



UCT Disciplinary Policy: Postdoctoral Research Fellows

1. PURPOSE

- 1.1. This Disciplinary Policy and Code aims to set and maintain standards of conduct within the University regarding Postdoctoral Research Fellows (PDRFs/Postdocs) and to provide guidelines for handling disciplinary matters to ensure that all Postdocs are treated fairly and consistently.
- 1.2. This Code seeks to encourage behaviour that aligns with UCT's values and policies by ensuring that corrective action is taken against misconduct by PDRFs.

2. APPLICABILITY

- 2.1. This disciplinary policy and procedures apply equally to all Postdocs at UCT.
- 2.2. This policy should be read in conjunction with other university policies regulating specific forms of conduct.
- 2.3. This Policy does not apply to incapacity (ill health or injury).

3. DEFINITIONS OF TERMS

In this policy, unless the context indicates a contrary intention, the following words and expressions are defined as follows:

- 3.1. “**Arbitrary disciplinary action**” means any disciplinary action taken contrary to the principle contained in this policy.
- 3.2. “**Chairperson**” means the person designated by the Vice-Chancellor (or nominee) to preside at the formal disciplinary hearing of the Postdoc concerned.
- 3.3. “**Code of conduct**” means the document which sets out the lists of offences and the procedure to be followed in disciplining a Postdoc for misconduct, annexed to this document marked “Annexure A”.
- 3.4. “**Code of good practice**” means the Code of Good Practice, Schedule 8 to the Act.
- 3.5. “**Conditions-of-Award**” refers to the conditions of the fellowship concerned.
- 3.6. “**Day**” means any day other than a Saturday, Sunday or public holiday. When calculating a period of a particular number of days, the first day is excluded and the last day is included.
- 3.7. “**Department**” refers to the academic department undertaking to host the Postdoc.

- 3.8. **“Head of Department”** (HOD) refers to the head of the academic department that is hosting the Postdoc.
- 3.9. **“Inquiry”** or “hearing” means a meeting chaired by a chairperson, the object of which is to consider relevant facts and to make an appropriate decision on the disciplinary matter at hand.
- 3.10. **“Investigation”** refers to the process of finding facts to establish whether there is *prima facie* evidence of wrongdoing in relation to the alleged disciplinary offences.
- 3.11. **“Host”** means a person to whom a Postdoc directly reports.
- 3.12. **“Misconduct”** means behaviour, conduct, action or inaction that is inconsistent with UCT policies.
- 3.13. **“Postdoctoral Research Fellow (Postdoc)”** means any person receiving a Postdoctoral Research Fellowship at UCT.
- 3.14. **“Postdoc Representative (PDRF Representative)”** means a person who advises or assist the Postdoc. It could be a fellow Postdoc of their choice or other representative, provided that such representative is an employee of UCT.
- 3.15. **“PGFO”** is the Postgraduate Funding Office, charged with responsibility of administering Postdoctoral Research Fellowships, compliant with the SARS BINDING CLASS RULING: Universities South Africa (USAf, former HESA), issued in 2020 and in accordance with Section 78(2) of the Tax Administration Act, No. 28 of 2011 (TA Act), ensuring that appointments, tenures, activities and terminations comply with these policies and that the terms of individual Memoranda of Agreement are complied with.
- 3.16. **“Prima facie evidence”** means evidence sufficient to establish a fact or raise a presumption unless disproved or rebutted.
- 3.17. **“UCT”** or **“University”** means the employer, the University of Cape Town.
- 3.18. **“Vice-Chancellor”** means the Vice-Chancellor of UCT who is, for the purpose of these procedures, acting on behalf of and mandated by the Council of UCT to manage disciplinary matters at UCT.
4. **POLICY PRINCIPLES**
 - 4.1. UCT undertakes to ensure that Postdocs are always treated fairly and commits to promoting productive working relations and safe and fair labour practices.
 - 4.2. Disciplinary action shall be instituted with due consideration of all the relevant facts, and no Postdoc of UCT shall be subjected to arbitrary disciplinary action.
 - 4.3. UCT expects every Postdoc to act in accordance with applicable UCT policies and procedures.
 - 4.4. While UCT is entitled to satisfactory conduct and appropriate performance from all Postdocs, no disciplinary action shall be considered against a Postdoc unless they are afforded a proper opportunity to state their case and to defend themselves against any allegations made against them.
 - 4.5. In accordance with the provisions of this policy, every Postdoc may, during the hearing, in terms of the procedure as set out in the disciplinary policy and procedures, be entitled

to be assisted or advised by a fellow Postdoc of their choice or other representative, provided that such representative is an employee of UCT.

- 4.6. Postdocs are not entitled to be assisted by an external legal practitioner during any proceedings unless approval for such legal representation has been granted by the chairperson. In determining whether to allow external legal representation, the chairperson shall consider the nature of the questions of law raised by the dispute, the complexity of the dispute, the seriousness of the charge(s) and likely sanction, public interest, and the comparative ability of the parties or their representatives to deal with the dispute.
- 4.7. The responsibility to provide guidance and advice on the procedural aspects of the policy lies with the PGFO.
- 4.8. Where there is more than one accusation arising from the same incident(s) against the same Postdoc, the allegations may be dealt with in the same proceedings.
- 4.9. If a matter involves evidence of criminal conduct, UCT may lay criminal charges and/or institute civil proceedings against the Postdoc to recover any money or property lost due to the crime. However, UCT will not be precluded from taking disciplinary steps against the Postdoc concerned irrespective of whether the criminal investigations or proceedings are still pending or have been abandoned, or whether the suspect or accused has been acquitted, convicted or sentenced.

5. LESS SERIOUS MISCONDUCT

In the case of less serious misconduct, where a verbal or written warning would be an appropriate penalty, no formal disciplinary hearing is required. The following process is to be followed:

5.1 *Procedure*

- 5.1.1 A Postdoc's host, in conjunction with a representative from UCT's Postdoctoral Office (from here on referred to as the Postdoc Office representative), will schedule a meeting with the Postdoc in question. The meeting may be conducted in person or any other platform that enables the parties to see and communicate with one another.
- 5.1.2 The host must inform the Postdoc in writing of the reason for the meeting and of the allegation/s of misconduct against them.
- 5.1.3 A Postdoc must be given at least one working days' notice to attend the meeting.
- 5.1.4 The host must inform the Postdoc of their right to be accompanied by a PDRF representative when attending the meeting.
- 5.1.5 If relevant, the host may provide documentary/audio evidence in support of the allegations of misconduct during the meeting.
- 5.1.6 The Postdoc must be provided with an opportunity to respond to the misconduct allegations against them.
 - a. The Postdoc may request an adjournment of the meeting of up to 48 hours to consider any evidence provided to them during the meeting.
 - b. The Postdoc may submit their own rebuttal evidence relating to the allegations.

5.1.7 A formal disciplinary inquiry need not be convened.

5.2 Sanction

5.2.1 The Postdoc's host will consider the Postdoc's representations (if any) in response to the misconduct allegations. The host, in consultation with the relevant Postdoc Office Representative, will determine what sanction (if any) should be imposed.

5.2.2 The Postdoc should be informed in writing about the outcome of the meeting and what disciplinary sanction, if any, has been imposed within five (5) working days after the meeting.

5.2.3 The following principles shall apply in terms of sanction:

5.2.3.1 The goal of sanction shall be to correct the Postdoc's behaviour through gradual disciplinary measures such as verbal and written warnings where appropriate.

5.2.4 The host may impose a verbal warning, written warning or final written warning as appropriate.

5.2.5 A verbal or written warning may be issued where there is an act of misconduct which is not serious enough to warrant a final written warning.

5.2.6 Where a Postdoc is found guilty of a disciplinary offence involving the loss of money or property belonging to UCT, the host may impose restitution in addition to any other sanction in line with section 34 of the Basic Conditions of Employment Act.

5.2.7 The sanction must be communicated to the Research Office (RO) and must be recorded on the Postdoc's personnel file.

5.3 Appeal

5.3.1 A Postdoc who is not satisfied with the outcome or the sanction may lodge an appeal within five (5) working days with UCT's Executive Director: Research. The appeal must be sent via email and must set out the reasons why the Postdoc disagrees with the outcome or sanction.

5.3.2 The Executive Director: Research may deal with the appeal or delegate it to a third party from inside the University.

5.3.3 Upon receipt of an appeal, the Executive Director: Research or nominee must:

5.3.3.1 Inform the host of the appeal (including any evidence provided by the Postdoc) and allow the host to respond. Five (5) days are provided for this phase.

5.3.3.2 Make their written findings on the evidence presented within a period of ten (10) days after the hearing, or on such a date determined by the parties.

5.3.3.3 The Executive Director: Research or their nominee can overturn the original outcome, or the sanction imposed by the host but may not impose a harsher sanction.

5.3.4 There are no further appeals.

6. SERIOUS MISCONDUCT

In the case of serious misconduct where a final written warning or termination would be an appropriate sanction, the following procedure must be followed:

6.1 Procedure

- 6.1.1 If necessary, UCT may conduct a preliminary investigation into any allegations of serious misconduct against a Postdoc.
- 6.1.2 The host must provide the Postdoc with a notice to attend a disciplinary enquiry, by email, at least five (5) working days prior to the disciplinary enquiry. The sender of the notice must ensure that they include a delivery receipt with the email.
- 6.1.3 The disciplinary notice must record the following:
 - i. The allegations of misconduct against the Postdoc;
 - ii. The date and time at which the enquiry will be held; and
 - iii. If the hearing will not be in person, the communication platform that will be used to convene the enquiry together with any necessary login details (where required).
- 6.1.4 The disciplinary notice must inform the Postdoc that:
 - i. They have the right to be represented by a representative of their choosing.
 - ii. They have the right to the assistance of an interpreter, if required.
 - iii. They have the right to confer with their representative during the enquiry.
 - iv. They have the right to lead evidence at the disciplinary hearing and to question any witnesses called to testify against them.
 - v. Should they fail to attend the hearing without good cause, the hearing may proceed in their absence.
- 6.1.5 Postponement requests shall only be granted in exceptional circumstances, by agreement between the parties or at the sole consideration of the chairperson. The request should reach the chairperson 2 working days prior to the hearing.
- 6.1.6 The Postdoc must be provided with all relevant documentary and audio-visual evidence in support of the allegations of misconduct against them together by email, at least five (5) working days prior to the disciplinary enquiry, unless circumstances dictate that this is not possible or if the Postdoc agrees otherwise. The sender of the notice must ensure that they include a delivery receipt with the email.
- 6.1.7 Where the Postdoc intends to lead evidence, they must provide such evidence/information to the case presenter two days after receiving the bundle of evidence from the employer.
- 6.1.8 The Deputy Vice-Chancellor: Research and Internationalisation or their delegate will appoint a disciplinary enquiry chairperson to chair the disciplinary enquiry proceedings and to make a recommendation regarding disciplinary actions or sanctions against the Postdoc. The chairperson may be an external third party.
- 6.1.9 Neither the postdoc, host, nor UCT representative is entitled to legal representation at a disciplinary enquiry.
- 6.1.10 Only the representatives, affected Postdoc(s), host, witnesses, and interpreter, if required, may be present in the disciplinary inquiry. The admission of any other person as an observer shall be subject to approval of the chairperson.

6.1.11 The Postdoc Office Representative will monitor and ensure that the principle of fairness is applied prior to, during and after the disciplinary hearing.

6.1.12 All parties concerned must ensure confidentiality in the disciplinary inquiry.

6.2 *Precautionary suspension*

6.2.1 The Deputy Vice-chancellor: Research and Internationalisation or their delegate may provisionally suspend a Postdoc who has been accused of misconduct on full payment for a maximum of ninety (90) days.

6.2.2 A Postdoc may be suspended from duty pending an investigation or the outcome of a disciplinary hearing if -.

- a. The Postdoc is alleged to have committed a serious disciplinary offence whose likely sanction is dismissal;
- b. There is a possibility of tampering with evidence, interfering with the investigation or intimidating the witness(es); or
- c. Not suspending the Postdoc could have a negative impact on the operation of the business of UCT or the image or reputation of UCT.
- d. Any other relevant factor.

6.2.3 UCT may at any stage of the disciplinary process immediately suspend the Postdoc until the disciplinary hearing is held and finalised.

6.2.4 The Postdoc must be informed in writing of the proposed suspension. This notice shall also inform the Postdoc that:

6.2.4.1 They may make representations in writing within 48 hours of the suspension being issued to show cause why the suspension should not be made final.

6.2.4.2 The Deputy Vice-Chancellor: Research and Internationalisation, after considering the submissions, may confirm, vary or withdraw the suspension.

6.2.5 Should the Postdoc not take up this opportunity to make written representations, the proposed suspension will proceed, and the Postdoc will accordingly be advised thereof in writing.

6.2.6 The Postdoc have a right to be assisted by a fellow Postdoc of their choice or, provided that such representative is an employee of UCT.

6.3 *Hearing Procedures*

6.3.1 The chairperson will chair the hearing and introduce all parties for the record.

6.3.2 The chairperson will read the charges as stated in the charge sheet.

6.3.3 The chairperson will ask the Postdoc to state their plea in response to the allegations.

6.3.4 If a Postdoc admits to committing an act of misconduct, they shall be afforded an opportunity to submit mitigating circumstances, and thereafter a disciplinary sanction may be imposed on them. Should the Postdoc plead not guilty, the inquiry will proceed to a hearing.

- 6.3.5 The chairperson will afford the host an opportunity to present their case, call witnesses and submit relevant evidence.
- 6.3.6 The accused Postdoc or their representative will be granted an opportunity to cross-examine witnesses and challenge the evidence led on behalf of UCT.
- 6.3.7 The host will be allowed an opportunity to re-examine witnesses.
- 6.3.8 The accused Postdoc or their representative will present their response and will be granted the opportunity to call witnesses.
- 6.3.9 The chairperson will grant the opportunity to the host to cross-examine the Postdoc or their witnesses and challenge their evidence.
- 6.3.10 The accused Postdoc or their representative will be allowed an opportunity to re-examine their witnesses.
- 6.3.11 The parties will be allowed an opportunity to submit closing arguments to the chairperson.
- 6.3.12 The chairperson may at the close of each party's case request the parties to address them on mitigating and/or aggravating circumstances, should they deem it so fit. This address shall in no way be construed by either party to be a predetermined judgment in favour of or against the accused Postdoc in any way. Alternatively, the chairperson may adjourn proceedings until they have made a finding.
- 6.3.13 The chairperson must make their written findings on the evidence presented within a period of seven (7) days after the hearing, or on such a date determined by the parties.

6.4 *Sanction*

- 6.4.1 If a Postdoc is found guilty of misconduct, the enquiry chairperson must make a recommendation to the Deputy Vice-Chancellor: Research and Internationalisation or their nominee regarding the sanction to be applied.
- 6.4.2 The Deputy Vice-Chancellor: Research and Internationalisation or their nominee must consider the chairperson's recommendations. The Deputy Vice-Chancellor: Research and Internationalisation or their nominee may ratify the recommendations or amend them.
- 6.4.3 The Postdoc should be informed in writing of the outcome of the disciplinary enquiry and what disciplinary sanction, if any, has been imposed within ten (10) working days after completion of the enquiry.

6.5 *Appeal*

- 6.5.1 A Postdoc who is not satisfied with the outcome or the sanction may lodge an appeal within five (5) working days with the Deputy Vice-Chancellor: Research and Internationalisation. The appeal must be sent via email and must set out the reasons why the Postdoc disagrees with the outcome or sanction.
- 6.5.2 The Deputy Vice-Chancellor: Research and Internationalisation may appoint a third party from either inside or outside the University to hear the appeal.
- 6.5.3 Upon receipt of an appeal, the chairperson of the disciplinary enquiry, assisted by the initiator, must be provided with the appeal, and requested to forward a response to the person

appointed to hear the appeal. The appeal must be finalised within ten (10) working days of it being lodged.

6.5.4 The appeal will be dealt with on the paper submissions. There will be no appeal hearing.

6.5.5 An appeal does not interrupt the operation of the outcome or sanction imposed. These remain in effect.

7 DISCIPLINARY SANCTIONS

This policy allows for the following disciplinary action:

- a. Verbal warning.
- b. Written warning.
- c. Final written warning.
- d. Dismissal with or without notice.
- e. Suspension without pay, up to a maximum period of three (3) months.
- f. Where a Postdoc is found guilty of a disciplinary offence involving the loss of money or property belonging to UCT, the chairperson may impose restitution in addition to any other sanction in line with section 34 of the Basic Conditions of Employment Act.

7.1 Verbal Warning:

7.1.1 A verbal warning may be given when the host determines a Postdoc's behaviour to be inappropriate, or where there is an act of misconduct which is not serious enough to warrant a written warning. A formal disciplinary inquiry need not be convened, provided that the Postdoc is nonetheless given an opportunity to make representations prior to the verbal warning being given.

7.1.2 The Postdoc must sign in acknowledgement that they have been issued a verbal warning in the presence of a witness or the Postdoc's chosen representative, if any.

7.1.3 The host issuing the verbal warning shall clearly communicate it to the parties. The verbal warning must record the reasons for such warning and the action necessary to correct and prevent a recurrence of the offence and note that further disciplinary action shall be taken if no improvement occurs.

7.1.4 The verbal warning shall be signed by the person issuing the warning and a copy must be given to the Postdoc. If the Postdoc refuses to sign the warning, any witness may sign to record such refusal. The verbal warning must then be placed on the Postdoc's personnel file.

7.1.5 A verbal warning shall remain valid for three (3) months from the date of issue.

7.2 Written Warning:

7.2.1 A written warning may be given when a Postdoc has failed to improve their behaviour, where verbal warning/s have been issued within the preceding three (3) months for the same or similar offence/s, or where there is an act of misconduct which is not serious enough to warrant a final written warning. A formal disciplinary inquiry need not be convened, provided that the Postdoc is given an opportunity to make representations prior to the written warning being given.

7.2.2 A written warning shall be valid for six (6) months from the date of issue.

7.3 Final Written Warning:

7.3.1 A final written warning may be given either where a written warning is considered inadequate because of the seriousness of the Postdoc's conduct or when the same or similar misconduct is committed within three (3) months of the Postdoc having been issued with a written

warning for the same or similar misconduct. A formal disciplinary inquiry must be convened unless the Postdoc waives their right to a formal disciplinary inquiry.

- 7.3.2 Failure to heed a final written warning may result in dismissal. A final written warning shall be valid for nine (9) months from the date of issue.

7.4 Status of Warnings:

- 7.4.1 Only current warnings will be taken into account when deciding on an appropriate sanction. UCT may, however, take lapsed warnings into account if a pattern of misconduct is observed.

7.5 Suspension Without Pay:

- 7.5.1 When an act of misconduct is committed, suspension from work without pay may be imposed. A formal disciplinary hearing must be convened in order to impose this sanction, unless the Postdoc waives their right to a formal disciplinary hearing. The period of suspension can vary from one to three months, depending on the seriousness of the offence.
- 7.5.2 Suspension without pay cannot be handed down as a sanction unless the Postdoc agrees to this condition. In the event the Postdoc does not agree to the sanction of suspension without pay, the chairperson might consider a sanction of dismissal.

7.6 Dismissal:

- 7.6.1 If a final written warning fails to correct the behaviour, or if an incident occurs which appears to require stronger action than a final written warning or suspension without pay, the Postdoc may be dismissed with or without notice.

ANNEXURE A

UNIVERSITY OF CAPE TOWN CODE OF CONDUCT

1. INTRODUCTION

This code or standards outlines and provides for conduct, actions and or omissions that warrant disciplinary action by the University of Cape Town.

2. ACTS OF MISCONDUCT

Whilst this is not an exhaustive list, UCT recognises the following instances as misconduct, which, depending on the circumstances, may result in the termination of a Postdoc's tenure.

2.1 Dishonesty.

2.2 Falsification of any documents, claim forms or records.

2.3 Wilful damage of UCT property.

2.4 Unauthorised possession of, removal, or attempts to remove from UCT premises, property belonging to UCT, Postdocs, employees, customers, visitors or students.

2.5 Theft / unauthorised use/possession of UCT property.

2.6 Disclosing confidential information, other than a disclosure contemplated by the Protected Disclosure Act 26 of 2000, belonging to the University that relate to his/her duties.

2.7 Unauthorised absence from work.

2.8 Incompetence, negligence or gross negligence in the performance of duties.

2.9 Drunkenness and/or intoxication while on duty or when reporting for duty.

2.10 Failure of a Postdoc to notify their host about their absence.

2.11 Sexual or racial harassment or violence.

2.12 Intimidation of employees, clients or visitors or students.

2.13 Victimisation of employees, clients or students.

2.14 Insubordination or insolence.

2.15 Assault and attempted or threatening assault.

2.16 Disregard of or wilfully failure to carry out a lawful order given by an authorised person.

2.17 Use of abusive language.

2.18 Conflict of interest.

2.19 Knowingly giving false evidence.

2.20 Operating a scheme aimed at lending money to fellow employees for which interest is charged.

2.21 Failure to comply with UCT policies and procedures.

2.22 Making false accusations against an employee with intention to annoy, embarrass or harm the employee or in bad faith; or

2.23 Failure by any host to institute disciplinary action where it is warranted.

The list of offences stipulated in the Code of Conduct is not exhaustive but merely a guideline for disciplinary action applicable to certain offences.

Approved:

5 May 2025 by the Postdoctoral Research Fellowship (PDRF) Subcommittee, chaired by DVC:
Research and Internationalisation (*Acting*), Prof J Murugan