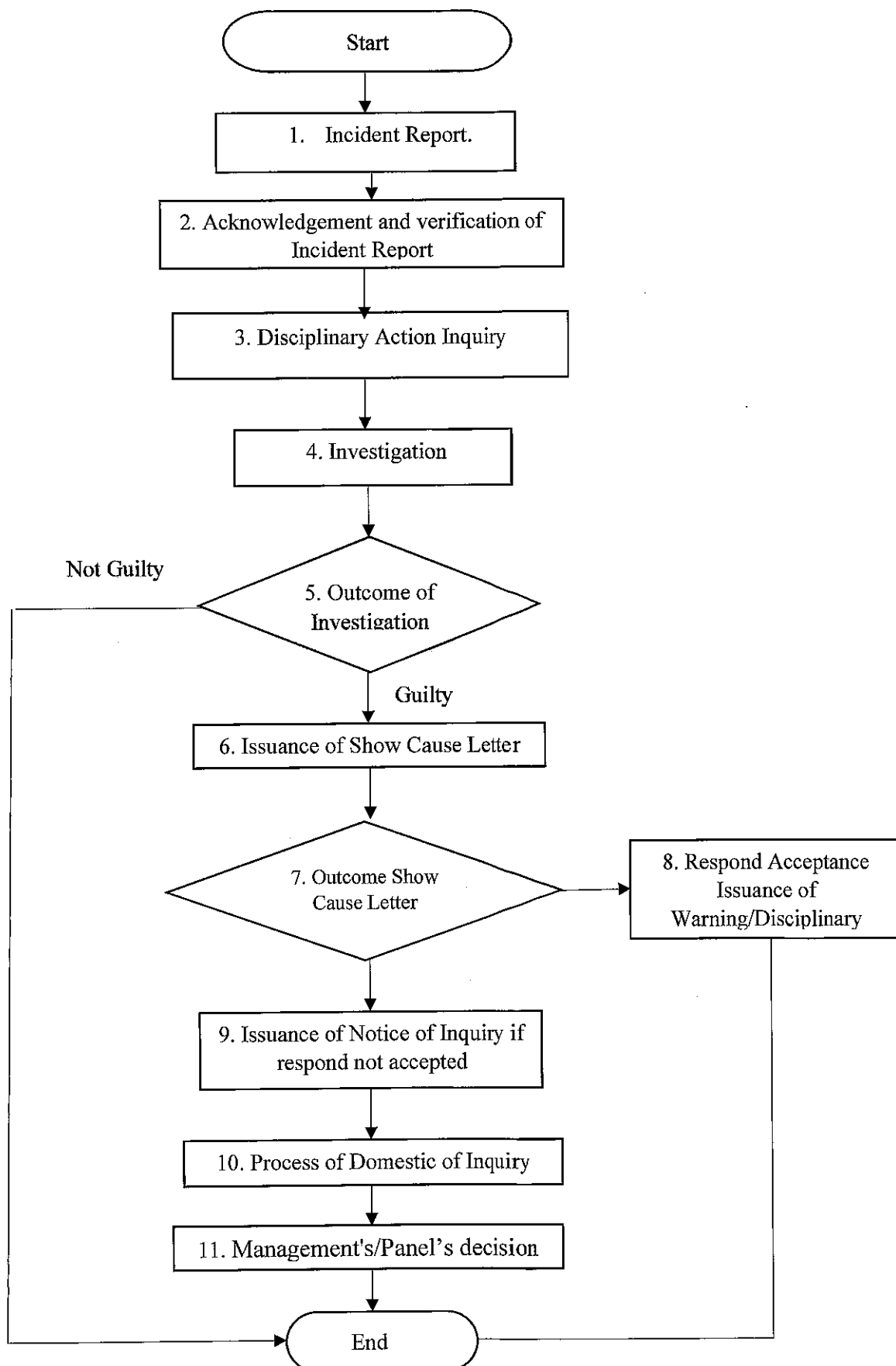
- 6.1 Refer to the process flow chart.

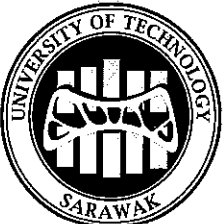


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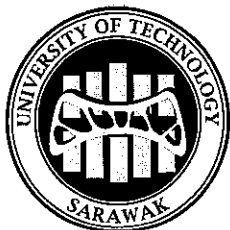
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7.0 DESCRIPTION

NO	Description	Person in Charge	Document
1.	Incident Report. Disciplinary Action may be called for when a Written Report or Complaint of an Incident is lodged. Normally, the source of Complaint comes from the employee's IS or a fellow employee.	Immediate Superior Staff	Incident Report
2.	Acknowledgement and verification of Incident Report. The HOD & IS receives a complaint and verifies the facts presented to him to determine whether the case warrants Disciplinary Action.	HOD/IS	Incident Report
3.	Disciplinary Action Inquiry. If there is sufficient evidence of the Incident, the HOD/IS must present full supporting facts to HCAD.	HOD IS HCAD	Incident Report
4.	Investigation. 4.1 It is essential that HCAD or authorised personnel to conduct an Investigation into the facts presented to them immediately to protect the integrity of the case and obtain the relevant evidence before it becomes difficult or impossible to trace. This is also to avoid any allegation by the employee of Condonation of the alleged Misconduct. 4.2 The HCAD or authorised personnel should interview all parties concerned in the Complaint and have their Statements recorded. 4.3 Difficulties may arise if the Complaint is from an outside source (not within the Organisation) and such	HCAD Authorised Personnel As Instructed By VC	Incident Report Investigation Paper <ul style="list-style-type: none"> • Statement/Inquiry Report • Investigation Report

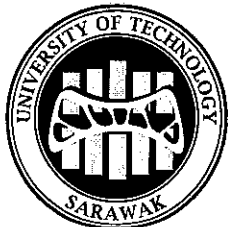


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	<p>person is reluctant to give any written Statement to substantiate his Complaint.</p> <p>4.4 Without a Written Statement, the employee, when confronted, may make a total denial of the allegation. It is suggested that the outsider complainant be persuaded to record his complaint in writing so that Disciplinary Action can be instituted against the employee concerned.</p> <p>4.5 At the same time, the Investigating Officer should ascertain if other supporting evidence from within the University can be obtained to support the Complaint so that the Complaint does not stand by itself.</p> <p>4.6 It is important that the Investigating Officer remains impartial.</p>		
5.	<p>Outcome of Investigation.</p> <p>5.1 If the investigation establishes a "Prima Facie" case justifying the Complaint that calls for an explanation from the employee, the University should then proceed to issue a Show Cause Letter.</p> <p>5.2 If the Investigation concludes with lack of evidence, HCAD will reject further cause for Disciplinary Action and notifies the HOD/IS/Complainant. The case will be considered closed.</p>	HCAD Investigation Officer	Investigation Report Show Cause Letter
6.	Issuance of Show Cause Letter.		

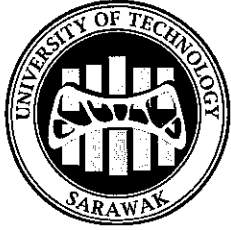


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	<p>The employee is to be issued a Show Cause Letter drafted in clear language setting out all the allegations to which the employee is requested to "Show Cause".</p> <p>6.1 The Show Cause Letter is to be signed by the VC or Registrar</p> <p>6.2 Any unclear charge in a Show Cause Letter is often indicative that the University is unsure of the circumstances giving rise to the charge.</p> <p>6.3 The charge should specifically refer to which UTS Rules or Regulations that have been breached. If no specific Rules have been breached, state that the charges constitute either a breach of both the express and/or implied Terms and Conditions of the Contract of Service (Letter of Appointment).</p> <p>6.4 The Show Cause Letter is confidential and should preferably be delivered to the employee personally. If this is not possible, the letter should be sent to the employee's address via Registered Mail.</p>	<p>VC Registrar PI</p>	<p>Show Cause Letter</p>
<p>7.</p>	<p>Outcome Show Cause Letter?</p> <p>Employee to respond to Show Cause Letter (within 7 days of the issuance of the letter) and proceed to no. 9</p> <p>Depending on the reply received from the employee, the University may proceed to conduct a Domestic Inquiry.</p>	<p>HCAD</p>	<p>Respond Letter</p>

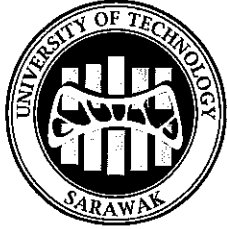


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	<p>This may be necessary even if an employee, in his reply to the Show Cause Letter, gives an unclear response and appears to admit to only some of the charges or just part of the charge and proceed to no. 9</p>		
8.	<p>Issuance of Warning/Disciplinary Letter.</p> <p>If the HCAD finds the response to the Show Cause Letter from the employee satisfactory, it may be deemed enough to issue a Warning Letter to the employee and provide reasonable opportunity for the employee to improve his conduct. However, if the employee fails to respond and/or if the explanation is unacceptable, the University can either (a) take disciplinary action or (b) if it feels the allegations are serious enough to warrant it, issue a notice of domestic inquiry.</p>	HCAD	Warning/Disciplinary Letter Notice of Domestic Inquiry
9.	<p>Issuance of Notice of Inquiry.</p> <p>If employee does not respond to the Show Cause Letter (within 3 or 7 days from the date issuance of the letter) or his response is unclear or appears to admit to only some of the charges or just part of the charge, the HCAD shall proceed to send a Notice of the Domestic Inquiry to the employee concerned.</p> <p>The Notice of Domestic Inquiry should comprise of the following:-</p> <p>9.1 The Notice should give particulars of the date, time and place of the Domestic Inquiry and should stipulate that the employee</p>	HCAD	Notice of Domestic Inquiry



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	<p>would be entitled to cross-examine the University's witnesses and allowed himself, produce witnesses or documents to argue against the charges.</p> <p>9.2 Specific charge which states the type of offence, the date, the time and place where the offence took place. Also state which rules of company's rules or regulations have been violated.</p> <p>9.3 Details of the domestic inquiry (i.e.: date, time and place).</p> <p>9.4 Inform the employee his/her right to bring along witnesses or any documentary evidence, if any.</p>		
10	<p>Process of Domestic Inquiry</p> <p>10.1 Suspension.</p> <p>If it is necessary, the employer may place the employee on suspension pending further investigation of the allegation in respect of the misconduct. The suspension can be issued together with the show cause letter, or before the domestic inquiry. A suspension may be granted if the employer feels that it would prevent interference into the investigation or further misconduct.</p> <p>Under the Act, the maximum period of suspension is not more than 2 weeks with half wages. However, the employer must pay back the remaining wages to the employee if he is later found to be not guilty. This maximum period of suspension only applies to employees subject to the Act.</p> <p>10.2 Appointment of the Panel of Domestic Inquiry.</p> <p>10.2.1 The University and in this case the VC with the recommendation</p>	<p>Panel Chairman/Members HCD (Prosecution Officer) Authorised Personnel Accused Witnesses</p>	<p>Issuance Letter of Domestic Inquiry Appointed Letter for Panel</p>



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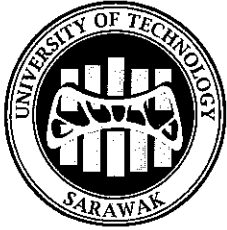
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from HCAD should proceed to select the Panel of Domestic Inquiry. The basic criteria for the selection should be:

- Individuals who are not involved directly with the investigation and circumstances of the case.
- The Panel Members of Domestic Inquiry should normally be of a rank or status above the employee facing the disciplinary charges.
- The Chairman of the Panel of Domestic Inquiry should have the same knowledge of the Domestic Inquiry Process and regulations involving employment.
- The Panel of the Domestic Inquiry are to strictly comply with the principle of natural justice and be seen and act "fair and just".

10.2.2 The panel should comprise of:

- Chairman (should be a person not involved in the investigation)
- Two independent Panel Members (may be employees from another department)
- A Prosecutor or Presenting Officer (may be a Personnel Officer in the Human Capital and Administration Department)



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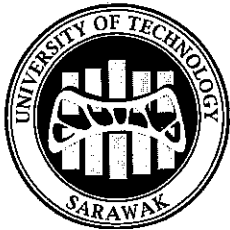
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- A Secretary to take minutes of the Domestic Inquiry

The Panel of Domestic Inquiry should not be seen or appear to be biased.

10.3 Hearing of Domestic Inquiry.

- The prosecution (company) will begin first. The prosecuting officer [usually a senior employee of the Company] will make out a case against the accused employee. He will present documentary evidence which supports the charges, and also call witnesses who can testify about the accused employee's misconduct.
- The accused will then be allowed to question each of the witnesses on the evidence they have given.
- After that, the accused should be given an opportunity to present his defence, and produce his own witnesses and documentary evidence.
- The accused as well as his/her witnesses will be questioned by the prosecutor.
- Ideally, proceedings should be recorded and notes taken. Where there is a tape-recording and a transcript is prepared, the accused should be given an opportunity to examine and approve the transcript for accuracy.
- At the conclusion of the hearing, the panel will discuss and study the evidence given by both

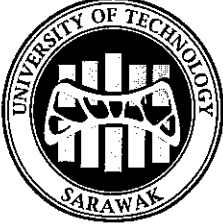


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	<p>parties. Thereafter, the panel will make a finding as to whether the employee is guilty of the misconduct. If the employee is guilty, the panel may also make recommendations to the management of the company regarding what disciplinary action should be taken.</p> <p>Lawyers are not allowed to appear in this type of domestic inquiry but official of the employee's union is allowed.</p> <p>After the hearing:</p> <ol style="list-style-type: none"> I. The panel will discuss the hearing and study the evidence given by both parties. II. The chairman will submit the panel's finding and recommendations to the Management via HCD 		
11	<p>Management's/Panel's decision.</p> <ol style="list-style-type: none"> a) Dismiss without notice the employee; or b) Downgrade the employee; or c) Impose any other lesser punishment as he deems just and fit, and where a punishment of suspension without wages is imposed, it shall not exceed a period of two weeks. 	<p>VC HCAD Chairman/Members</p>	<p>Disciplinary/termination Letter</p>

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8.0 RECORDS

No	Title / Records	Location / Responsibility	Retention Period
1	Incident Report	Human Capital and Administration Department	3 years
2	Investigation Paper	Human Capital and Administration Department	3 years
3	Show Cause Letter	Human Capital and Administration Department	3 years
4	Disciplinary Letter	Human Capital and Administration Department	3 years
5	Notice of Inquiry	Human Capital and Administration Department	3 years
6	Appointment of Inquiry Panel	Human Capital and Administration Department	3 years