

 جامعة الإمارات العربية المتحدة United Arab Emirates University 	Academic Personnel Policies Manual	Policy Number	AP-15
		Effective Date	12-Aug-2018
	Subject	Most Recent Review Date	15-Apr-2018
	Discipline	Due Date for Next Review	01-Sep-2021
	Responsible Office: DVC for Academic Affairs	Page Number	1 of 2

15. Discipline

Overview

Outlines how misconduct is determined, what procedures are followed to deal with it, and what sanctions are applied.

Scope

Applies to all faculty members and instructors of the UAEU.

Objective

Policy on the Code of Professional Conduct and Policy on Faculty Members and Instructors Responsibilities details the high standards of conducts and duties expected of faculty members and instructors. Contraventions of these standards form the ground for disciplinary action. This policy clarifies how such misconduct is adjudicated and the resulting measures that will be taken.

Policy

1. Actions or behavior in contravention of the UAEU Code of Professional Conduct and Faculty Members and Instructors Responsibilities, or other actions and behavior deemed to have impaired the proper functions and reputation of the UAEU, constitute a breach of the University standards. Such a breach will be subject to disciplinary procedures and may result in sanctions.
2. Due process will include:
 - a) Written notice of the alleged breach of conduct;
 - b) Opportunity to respond to the charge(s) in writing;
 - c) A hearing before a committee unless the faculty member/instructor waives this right or otherwise settles the dispute;
 - d) A right to be represented by a lawyer;
 - e) A written decision giving evidence that the facts as alleged do, or do not, constitute breach of conduct with grounds for disciplinary sanctions; and
 - f) Opportunity for appeal.
3. Available sanctions are as listed below:
 - a) Verbal warning;
 - b) Written warning maintained in the faculty member's personnel file;
 - c) Admonition with partial suspension of salary for a period not exceeding one week;
 - d) Admonition with suspension of payment of all or part of the salary for a period not less than one week and not exceeding six months;
 - e) Revocation of academic rank (appropriate only if the misconduct is relevant to the academic promotion of the faculty member);
 - f) Termination of services without prejudice to payment of any remuneration and benefits due; or
 - g) Termination of services with no payment of all or part of the remuneration and benefits that would otherwise have been due.

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	Responsible Office: DVC for Academic Affairs	Page Number	2 of 2

4. Depending on the seriousness of the alleged breach of conduct, the Dean will seek to address the allegations and identify a resolution without resort to a full disciplinary procedure. The Dean has the authority to impose sanctions (a), (b) and (c) without full procedure where the alleged breach is verified in discussion with the faculty member/instructor, and with the agreement of the faculty member/instructor under investigation.
5. The Vice Chancellor must adjudicate in cases where sanctions (d), (e), (f) and (g), apply.
6. All parties involved in the disciplinary procedure are obliged to strict conditions of confidentiality concerning all matters and individuals involved in the case.
7. The disciplinary action does not cease to be effective with the resignation of the faculty member, and the disciplinary action shall have no bearing upon any criminal or civil action involving the same incident attributed to the faculty member.

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	Discipline	Due Date for Next Review	01-Sep-2021
	<i>Responsible Office:</i> DVC for Academic Affairs	Page Number	1 of 2

Procedures of Policy No. (15) – Discipline

1. The Provost shall appoint a University Disciplinary Committee encompassing, at least, three faculty members, including one Dean and one faculty member from the College of Law. Preferably, all members of the committee should hold the academic rank of Professor.
2. Any allegations concerning a possible breach of conduct must be submitted in writing, to the Dean of the concerned College.
3. Following initial discussion with the faculty member/instructor against whom a breach of conduct is alleged, the Dean and faculty member may agree to sanctions (a) to (c) as stated in the relevant policy. Such result will be recorded in writing and held in file. Any failure to reach such mutual agreement requires the Dean to establish a Fact Finding Committee. The Dean may also decide to proceed directly to investigation by the University Disciplinary Committee, depending on the seriousness of the matter (such as harassment, research misconduct, etc.)
4. A College Fact Finding Committee is formed with faculty members at or above the rank of the faculty member against whom a breach of conduct is alleged. The Committee's responsibility is to determine if the allegation has sufficient substance to warrant a formal investigation. All preliminary investigations shall be completed within twenty working days from the formation of the Committee. The Dean shall forward the Committee's report to the Provost within five working days from the time of receiving the report.
5. Deans shall refer allegations of research misconduct to the University Research Ethics Review Board (which will perform the function normally performed by a College Fact Finding Committee), through the Associate Provost for Research. Within twenty working days, the Board shall decide if the allegation has sufficient substance to warrant formal investigation through the University Disciplinary Committee.
6. On receipt of the report from the Dean (or from the Associate Provost for Research in case of research misconduct), and after consultation with the Vice Chancellor, the Provost may decide, within ten working days, that:
 - a) No further action is required and the case should be closed; or
 - b) The allegation merits further investigation.
7. If the Provost decides that the allegation merits further investigation, he/she shall refer the case to the University Disciplinary Committee to carry out a formal investigation. The Committee shall be charged to investigate the allegations, to consider the faculty member's/instructor's response if one is offered, to hold separate hearings for the different parties involved if any, and to make a timely recommendation to the Provost whether there is credible evidence to indicate that there has been a violation of the standards set out in Policies.

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8. A date for a formal hearing before the University Discipline Committee with the concerned faculty member/instructor present will be identified. The Provost shall formally notify the concerned faculty member/instructor of the allegations being made at least ten working days prior to the hearing. The faculty member/instructor has the right to be represented by a lawyer at the hearing.
9. The Provost may order provisional suspension of the faculty member/instructor under investigation prior to the conclusion of the matter if he/she considers this course of action necessary for the effective operation of the UAEU and/or the implementation of the disciplinary procedures. The suspension from duty shall not exceed a period of three months, which may not be extended except by approval from the Vice Chancellor. The suspension of the faculty member/instructor entails payment of no more than 50% of salary from the date of suspension, unless otherwise is decided by the Vice Chancellor. Should the case be closed following the investigation or should sanctions (a) to (c) as stated in the relevant policy be applied, the portion of salary withheld during suspension shall be paid to the faculty member/instructor.
10. If the case is not closed, or sanctions (a) to (c) are not applied, the University Discipline Committee shall complete its investigation and submit a formal report to the Provost, within thirty working days after receiving the case.
11. The Provost shall inform the Vice Chancellor of the Committee's findings within ten working days of receiving the report and recommend what, if any, disciplinary sanctions shall be imposed.
12. The Vice Chancellor shall inform the faculty member/instructor in writing, within ten working days of receiving the Provost's recommendations, of the decision and of the sanctions, if any, to be proposed.
13. Within ten working days after written notification from the Vice Chancellor of the findings and any proposed sanctions, the faculty member/instructor shall notify the Vice Chancellor in writing whether or not he/she accepts or disagrees with those findings and/or sanctions. If the faculty member/instructor accepts the findings and sanctions or does not file a response, the Vice Chancellor may proceed with imposing the proposed sanctions.
14. If the faculty member/instructor does not agree with the findings of the investigation and/or does not accept the sanctions imposed, he/she may file an appeal with the Chancellor.
15. An appeal must be submitted to the Chancellor within ten working days from the date that the faculty member/instructor is notified of the outcome. The decision of the Chancellor in respect to such appeals shall be final and is communicated to the faculty member/instructor within thirty working days after the submission of the appeal.