

Mr Fazel Khan
School of Sociology and Social Studies
UKZN

PARTICULARS OF MISCONDUCT

Dishonest conduct

In the June/July 2006 edition of the *ukzndaba*, a University newspaper, an article entitled '**Local film**', accompanied by a photograph, was published in good faith in the belief that both accurately portrayed the correct factual position. In commenting on the said article and/or photograph, you acted dishonestly by making false statements for publication in the press, the particulars of which are set out in the schedule annexed hereto, thereby bringing the University, its management and employees associated with *ukzndaba* into disrepute and/or thereby acting disloyally and in breach of the fiduciary duty which you owe to the University as its employee.

Alternatively:

Reckless conduct

In the June/July 2006 edition of the *ukzndaba*, a University newspaper, an article entitled '**Local film**', accompanied by a photograph, was published in good faith in the belief that both accurately portrayed the correct factual position. In commenting on the said article and/or photograph, you acted recklessly by making statements for publication in the press which proved to be unfounded and untrue, the particulars of which are set out in the schedule annexed hereto, thereby bringing the University, its management and employees associated with *ukzndaba* into disrepute and/or thereby acting disloyally and in breach of the fiduciary duty which you owe to the University as its employee.

SCHEDULE

Count one

Date: 15 September 2006
Newspaper: *Mail & Guardian*
Comment:

1. There was a clear decision that you should not be in the *ukzndaba* and this was dirty revenge for your actions during the strike.
2. You further informed David Macfarlane, a journalist of the *Mail & Guardian*, that the University was not prepared to contribute towards your travel costs to Turkey because of your involvement in the staff strike earlier in 2006.

(While the former comment was published in the newspaper, the latter was not.)

Count two

Date: 18 September 2006
Newspaper: *The Witness*
Comment:

1. The University management was using the *unkzndaba* as their propaganda machine.
2. The management of the University had used a vulnerable Ms S Giles, an employee of the University, to get back at you because of your involvement in a strike at the University.
3. The University staff had lost confidence in the *unkzndaba* as they see it as a mouthpiece for a certain faction of the management.

Count three

Date: 19 September 2006
Newspaper: *The Mercury*
Comment:

1. You believed that you had been targeted.
2. You are convinced that the management of the University does not want you to be promoted or published in *ukzndaba*.
3. Your removal from the photograph was evidence of 'thinking at the top'.
4. The admission by Giles that she was responsible for your airbrushing from the photograph was probably the current climate at the University that had pressured her to do it.

Date: 2 October 2006

Mr Fazel Khan
School: Sociology and Social Studies
Centre Howard college

Dear Mr Khan

DISCIPLINARY HEARING

Please take note that disciplinary action has been instituted against you. Enclosed is the charge sheet, informing of the charges against you. Kindly note that you are entitled to representation on the terms as stated on the Notification of Disciplinary Hearing Inquiry form attached. Kindly inform your representatives timeously to secure their attendance at the hearing. Kindly reduce your evidence to writing on the Statement form received from Mr. Mr. will table this statement at the disciplinary hearing. NOTE: YOU DO HAVE THE RIGHT TO REFUSE TO MAKE A STATEMENT AND/OR TO REMAIN SILENT.

If you should require any assistance in the preparation of your defence and/or any information regarding your rights and the University Disciplinary Code, please contact the Employee Relations Office on x2810.

Yours faithfully,

Initiator: To be advised

NOTICE OF DISCIPLINARY INQUIRY (PERSON AGAINST WHOM THE
CHARGES HAVE BEEN BROUGHT)

Name: Mr. Fazel Khan

School: Sociology and Social Studies

BE PLEASED TO TAKE NOTE, that you are hereby given notice to attend a disciplinary inquiry.

Time: To be advised

Date: To be advised

Venue: To be advised

Chairperson: To be advised

The inquiry has been instituted in order to investigate the allegation(s) as set out in the charge sheet attached hereto, made against you by the following Initiator:

PLEASE NOTE THAT YOU HAVE THE RIGHT TO CALL WITNESSES IN YOUR DEFENCE. YOU ARE ENTITLED TO BE REPRESENTED BY AN EMPLOYEE OF YOUR CHOICE WHICH SHALL INCLUDE A REPRESENTATIVE OF YOUR RECOGNISED UNION, BUT SHALL EXCLUDE LEGALLY QUALIFIED PERSONS AND LEGAL PRACTITIONERS WHETHER IN THE EMPLOY OF THE UNIVERSITY OR NOT. IT IS YOUR RESPONSIBILITY TO ENSURE THAT YOUR WITNESSES/REPRESENTATIVE ARE ABLE TO ATTEND THE INQUIRY. SHOULD YOU FAIL TO ATTEND THE DISCIPLINARY INQUIRY, IT MAY PROCEED IN YOUR ABSENCE. YOU HAVE THE RIGHT TO BE ASSISTED BY AN INTERPRETER AT THE HEARING. SHOULD YOU REQUIRE AN INTERPRETER, PLEASE INFORM MANAGEMENT AS SOON AS POSSIBLE BEFORE THE HEARING.