

1. Introduction:

The Board of Governors of the Medical Teaching Institution, Abbottabad (hereafter called as 'MTI, ABBOTTABAD') is pleased to approve the following Disciplinary policy. Disciplinary cases under process will continue as such and will be completed in accordance with the KP Government Servants E&D Rules 2011 as adopted by the Institution.

This disciplinary policy shall come into force at once and will be applicable to all employees of MTI, ABBOTTABAD.

Disciplinary proceedings may be undertaken by the concerned authority (appointing authorities), namely the Hospital Director, Medical Director, Nursing Director or Dean, or by a committee formed by the competent authority.

Depending on the results of the enquiry and the seriousness of the infraction a disciplinary action may be taken which may consist of minor or major penalties (see below)

2. MISCONDUCT: means conduct prejudicial to good order or working discipline or contrary to MTI, ABBOTTABAD regulations, employee code of conduct under the MTI, ABBOTTABAD Act, 2015 (as amended up to date).

Simple Misconduct includes, but is not limited to:

- a. Persistent poor performance of assigned duties
- b. Unlawful gathering
- c. Insubordination and breach of lawful order.
- d. Unauthorized absenteeism.

Gross Misconduct includes, but is not limited to:

- e. Unauthorized absenteeism of more than 07 days.
- f. Dishonesty and theft or financial misappropriation
- g. Threatening or causing physical harm to patients, staff, or visitors in the premises of the Institution
- h. Harassment (verbal, physical or sexual) – see Harassment policy
- i. Violation of MTI, ABBOTTABAD Rules, regulations, policies including health & safety, security regulations and procedures.
- j. Violation of law
- k. Engagement in subversive activities on MTI Abbottabad premises.

Approved by 59th BGC
meeting / 27-11-2020
7/12/2020

- l. Misappropriation, corruption, or misuse of MTI, ABBOTTABAD funds or property.
- m. Unauthorized disclosure of internal correspondence or confidential documents, decisions, procedures or actions of MTI, ABBOTTABAD.
- n. Any other act which the competent authority deems serious in nature.

3. MINOR PENALTIES:

- i. Written reprimand, which may be simple or severe.
- ii. Reprimands will be maintained in the employee's personnel file. A third simple reprimand or second severe reprimand may lead to a major penalty.
- iii. Withholding, for a specific period, promotion or salary increment.
- iv. A fine in the form of withholding of salary for a specified period
- v. Restitution of any financial loss to MTI, ABBOTTABAD, by withholding of salary or direct reimbursement by the individual
- vi. Recovery or deduction of pay for unauthorized absence

In the case of suspected simple misconduct the suspected individual will be given an opportunity for clarification/rebuttal of the charges, after which the competent authority may proceed to award a penalty. The concerned accused individual will be informed in writing of the penalty and the reason for the action.

4. MAJOR PENALTIES:

- a) Termination of employment, with or without fine, and restitution for financial loss to the institution, if any.
- b) Further legal action as deemed fit by the concerned authority

5. INQUIRY PROCEDURE:

Suspicion of gross misconduct will require a detailed inquiry.

- a. An inquiry may be undertaken by the competent authority, namely the Hospital Director, Medical Director, Nursing Director or Dean, or by a committee formed by the competent Authority.
- b. Depending on the seriousness of the infraction, the individual may be suspended from work and entry to the institute until the completion of the Inquiry.
- c. The Inquiry authority or committee shall identify and communicate the infractions to the concerned employee.
- d. The concerned employee must respond in writing within three of receipt of the above letter, with an explanation and stating whether he desires to be heard in person.
- e. The Inquiry will consider all the available facts, including witness statements and documents or video or audio recordings, and any other relevant materials, and the suspected individual would be given the opportunity to explain in writing or verbally, any mitigating factors, discrepancies, or factual errors.
- f. The Inquiry shall examine the case with no unjustified delays and submit its report within 7 days of institution of the inquiry.

*Approved by Smt. Bdn
mech/27-11-2020
17/12/2020*

6. Powers of the Inquiry authority: The Inquiry authority may

- a. summon and enforce the attendance of any person and examine him on oath,
- b. require the discovery and production of documents,
- c. receive evidence on affidavits,
- d. call for witnesses or documents.

7. Inquiry Report:

The Inquiry committee or authority will, based upon the ascertained facts, ascribe responsibility for the infraction, recommend punishment(s) and make recommendations regarding any changes in processes to prevent future repetition of the events.

8. Disciplinary Actions:

Upon receipt of the inquiry report the concerned authority will decide the penalty, if any, to be imposed, and shall so inform the individual in writing.

9. Appeal:

An employee on whom a penalty is imposed shall have the right to request a review by the MTI, ABBOTTABAD Management Committee, within seven days of issuance of the written disciplinary order.

The employee may appeal the decision of the Management Committee, within thirty days of issuance of the decision to the Board of Governors, whose decision in the matter will be final as regards the MTI, ABBOTTABAD. However, the individual may appeal the decision to the Appellate tribunal.

10. Civil Servants:

Civil servants currently serving in the MTI, ABBOTTABAD, are considered on deputation. In the case of a suspected infraction of the rules and regulations, the same process as outlined above will be undertaken, except that any disciplinary action or penalty for the civil servant will be recommended to government and the services of the civil servant may be returned to government as authorized under the MTI act (as amended to date).

Approved in Smt. Balu.
meeting / 27-11-2020.
17/12/2020