

Disciplinary Procedures for IBS Employees

1. Preliminary notes

- 1.1 This present Disciplinary Procedure is intended to serve as a basis for the conduct of disciplinary complaints, investigations and actions taken against employees of IBS Budapest. It aims to provide a fair and consistent framework for such dealings.
- 1.2 This Procedure is to be used when no other policies are invoked, i.e. when the alleged actions of the staff members are not being addressed through another procedure (e.g. grievance procedure, procedure initiated under the Diversity and Inclusion Policy or the IBS Religious Policy or any other IBS official policy).
- 1.3 Wherever possible, the parties should aim to resolve the issues in a peaceful and constructive manner, often choosing to discuss the elements considered in an informal manner and only using the formal procedure when they have no other means.
- 1.4 Parties are required to keep the proceedings confidential. This however does not prevent the School from providing the necessary information to all those who have a legitimate need to know and where public interest calls for the disclosure of such information.
- 1.5 Procedures should be conducted swiftly but not hastily. It is both the School's and the employee's right and interest to have the facts investigated and discussed as promptly as possible, without however being too quick in the appraisal of the events, in order to avoid a superficial evaluation of the matter.
- 1.6 Employees have a right to have the hearing conducted and their possible appeal submitted in either English or Hungarian.
- 1.7 In all cases, the relevant Hungarian laws, especially the Labour Code in vigour at the time of the events, must be observed and must guide all decisions taken.

2. Scope

- 2.1 Disciplinary issues may arise in connection with the actions, conduct and / or behaviour of IBS staff members. The following is a non-exhaustive list of elements that might lead to the initiation of a disciplinary procedure:
 - i. Use of physical violence (fighting, assaulting, etc)
 - ii. Use of verbal violence (harassment, bullying), whatever the motive of it (be that sexual, political, racial, religious or any other ground)
 - iii. Being charged with or being condemned for any criminal offense, irrespective of whether that offense was linked to the employee's work at IBS
 - iv. Breach and serious breach of any instructions received at IBS, be that instruction communicated orally or through written policies and procedures, emails or notes.

- v. Committing theft of any kind, showing dishonesty and falsifying records (including but not limited to research outputs).
- vi. Not observing a direct instruction received from a senior staff member, be that deliberate or not from the employee's side.
- vii. Any action that might result in the deterioration of IBS' image in the public.
- viii. Any action that result in the diminishment or even complete loss of faith and trust of the school's management in the employee.

2.2 Potential sanctions include the following actions:

- i. Oral Warning
- ii. First Written Warning
- iii. Final Written Warning
- iv. Dismissal

2.3 For the purpose of this Policy, the immediate manager of an employee is defined as the next person with authority who is directly above the employee in the institution's organigram.

3. Informal Procedure

3.1 Whenever an employee's action or conduct is possibly covered by the scope of this policy, his or her immediate manager should attempt to address the issues as soon as possible in an informal procedure.

3.2 Informal procedures should also obey the same principles of fairness and transparency laid out above. Their outcome may or may not be recorded in writing.

3.3 It is expected that the vast majority of issues will be dealt with in a managerial spirit, with the aim of improving everyone's performance, through informal procedures.

3.4 Should the actions be of more serious nature or should the informal procedure be attempted but its outcome be viewed as a failure, the employee's conduct is submitted to a formal procedure.

4. Formal Procedure

4.1 The actions and conduct of IBS employees are subject to a formal disciplinary procedure if the Rector of the institution initiates it, based on signals, notes and other information received.

4.2 In case a formal disciplinary procedure is initiated, the Chief Administration Officer will nominate a Disciplinary Panel, composed of

- the CAO
- the immediate manager of the employee concerned
- one other IBS employee

Should any of the CAO or the immediate manager be the object of a grievance procedure submitted by the employee, they'll leave their place in the Panel and get replaced by another member, as nominated by the Rector.

The third member, who is nominated by the CAO and whose person must be agreed by the employee under review, should be an IBS employee occupying a similar role in the institution to the one occupied by the employee under review (be in the same category: administrative, ancillary, junior teaching staff or senior teaching staff).

- 4.3 The Panel will first assemble information on the case by requesting and collecting data and information from all sources that it deems appropriate.
- 4.4 Once the Panel is satisfied that it has in its possession enough information to be able to hear the matter, it organises a hearing to which the employee under review is invited. The employee may be accompanied by any person that he or she trusts.
- 4.5 Following the hearing, the Panel deliberates on the merit of the matter at hand and ponders the possible outcomes. In particular, the Panel will debate
 - whether or not the allegations are substantiated,
 - the level of seriousness of the conduct or behaviour within the employment context,
 - whether disciplinary action is to be taken and if so the nature and level of the penalty.
- 4.6 The following sanctions can be taken:
 - 4.6.1 Oral Warning
When the offense is considered relatively benign but serious enough to warrant a warning, an oral warning can be recorded.
 - 4.6.2 First Written Warning
In the case of a minor offense, a written warning is given. It contains all the elements (conduct, behaviour, actions) that created the problem, recalls the relevant policies, procedures, written and un-written expectations and calls the employee to observe these in the future.
 - 4.6.3 Final Written Warning
In case of serious offense or when a minor offense has been repeated after the employee receiving already a first written warning, a final written warning is issued. It draws the attention of the employee to the employment consequences of his actions, should he commit them ever again.
 - 4.6.4 Dismissal
If the offense is so serious that it gives ground for the immediate dismissal of the employee under the rules of gross misconduct, as defined by the relevant Hungarian laws and practices, or if the employee's conduct is still unsatisfactory following the final written warning, the decision might be to terminate his employment contract.

4.7 The Panel's decision, taken with a majority vote, is communicated in writing within one week following the hearing.

5. Appeal

5.1 The employee is entitled to appeal the Disciplinary Panel's decision. That appeal should be made in writing and should reach the CAO within two weeks of the communication of the Panel's decision.

5.2 The appeal is considered by the Rector of the institution. Should the appeal be against a dismissal of the employee, he will form a panel with the Pro Rectors.

5.3 The appeal will be considered based on the evidence gathered during the previous phase and based on the written appeal submitted against the decision.

5.4 The appeal decision will be given within a reasonable deadline but no later than one month following the submission of the written appeal.

5.5 The appeal decision is final.

Signed

Dr László LÁNG
Rector

Approved by the Management Board on 10 March 2018.

Approved by the Senate on 9 May 2018.