

**Endorsed by the Board of Trustees in May, 2018**

**The Arab Open University Bylaws for Teaching Staff Members'  
Disciplinary Actions and Appeals**

**Approved by University Council No. 63**

**July 11, 2018**

## Contents

|  |    |
|--|----|
| Article 1: Title   | 3  |
| Article 2: Definitions   | 3  |
| Article 3: Teaching Staff Member Duties                                    | 3  |
| Article 4: Penal Measures  | 4  |
| Article 5: Controls and Powers of Imposing Disciplinary Penalties          | 4  |
| Article 6: Formation of Investigation Committees and Disciplinary Councils | 5  |
| Article 7: Authorization to Impose Penalties                               | 7  |
| Article 8: Investigation Committees Tasks and Procedures                   | 7  |
| Article 9: Disciplinary Councils Tasks and Procedures                      | 8  |
| Article 10: Referral to the Disciplinary Council and Material Effects      | 10 |
| Article 11: Notification of Decisions                                      | 11 |
| Article 12: Independence from Law Suits                                    | 11 |
| Article 13: Issuance of Disciplinary Decisions                             | 12 |
| Article 14: General Provisions   | 12 |

### Article 1: Title

This document shall be called: “Arab Open University Bylaws for Teaching Staff Members’ Disciplinary Actions and Appeals.”

### Article 2: Definitions

Unless the context indicates otherwise, the following words and expressions shall have the meanings specified hereunder:

|                       |   |
|-----------------------|---|
| University / AOU      | The Arab Open University  |
| President             | The University President  |
| VPAA&SR               | The vice President of academic affairs and scientific research  |
| Dean                  | The Dean of an academic programme                               |
| Director / Rector     | The Director of an Arab Open University branch or campus        |
| Branch / Campus       | An Arab Open University branch or campus                        |
| Teaching Staff Member | Professor, associate professor, assistant professor or lecturer |

### Article 3: Teaching Staff Member Duties

- A) All teaching staff members and their peers at the University shall undertake the academic duties and tasks assigned to them, and abide by the University’s in-force disciplines, rules, regulations, bylaws and resolutions. They must abstain from any action that conflicts with their academic responsibilities and obligations or from any act that offends the University or any of its employees.
- A) All teaching staff members are forbidden from committing the following:
- Any violation, verbal or by action, that represents a breach of duties and prohibitions set forth in the bylaws, regulations, or policies in-force during

their work inside or outside the University. They shall also refrain from causing any damage to the University's status and reputation.

- Refusing to carry out duties, responsibilities, or what they are required to do.
- Practicing any partisan or sectarian work inside the University.
- Participating, inciting, or assisting in violence or riots in the University or in any of its facilities.

#### **Article 4: Penal Measures**

If a teaching staff member violates the University's in-force regulations, bylaws or decisions, or he/she commits any of Article 3's offenses, he/she shall be subject to the following disciplinary measures:

- 1) Written cautioning: if this penalty is inflicted twice within two consecutive years, it shall be raised to a warning.
- 2) Warning: if two warnings were issued within five consecutive years, the teaching staff member shall undergo one of the disciplinary actions stipulated in Items 3 and 4 below.
- 3) Deduction from the basic salary for no more than 15 days.
- 4) Deprivation of the annual allowance.
- 5) Suspension of academic promotion for a period not exceeding two years from the date of promotion eligibility.
- 6) Deprivation of supervisory or consultative positions at the University for two years.
- 7) Deprivation of sabbatical leave for a period not exceeding two years from the date of applying for the leave and meeting its eligibility requirements.
- 8) Dismissal, whilst maintaining entitlement to end-of-service benefits, and to all other rights.
- 9) Dismissal and deprivation of the end-of-service benefits and all other entitlements.

#### **Article 5: Controls and Powers of Imposing Disciplinary Penalties**

Disciplinary measures are undertaken per the following controls:

- No disciplinary measure shall be imposed by a person holding a lower rank to a person holding a higher rank. In such case, a recommendation shall be

submitted by the lower rank official to a person holding the higher rank who is entitled to take disciplinary measures.

- No disciplinary measure shall be imposed, raised, or reduced before listening to the testimony of the concerned teaching staff member or before he/she is allowed to defend himself/herself to the concerned authority who is entitled to consider the disciplinary measures against the staff member.
- Disciplinary measures stated in Article 4 herein are taken in accordance with the following entitlements:

**A) Concerned Dean or Rector Entitlements**

- 1) Impose either a written cautioning (Article 4, Clause A herein) or a warning (Article 4, Clause B herein).
- 2) The staff member who has been subject to either of the two measures above may submit an appeal to the AOU President no later than seven days after he/she is officially informed of the penalty.

**B) University President Entitlements**

- 1) Impose a written cautioning (Article 4, Clause A herein).
- 2) Impose a warning (Article 4, Clause B herein).
- 3) Impose a deprivation of the annual allowance (Article 4, Clause D herein).
- 4) Impose a deprivation of assuming supervisory or consultative positions (Article 4, Clause F herein).

**C) The Preliminary and Appeal Disciplinary Councils:** can decide to inflict any of the penalties stated in Article 4 of the current bylaws according to the circumstances laid before the council(s).

**Article 6: Formation of Investigation Committees and Disciplinary Councils**

- A) Investigation Committees and Disciplinary Councils are formed as follows:
- 1) **Facts Finding Committee:** the committee shall be formed by the AOU President and chaired by a teaching staff member holding the rank of Professor. It shall include two teaching staff members whose rank shall not be lower than that of the person under investigation in the presence of the University's legal consultant. The legal consultant shall provide consultation, but shall not be entitled to vote.

- 2) **Investigation Committee:** the committee shall be formed by the President and headed by a faculty member with a professorial rank. It shall include two teaching staff members whose academic ranks are higher than the person under investigation. The legal consultant of the University shall attend to provide advice, but he/she is not entitled to vote.
  - 3) **Preliminary Disciplinary Council:** the council shall be formed for one year and shall comprise a chairperson, who is a teaching staff member with the rank of Professor, as well as four teaching staff members holding, at least, the rank of Associate Professors depending on the case. The council is entitled to exempt or accept the resignation of any of the council members.
  - 4) **Disciplinary Council of Appeals:** the council shall be formed for one year and it shall comprise a chairperson, who is a faculty member with the rank of Professor, and two faculty members with academic ranks equivalent to or higher than the teaching staff member who is under investigation. Additionally, both the legal consultant and the Director of the Human Resources Department shall be included in as members in order to provide advice, but they shall not be entitled to vote. The council shall not include any member of the Preliminary Disciplinary Council, which considered the appellant's case prior.
- B) In the formulation of the councils and committees, members neutrality and objectivity ought to be taken into consideration. It is also necessary to take into consideration that there are no conflicts between the council/committee members interests and the interests of the person(s) complained against. The need to avoid any embarrassment should also be taken into account.
- C) All councils and committees have the right to summon witnesses to listen to their testimonies. Moreover, these entities also have the right to form a sub-committee from its members seen fit to investigate any issue related to the matter under investigation.

## **Article 7: Authorization to Impose Penalties**

- A) If a teaching staff member is accused of a certain violation, or a complaint is submitted against him/her, and the Rector saw fit that it deserves punishment, the Rector ought to refer the complaint to the President supported by all investigation documents in addition to the reasons that prompted them to refer the case to the President.
- B) The President may take necessary measures regarding the submitted complaint or violation in accordance with Clause A of this Article, i.e. imposing suitable penalties against the offender. Alternatively, the President may form a tripartite commission of inquiry headed by a teaching staff member to investigate. Based on the results of the investigation, the President may want to save the decision, implement it, or refer it to the preliminary disciplinary council.
- C) If the President decides to refer the offender to the preliminary disciplinary council, the head of the tripartite commission of inquiry named in Clause B of this Article shall defend the commission's report in front of the disciplinary council including presenting all necessary data and appendices.
- D) The disciplinary council shall then meet to start looking at the disciplinary case thereof within a period not exceeding seven days following the date the head of the council received this case.

## **Article 8: Investigation Committees Tasks and Procedures**

- A) The University Council shall delegate the President to name the members of the investigation committees and the disciplinary councils. A reserve member ought to be appointed in order to take the place of an absent full member in any of the meetings held by the investigation committees or the disciplinary councils for any reason.
- B) The President shall issue a decision referring any teaching staff member to the investigation committee based on what the fact-finding committee found regarding matters requiring investigation. Subsequently, the President shall form an investigation committee within not later than 2

weeks after the fact-finding committee's recommendations have been issued.

- C) The investigation committee shall start its investigations which will be recorded in suitable minutes showing the time, place, and duration of the investigation sessions. Additionally, the names and all actions taken by the committee shall be recorded. Furthermore, all pages of the minutes shall be signed by all committee members, the committee chairman, as well as every person summoned to the investigation.
- D) The Chairman of the investigation committee shall send the recommendation to the AOU President within 3 days. The recommendation should be in accordance with AOU's bylaws and regulations.

### **Article 9: Disciplinary Councils Tasks and Procedures**

- A) The two disciplinary councils shall meet at the invitation of their respective chairperson. Quorum shall be achieved if the majority of members attend, provided that the chairperson is one of the attendees.
- B) The disciplinary council shall discuss each submitted case in accordance with the following:
  - 1) Meetings are held at the invitation of the Chairperson. The investigated person shall be informed to attend by documented communication means (aural, written and/or visual) in order to present his/her case and defend it before the council.
  - 2) All investigation procedures shall be carried out in complete confidentiality. Disciplinary council members and investigation committee members have the right to listen to the testimony of witnesses during the investigation.
  - 3) Decisions shall be taken by of the majority of members, and they shall be referred to the AOU President together with the minutes accompanied by a file containing the council's actions. These decisions shall be sent to the President for approval within a period not exceeding one month after the date of the referral of the offender's case. If the decisions are not approved by the President, they shall be sent back to the concerned council.

- 4) As soon as the concerned council's decision is issued, the AOU President informs the concerned teaching staff member with this decision in a message of endorsement.
- 5) The concerned teaching staff member or whoever represents him/her may appeal the decision passed by the preliminary disciplinary council by sending a message addressed to the President not later than 15 days following the date he/she was informed of the council's decision. If this occurs, the decision shall become final. However, if the appeal is not made before the expiry of the given period, the President shall send the case to the disciplinary council of appeal (DCA) for consideration. If DCA recommends the early decision made by the preliminary disciplinary council, the President shall endorse it. If DCA recommends the opposite, its recommendation shall be sent to the President whose decision shall be final.
- 6) All concerned bodies taking part in the disciplinary procedures shall maintain strict confidentiality concerning all measures and all persons related to the offense. Persons who leak any information thereof shall be held accountable.
- 7) The resignation of any teaching staff member shall not prevent accountability to the disciplinary measures therein. Moreover, disciplinary measures and penalties shall not affect any criminal or civil court indictment concerning the same offense of which the concerned teaching staff member is charged.
- 8) The respective investigation committee and the preliminary and appeal councils have the powers which enable them to decide on whether or not a teaching staff member charged with an offense has actually committed it. The said committee may look at the papers and listen to witnesses related to the same offense. It also has the right to seek consultation from whoever it requires in order to undertake its tasks.
- 9) The disciplinary council shall have the power to relocate to any place that requires inspection. If this place is situated outside AOU premises, it should seek permission from the President to inspect the said place by a prior

request sent by the disciplinary council chairman to the President informing him. The disciplinary council may ask one or more of its members to carry out the inspection if the council so decides. In all cases, a written report must be presented detailing the results of the inspection. This report ought to be added to the inspection file.

- 10) The disciplinary council's file should include all acts of offense, even those that were not connected to the original case.

### **Article 10: Referral to the Disciplinary Council and Material Effects**

- A) The teaching staff member shall be informed at his/her office or in the original country recorded in their personal file of his/her referral to the disciplinary council regarding the offense he/she is accused of within three days following the formation of the disciplinary council by the President. The communication of the message about the date of the disciplinary council session shall be made at least seven days before the disciplinary council meets to discuss the case.
- B) The AOU President may suspend the teaching staff member who is referred to the disciplinary council, to the Attorney General or to a Court of Law. In this case, all the concerned person's salary and benefits are suspended. However, the President may allow said person to receive not more than half these sums during the suspension period. Such suspension must not remain effective for more than three months and it shall not be extended except if the disciplinary council so decides and the decision is approved by the AOU President, provided this is not in conflict with the laws of the concerned country.
- C) If the final decision was issued by the disciplinary council or the highest law court to clear the teaching staff member of the charges laid against him/her, he/she shall be entitled to the full salary and benefits due for the suspension period.
- D) If the teaching staff member missed any of the sessions held by the disciplinary council or by the investigation committee, procedures shall be carried out in absentia and the decision reached by the disciplinary council

shall be adopted in the same mode. However, if the teaching staff member presented an acceptable reason for being absent, the disciplinary council shall allow him/her to present himself to a meeting held later by the said council.

- E) A teaching staff member against whom a decision had been passed to be dismissed or off service shall not be entitled to any of the withheld salaries or benefits as of when he/she was referred to the disciplinary council, to the attorney general or to a court of law where they were put on trial for the offense committed, provided he/she is not asked to return the sums that he/she had received during suspension, as stated by Clause B of this Article.

### **Article 11: Notification of Decisions**

The University shall undertake all notifications of decisions concerning disciplinary acts stated in these bylaws.

### **Article 12: Independence from Law Suits**

- A) If the President, either one of the disciplinary councils, or any committee undertaking investigation of a disciplinary offense observes that the offense being investigated is of criminal nature or has criminal ties, in other words may be a criminal offense, the AOU President or any person delegated by him shall refer the case to the legal or judicial bodies at the subject's working place or where the alleged offense had taken place—whichever is most appropriate—in order to adopt suitable legal action.
- B) The disciplinary decision shall not affect other judicial cases stemming from the same case.
- C) The issuance of a criminal case decision to declare whether a teaching staff member is clear of the criminal case ascribed to him/her or not shall not prevent the adoption of disciplinary measures that can be passed in accordance with the bylaws herein.

### **Article 13: Issuance of Disciplinary Decisions**

- A) The implementation of final sentences passed in disciplinary cases shall be made via a decision adopted by the AOU President.
- B) The decisions passed by the preliminary or appeals disciplinary councils shall be issued by the President whom shall inform the concerned teaching staff member or to whoever is representing him of these decisions as soon as they are passed. This is done through a letter signed by him, and a copy of the same letter ought to be sent to the concerned branch Rector.

### **Article 14: General Provisions**

- A) The current bylaws herein shall override any previous bylaws relating to or having the same title or subject matter.
- B) All the bylaws which were in force at the University and which contradict the present bylaws are suspended hereafter. The validity of all decisions made according to the terms of these bylaws shall continue to be valid until they are annulled or replaced by other decisions which accord with the current bylaws.
- C) AOU branch Rectors shall be responsible for implementing the provisions of these bylaws.