



الجامعة العربية المفتوحة  
Arab Open University

## Arab Open University Bylaws for Teaching Staff Members' Disciplinary Action and Appeals

Endorsed by  
AOU Board of Trustees/May 2018

1

Approved By university President:

Audited by:

University Seal:



CONTENTS	PAGE
Article (1): Nomenclature	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): Tasks and Procedures of Investigation Committees	7
Article (9): Disciplinary Councils Tasks and Procedures	8
Article (10): Referral to the Disciplinary Board and Material Effects	10
Article (11): Notification of Decisions	11
Article (12): Independence from Law Suits	11
Article (13): Issuance of Disciplinary Decisions	11
Article (14): General Provisions	12

2

Approved By university President:

Audited by:

University Seal:



### Article (1): Nomenclature

This document is called “Arab Open University Bylaws for Teaching Staff Members’ Disciplinary Action and Appeals”.

### Article (2): Definitions

The following words and expressions, wherever used herein, shall bear the meanings assigned thereto unless the context indicates otherwise:

<b>University</b>	<b>Arab Open University (AOU)</b>
<b>President</b>	<b>President of the Arab Open University</b>
<b>Rector</b>	<b>Rector of an AOU Branch</b>
<b>Branch</b>	<b>An AOU Branch hosted by an Arab country</b>
<b>Dean</b>	<b>Dean of an Academic Programme at AOU HQ</b>
<b>Teaching Staff Member</b>	<b>Professor, Associate Professor, Assistant Professor, Lecturer</b>

### 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, thereto, from any action that conflicts with their academic responsibilities and obligations or from any act that offends the University or any of its employees.

B. All teaching staff members are forbidden from committing the following:

3

Approved By university President:

Audited by:

University Seal:



- Any violation, verbal or by action, that represents a breach of duties and prohibitions set forth in the bylaws, regulations, and 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, and what he is 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 if he/she commits any of the offenses stated in Article (3) above, he/she shall be subject to the following disciplinary measures:

- A. Written cautioning, and if this penalty is inflicted twice in two consecutive years, it shall be raised to a warning.
- B. Warning, and if, within five successive years, two warnings were issued, the teaching staff member shall undergo one of the disciplinary actions stipulated in paragraphs (C) and (D) of this article.
- C. Deduction from his/her basic salary for no more than 15 days.
- D. Deprivation of the annual allowance.
- E. Suspension of academic promotion for a period not exceeding two years from the date of promotion eligibility.
- F. Deprivation of supervisory or consultative positions at the University for two years.
- G. Deprivation of sabbatical leave for a period not exceeding two years from the date of applying for the leave and meeting its eligibility requirements.
- H. Dismissal, whilst maintaining entitlement to end-of-service benefits, and to all other rights.
- I. Dismissal and deprivation of the end-of-service benefits and all other entitlements.

4

Approved By university President:

Audited by:

University Seal:





## 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 a case like this, a recommendation shall be submitted by the lower rank official to a person holding the higher rank who is entitled to take the disciplinary measure decision.
- No disciplinary measure shall be imposed, raised, or reduced before listening to the concerned teaching staff member's testimony, or before he/she is allowed to defend himself/herself by the side qualified to consider disciplinary measures.
- Disciplinary measures stated in Article 4 above are taken in accordance with the following entitlements:

### A. Concerned Dean or concerned Rector entitlements:

1. Impose the following two penalties:
  - a. a written cautioning (Article 4 A above),
  - b. a warning (Article 4 B above)
2. The person subject to either of the two measures above may submit an appeal to the AOU President not later than seven days after he/she is officially informed of the penalty.

### B. University President entitlements:

- Impose the following penalties:
  1. a written cautioning (Article 4A above)
  2. a warning (Article 4B above)
  3. deprivation of the annual allowance (Article 4D above)
  4. deprivation of assuming supervisory or consultative positions (Article 4F above)
- The Primary and Appeal 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.

5

Approved By university President:

Audited by:

University Seal:



## Article (6): Formation of Investigation Committees and Disciplinary Councils

1. Investigation Committees and Disciplinary Councils are formed as follows:

**A. Investigation Committee**

The Investigation Committee shall be formed by the AOU President. It shall be headed by a teaching staff member holding the rank of Professor and 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 who shall provide consultation, but shall not be entitled to vote.

**B. Investigation Committee**

The Investigation Committee shall be formed by the University President and it shall be 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 is not entitled to vote.

**C. Formation of Preliminary Disciplinary Council**

The Preliminary Disciplinary 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 who are ranked not under Associate Professors, depending on the case. The Council is entitled to dismiss or accept the resignation of any of the council members.

**D. Formation of the Disciplinary Council of Appeal:**

- The Disciplinary Council of Appeal shall be formed for one year and it ought to have a chairperson, who is a faculty member with the rank of Professor, and two faculty members with academic ranks equivalent or higher than the teaching staff member who is under investigation, taking into consideration that both the Legal Consultant and the Director of the Human Resources Department shall be included in the council membership in order to provide advice, but they shall not be entitled vote.

6

Approved By university President:

Audited by:

University Seal:



- The Council shall not include any member of the Preliminary Disciplinary Council which considered the appellant's case earlier.
- 2. When all councils on all levels are formed, 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.
- 3. All councils and committees have the right to summon witnesses to listen to their testimony. Moreover, these entities also have the right to form any committee 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 submitted against him, and the Dean/Rector saw fit that it deserves punishment, the Dean/Rector ought to refer the complaint to the University President supported by all investigation documents that were made, in addition to the reasons that prompted them to refer the case to the President.
- B. The President may take the necessary measures which he/she sees necessary regarding the violation, or complaint referred to him/her in accordance with paragraph A of this article according to the consequences of the facts thereof, including imposing suitable penalties against the offender. Alternatively, the President may form a tripartite investigation commission headed by a teaching staff member, and decide later, according to the results of the investigation, to save the decision, to implement it or to refer it to the primary disciplinary council.
- C. If the President decides to refer the offender to the primary disciplinary council, the head of the tripartite investigation commission named in paragraph B of article 7 above shall defend the commission's report in front of the disciplinary council including presenting all necessary data and appendices.

7

Approved By university President:

Audited by:

University Seal:





- 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): Tasks and Procedures of Investigation Committees**

- A. The University Council shall delegate the President of the University 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 University President shall issue a decision referring any teaching staff member to the investigation committee based upon what the fact-finding committee found regarding matters requiring investigation. Subsequently, the President shall form an investigation committee within not later than two weeks after the issuing of the fact-finding committee's recommendations.
- C. The investigation committee shall start its investigations which ought to be recorded in suitable minutes showing the time and place where and when the investigation took place, started, and ended, as well as mentioning the names of the committee members in addition to all the actions taken by it. All pages of the minutes shall be signed by all committee members in addition to its chairman, as well as every person summoned to the investigation.
- D. The Chairman of the investigation committee shall send his recommendation to the AOU President not later than 3 days thence for procedures to be taken in accordance with AOU's bylaws and regulations regarding the violation that the teaching staff member had been accused of committing.

8

Approved By university President:

Audited by:

University Seal:





#### 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 case referred to it in accordance with the following:
1. Meetings are held at the invitation of the Chairperson. The investigated person shall be informed to attend by a documented communication means (aural - written - visual) asking him/her to attend in order to present his/her case and defenses 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 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 may appeal the decision passed by the primary disciplinary council by sending a message addressed to the University President not later than 15 days following the date he/she was informed of the Council's decision. If this does happen, 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 Appeal Disciplinary Council (ADC) for consideration. If ADC recommends the

9

Approved By university President:

Audited by:

University Seal:



early decision made by the Primary Disciplinary Council, the President shall endorse it. If ADC 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 offence. 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 offence of which the concerned teaching staff member is charged.
8. The respective investigation committee, and the primary 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 offence. 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 University President to inspect the said place by a prior request sent by the Disciplinary Council chairman to the President informing him of the same. The Disciplinary Council may ask one or more of its members to do the said 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 offence, even those that were not connected to the original case.

#### **Article (10): Referral to the Disciplinary Board and Material Effects**

- A. The teaching staff member shall be informed, at his/her office or in his/her original country recorded in his/her personal file, of his referral to the disciplinary council

10

Approved By university President:

Audited by:

University Seal:





regarding the offence he is accused of, within three days following the formation of the disciplinary council by the University 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 such persons 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 one of two bodies: 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 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 dismiss him/her, or to lay off his/her services, 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 offence committed, provided he/she is not asked to return the sums that he had received during suspension, as stated by paragraph B of this Article.

11

Approved By university President:

Audited by:





#### 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, or either one of the disciplinary councils or any committee undertaking investigation of a disciplinary offence, observes that the offence being investigated involves a criminal offence, 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 in the place where the alleged offence had taken place – whichever is most appropriate - in order to adopt a suitable legal action.
- B. The disciplinary decision shall not affect the other judicial cases stemming from the same case.
- C. The issuance of a criminal case decision to declare a teaching staff member 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 primary or secondary disciplinary councils shall be issued by the President of the University, who shall inform the concerned teaching staff member or to whoever is representing him, of these decisions, as soon as they are passed, through a letter signed by him. A copy of the same ought to be sent to the concerned Branch Rector.

#### Article (14): General Provisions

- A. The above Bylaws shall become effective as of the date of their approval by the AOU Board of Trustees.

12

Approved By university President:

Audited by:

University Seal:



- 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 Rectors shall be responsible for implementing the provisions of these bylaws.

13

Approved By university President:

Audited by:

University Seal:

