

Handout 7

The Disciplinary Hearing

The disciplinary hearing is chaired by the Hearing Officer (grade 15 or above). An HR advisor will normally be present. The procedure is as follows:

1. The investigating officer shall put the case in the presence of the employee and may call witnesses.
2. The employee (or representative) shall have the opportunity to ask questions of the investigating officer regarding the evidence given by him / her and any witnesses whom he / she may call.
3. The hearing officer shall have the opportunity to ask questions of the investigating officer and witnesses.
4. The employee (or representative) may put his / her case in the presence of the investigating officer and call such witnesses as he/she wishes.
5. The investigating offer shall have the opportunity to ask questions of the employee and his / her witnesses.
6. The hearing officer and his / her advisor shall have the opportunity to ask question of the employee and his / her witnesses.
7. The investigating office and the employee shall have the opportunity to sum up their cases if they so wish with the investigating officer's submission being received first.
8. The investigating officer and employee shall withdraw.
9. Any advisors to the hearing officer will remain in the room while a decision is made
10. The hearing officer shall deliberate, only recalling the investigating officer and the employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return even if only one is concerned with the point in question.
11. After careful consideration of all the information, the hearing officer will recall both parties and state the action deemed appropriate. Should there be occasion where this is not possible due to the need to review details of the case, the hearing officer may defer the decision. No unreasonable delay should occur before reconvening the hearing nor should the case be discussed with outside parties (unless further professional advice is required from either the legal or HR division).
12. The decision of the hearing officer will be confirmed in writing within five working days and placed on the employee's personal file and on the departmental register of disciplinary action.