

Company name

DISCIPLINARY HEARING RECORD

<u>CHAIRPERSON'S DISCIPLINARY CHECKLIST</u>			
CRITERION	YES	NO	Initial – employee/chairperson
Explain to the employee the purpose of the enquiry			
Was the employee issued with a notification of inquiry			
Did an investigation take place			
Was the employee informed of his/her right to representation			
Was the employee informed of his/her right to an interpreter			
Was the employee informed of his/her right to call witnesses			
Was the employee informed of his/her right to cross examine company witnesses			
Was the employee informed of his/her right to state their case			
Was the employee given sufficient time to prepare for the hearing			
Are there any objections to the selection of the chairperson			
<u>CHAIRPERSON'S COMMENTS</u>			

TO BE COMPLETED BY THE CHAIRMAN OF THE DISCIPLINARY HEARING

STAGE ONE (INTRODUCTION AND ROLE CLARIFICATION)

1. PARTICULARS OF HEARING

DATE:

VENUE:

CHAIRMAN OF HEARING:

JOB TITLE:

2. PARTICULARS OF ALLEGED OFFENDER

NAME :

JOB TITLE:

REPRESENTATIVE:

INTERPRETER:

3. PARTICULARS OF SUPERVISOR/MANAGER

NAME:

JOB TITLE:

4. PARTICULARS OF WITNESSES

4.1.....4.2.....

4.3.....4.4.....

4.5.....4.6.....

4.7.....4.8.....

**5. NATURE OF ALLEGED MISCONDUCT (AS ADVISED TO EMPLOYEE ON
DATE OF ALLEGED MISCONDUCT / DATE OF NOTIFICATION**

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PARTICULARS OF ALLEGED MISCONDUCT

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6. EMPLOYEE’S ANSWER TO ALLEGATIONS (ACCEPTANCE / DENIAL):

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STAGE TWO (ESTABLISH THE FACTS)

FACTS ESTABLISHED BY WITNESSES (USE ONE OR MORE PAGES PER WITNESS, CLEARLY ANNEX AS SUCH).

WITNESS MAY ONLY BE PRESENT IN THE HEARING WHILE GIVING EVIDENCE.

1 EVIDENCE GIVEN BY MANAGER(PERSON LAYING CHARGE), VERBAL EVIDENCE AND MATERIAL EVIDENCE AS PER “RULE OF EVIDENCE”

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2 NAME OF WITNESS:

JOB TITLE:

CHAIRMAN TO RECORD FACTS GIVEN BY WITNESS:.....

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3. EVIDENCE GIVEN BY EMPLOYEE/ DEFENDANT/ACCUSED

NAME OF WITNESS :

JOB TITLE:

CHAIRMAN TO RECORD FACTS GIVEN BY WITNESS:.....

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STAGE THREE (CONSIDER FACTS AND FINDINGS)

FACTS ESTABLISHED FROM HEARING (SUMMARY):

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IN LIGHT OF THE ABOVE FACTS AND ON A BALANCE OF PROBABILITY I FIND
THE ACCUSED

<u>GUILTY</u>	
<u>NOT GUILTY</u>	

SPECIFY VERDICT IN OWN WRITING.....

STAGE FOUR (FINDING & MITIGATING CIRCUMSTANCES

THE HEARING IS RECONVENED WITH THE EMPLOYEE, HIS REPRESENTATIVE, SUPERIOR AND INTERPRETER PRESENT WHERE APPLICABLE.

1. FINDINGS OF CHAIRPERSON

THE CHAIRPERSON MUST INFORM THE EMPLOYEE THAT, BASED ON THESE FACTS ON HAND, HE FINDS THE EMPLOYEE EITHER GUILTY OR NOT GUILTY OF THE ALLEGED OFFENCES.)

GUILTY	
NOT GUILTY	

IF THE FINDING IS NOT GUILTY, INFORM ALL CONCERNED AND CLOSE THE HEARING. ONCE FOUND NOT GUILTY THE ALLEGED OFFENCE CANNOT BE THE SUBJECT OF A FUTURE HEARING ON THIS INDIVIDUAL MATTER.

2. WHAT ARE THE MITIGATING CIRCUMSTANCES ?

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WHAT ARE THE AGGRAVATING CIRCUMSTANCES:

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3 REVIEW OF DISCIPLINARY RECORD OF PRIOR SIX MONTHS

<u>DATE</u>	NATURE	DETAILS

STAGE FIVE (REVIEW MITIGATING CIRCUMSTANCES)

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STAGE 6 (PENALTY)

1 PENALTY IMPOSED / ACTION TAKEN... WRITTEN WARNING; 2ND WRITTEN WARNING; FINAL WARNING ;DISMISSAL ; SPECIFY ON CHARGE PER CHARGE WHERE EMPLOYEE/ ACCUSED WAS FOUND GUILTY/ NOT GUILTY. IMPOSE A PENALTY PER CHARGE.

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THE CHAIRPERSON NEEDS TO CONFIRM, IN THE EVENT OF DISMISSAL, THE DATE EFFECTIVE, THE MOTIVE AND DATE TO VACATE COMPANY PROPERTY AND/OR RETURN COMPANY ASSETS. DEDUCE IF EMPLOYEE HAS TAKEN ANY LOANS FROM COMPANY.

STAGE SEVEN (ACKNOWLEDGEMENT OF DISCIPLINE BY EMPLOYEE

...EMPLOYEE TO TICK AND SIGN IN APPROPRIATE BLOCK

A) I UNDERSTAND THE ABOVE COMPLAINT AND ACTION TAKEN

YES	
NO	

B) I HAVE BEEN INFORMED OF MY RIGHT TO APPEAL

YES	
NO	

SIGNATURE OF OFFENDER.....

SIGNATURE OF CHAIRMAN.....

SIGNATURE OF EMPLOYEE'S REPRESENTATIVE.....

SIGNATURE OF MANAGER/ INITIATOR LAYING CHARGE(S).....