



CODE OF CONDUCT & DISCIPLINE



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POLICY REVIEW COMMITTEE

CHAIRMAN

MGEN RUPERTO R PABUSTAN AFP (RET)
EVP/GM

MEMBERS

JOSE VALLEJOS JR

ATTY. RHENIE S REÑIDO

MARY GRACE B FACTO

JOSE LEO LEMUEL G CAPARAS JR

LTGEN ALAN R LUGA AFP (RET)
PRESIDENT & CEO

Memorandum Circular Number: 2014-03

SUBJECT: CODE OF CONDUCT AND DISCIPLINE

I. General

Sustained business growth and stability are goals which must be actively pursued by everyone in a company.

Employee resources when sufficiently harnessed and properly directed to achieve work efficiency and effectiveness are a vital factor in achieving the company's goal. The need for employees to conform to an exemplary standard of conduct and discipline is of paramount importance in the attainment of the efficiency and effectiveness. It is on this premise that the company prescribes a set of rules and regulations governing employee conduct.

II. Objectives

To prescribe a code of conduct as a means of establishing employee awareness regarding proper behavior, attitude and conduct in their job.

To provide direction for managerial employees in leading, guiding and deciding in the administration of the code of conduct and discipline.

To define specific acts and behaviors considered offensive to good order and discipline.

To administer disciplinary actions by prescribing equitable, just and fair penalties.

III. Coverage

All employees including company officers

IV. Policies

The company promulgates and enforces rules and regulations in order to:

- Preserve order and harmony in the organization.
- Protect the interest of the company as well as those of the employees.
- Maintain the highest possible efficiency in the performance of the work required by the company.

The company shall use coaching, counseling and oral reminder approaches, where possible, to correct undesirable employee behavior or performance, unless the gravity of the offense requires a more severe disciplinary action.

Disciplinary action shall be primarily directed against the act rather than the person. Likewise, in taking disciplinary action for infractions, the intention of the company is not so much to punish but to teach and reform the erring employee; to discourage the recurrence of undesirable acts by the offending employee and to deter others from committing similar offenses.

In the observance of due process, a thorough, impersonal and impartial investigation shall be afforded an erring employee. The right of the employee to be heard and to defend himself shall at all times, be respected.

In the imposition of penalties, the past performance, job dedication and proven loyalty to the company of the employee may be given due recognition.

V. Approving Authority

President and CEO- where the penalty calls for suspension or dismissal

EVP - GM - where the penalty calls for written reprimand

Managers - where the penalty is admonition

If the approved penalty is suspension or dismissal, the Admin Supervisor shall cause the return of the gadget or equipment issued by the company to the erring employee and the assigned company email shall likewise be archived by the IT Manager.

VI. Guidelines

Managers and supervisors shall be responsible for the enforcement of discipline, order and regulations.

VI.1. Administrative and disciplinary actions which may be enforced are defined as follows:

- Admonition - an oral warning to an erring employee, calling attention to an offense and warning him against repetition of such violation.
- Written Reprimand - a written warning to an erring employee contained in a memorandum, calling attention to an offense, and warning him against repetition to such violation.
- Suspension - a temporary physical detachment from the service for a designated period of time without salary and benefits but not more than 30 calendar days.
- Dismissal - dishonorable separation from the service, with the resulting forfeiture of all benefits which will normally accrue to an employee on retirement or severance other than for cause.

Offenses that warrant written reprimand, suspension or termination shall be reported to the President through the EVP - GM before any action is taken.

An investigation committee may be created, the composition of which shall be determined by the EVP - GM and approved by the President. The committee shall examine and deliberate on serious offenses or cases, in consultation with the legal department, where the penalty calls for suspension

or dismissal. Its recommendation shall be forwarded to the President, through the EVP - GM, for approval.

Pending the investigation of the charge the offending employee may be placed under preventive suspension of not more than 30 calendar days if his continued employment poses a serious and imminent threat to the life or property of the company or his co-employee concerned.

Offenses not enumerated but analogous to each group shall be penalized according to the penalty prescribed in the group where the violation may fall.

All records pertaining to offenses and sanctions imposed shall form part of the employees 201 file.

VII. Offenses and Penalties

VII.1. Offenses against Person

	1 st	2 nd	3 rd
a. Provoking or attempting to inflict bodily harm on another within company premises.	7	D	
b. Inflicting bodily injury to others at any time within the company premises or inflicting bodily injury to others anywhere at any time at any dispute involving one's employment and/or service connected matters:			
i. to a co-employee or customer	30	D	
ii. to the person of a managerial employee or any immediate member of his family or his duly authorized representative	D		
c. Fighting or instigating a fight within the company premises whether or not on company time.	15	D	

d. Threatening, intimidating, coercing, inducing or tolerating a fellow employee or officer of the company to violate company rules and regulations.	15	30	D
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e. Discourtesy, insult, or willful disrespect by the employee on the honor of the company officer, his fellow employee, or a client / customer.	15	30	D
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* - Number of Days of Suspension
D - Dismissal

VII.2. Offenses against Property

	1 st	2 nd	3 rd
a. Destroying, damaging, tampering, misusing, or loss of company property thru gross negligence.			
i. worth less than P5,000.00	15 +cost	30 +cost	D +cost
ii. worth P5,000 and/or more	D +cost		
b. Willfully damaging, defacing, misusing, or losing company property.	D +cost		
c. Stealing any company property, conspiracy to commit theft; stealing from a co-employee.	D +cost		
d. Removing from the company premises or lending a company property without proper authority:			
i. without damage	15	30	D
ii. with damage	D		

- | | | | |
|---|----|----|---|
| e. Bringing company books and other official documents outside company premises without proper authority. | 15 | 30 | D |
| f. Substituting company materials or equipment with another inferior quality or lesser value. | | | |
| i. Worth less than P5,000.00 | 30 | D | |
| ii. Worth P5,000.00 or more | D | | |
| g. Acts or Omissions that may result to damage or destruction of company property. | 15 | 30 | D |

VII.3. Offenses Against Public Morals

- | | 1 st | 2 nd | 3 rd |
|---|-----------------|-----------------|-----------------|
| a. Engaging in any immoral behavior especially that which may cause scandal and embarrassment to the company (adultery, homosexuality, perverse acts, and acts of lasciviousness or illicit relations). | D | | |
| b. Reporting for work under the influence of alcoholic beverage or prohibited drugs. | 15 | 30 | D |
| c. Committing libelous acts or using defamatory or abusive language against customers, employees or managers. | 15 | 30 | D |
| d. Lending with interest among employees or willful failure to pay just debt, when it is due and demandable as ordered by a court. | 15 | 30 | D |

- | | | | |
|---|----|----|---|
| e. Drinking liquor in the company premises except when warranted by special occasion. | 15 | 30 | D |
| f. Bringing, taking or trafficking prohibited drugs inside company premises. | | | D |
| g. Gambling, betting, and conducting lotteries or other similar acts within company premises. | 15 | 30 | D |

VII.4. Dishonesty and Other Offenses Against Company Interest

- | | 1 st | 2 nd | 3 rd |
|---|-----------------|-----------------|-----------------|
| a. Obtaining materials with the use of fraudulent purchase of falsified letters, propaganda, or other authorization. | | | D |
| b. Engaging in industrial espionage or failure of an employee to keep in strict confidence any confidential matter, records, etc. which the employee may acquire in the course of his work. | | | D |
| c. Willful disclosure of confidential company records and information. | | | D |
| d. Falsification of company records, documents or forging signatures of company officials. | | | D |
| e. Misrepresentation of facts in the application for employment. | | | D |
| f. Offering, soliciting or accepting bribes in any form as a condition for the performance of one's duty. | | | D |

- g. Connivance with co-employees, superiors, clients, creditors, or anybody to defraud the company. D
- h. Misrepresentation on claims of company benefits. D
- i. Extorting money from co-employees, clients, or anybody doing business with the company. D
- j. Manipulation of records detrimental to the company. D
- k. Discounting or encashing company checks. D
- l. Withholding or malversation of funds and other similar forms of irregularities. D
- m. Gross deliberate inefficiency or gross negligence in the performance of official functions / duties and responsibilities which result in grave injuries to others or in large losses or damages to the company. D

VII.5. Insubordination

- | | 1 st | 2 nd | 3 rd |
|--|-----------------|-----------------|-----------------|
| a. Willfully disobeying, refusing without justifiable reason or neglecting to obey company rules or orders of a superior to perform assigned work. | 15 | 30 | D |
| b. Insubordination resulting in serious damage or loss to the company | | | D |

VII.6. Offenses Against Official Working Time/Attendance

	1 st	2 nd	3 rd
a. Leaving the place of work during office/ work hours without permission from supervisor or manager concerned.	A	WR	7
b. Wasting time or loitering during working hours.	A	WR	7
c. Failure to log in or log out.	A		
d. Making false entry in the time record or making entry in the time record of another employee.	A		
e. Unauthorized absences or absence without official leave (AWOL) or in case of alleged sickness without certification of sickness by a physician:			
• 1-3 days	WR	7	15
• 4-6 days	7	15	30
• 7-14 days	15	30	D
• 15 days	D		

Time Frame: one month

In addition, unauthorized absences are subject to salary deduction based on the number of days absent.

f. Tardiness

All Rank & File employees who report for work eleven (11) minutes beyond 8:00 a.m. shall be considered tardy. Likewise, Supervisors who come to office beyond 8:20 a.m. shall be considered tardy.

Habitual tardiness or reporting late for **four (4) times a month** or a cumulative period of **sixty (60) minutes a month**, whichever comes first shall be penalized as follows:

Penalties:

- 1st offense Oral Warning
- 2nd offense Written Warning
- 3rd offense 7 days suspension
- 4th offense 15 days suspension
- 5th offense 30 days suspension
- 6th offense Dismissal

Time Frame: One (1) year

In addition, tardiness is subject to salary deduction based on the number of minutes or hours late reckoned beyond 8:00 a.m.

VII.7. Offenses Against Security

	1 st	2 nd	3 rd
a. Unauthorized possession and carrying of firearms, explosives, deadly weapons and other devices of similar destructive nature within company premises.	30	D	
b. Refusal to submit to or failure to observe the security requirements of the company.	15	30	D
c. Providing identification material (e.g. ID Card) to any person not entitled to it.	D		

d. Assisting any unauthorized person to enter restricted areas of the company premises without permission from authorized company personnel. W 15 30

VII.8. IT Offenses

1st 2nd 3rd

a. Offenses relating to password
 Password is composed of unique characters used in accessing network/ or system business applications used by AFPGEN as follows:

1. Individual workstation;
2. Axigen email;
3. SureWay INLIS;
4. Web-INLIS;
5. Unique applications used by other Departments;
 - i. BioOffice Timekeeping (HR)
 - ii. ETPS (HR)
 - iii. Asset Management System (Admin)
6. All other similar network/ business applications

a.1 Failure to change the default password within the day provided by the IT Department. A WR 1

a.2 Sharing of password with another employee except in cases when the user of the password is absent, whether official or not, and there is a need for immediate access on system applications WR 1 3

aforementioned with the consent of IT Department.

- | | | | |
|--|-----|----|---|
| a.3. Unauthorized use or access of somebody else's password. | 1-3 | 5 | D |
| b. Browsing of unauthorized sites using company equipment during office hours and on office premises. Unauthorized sites are the following: | | | |
| b.1. Adult sites | 1 | 3 | 5 |
| b.2. Social media and other unofficial company sites with the exception of employees authorized to maintain the company's official Facebook and Twitter page.
The use of Yahoo and Google mails is permitted when transacting official business of the company. | WR | 1 | 3 |
| b.3. Chat rooms utilizing network bandwidth. | WR | 1 | 3 |
| c. Unauthorized use of proxy sites or alternate IP (Internet Protocol) addresses not officially assigned by the IT Department, including public IPs assigned to CCTV cameras. Proxy site is generally used to bypass company's firewall that allows surfing anonymously. | 1-3 | 5 | D |
| d. Using of Company electronic mail for personal transactions. | A | WR | 1 |

e. Unauthorized use, repair and mishandling of desktop, laptop, printer, keyboard, mouse, tablet, mobile phone, telephone and other IT-related equipment issued by the company.	WR	1	3
f. Using of facsimile signature of VP-Operations and/or the President in policy issuances beyond the approved Underwriting Authority.	D		
g. Unauthorized use, downloading/uploading, replication, of confidential files or applications.	5	15	D
h. Shared media offenses. Shared media is a centralized storage medium that can be accessed by all employees.			
h.1. Posting or saving of confidential file in a shared media.	WR	1	3
h.2. Posting of personal files in the shared media.	A	WR	1
h.3. Sharing of portable devices issued or assigned for the sole usage of a department like external Hard Drive. Only the lender shall be penalized.	A	WR	1
i. Personalized desktop or wallpaper. Changing the official wallpaper provided by the IT Department.	A	WR	1

j. Server room offenses

j.1	Unauthorized entry to the Server Room.	WR	1	3
j.2	When damage to or loss of the server equipment.	WR +cost	1 +cost	3 +cost
j.3	When damage to or loss of software and licenses, if any.	WR +cost	1 +cost	3 +cost
k.	Installation of Software in the desktop or laptop issued by the company not authorized by the IT Department.	WR	1	3

In addition, payment of the cost of repair or replacement as penalty shall also be imposed when there is damage or loss to the equipment.

VII.9 Other Misdemeanor

a.	Non-attendance in company sponsored or company directed activities where attendance is mandatory.	WR	7	15
b.	Habitual violations of the rules and regulations. A habitual violator is an employee who has been:			
	• Reprimanded in writing 5 times			15
	• Reprimanded in writing 3 times and suspended once.			30
	• Suspended 3 times			D

Time Frame: One (1) year

- A - *Admonition*
- WR - *Written Reprimand*
- D - *Dismissal*

In all of the above offenses, in case there is no private complainant, the Admin Supervisor or concerned manager shall report the incident.

The Admin Supervisor or manager concerned shall immediately issue Notice to Explain to the erring subordinate and upon receipt of such explanation he/she shall inform the President through the EVP - GM. Failure to comply with this rule will merit disciplinary action by the EVP - GM.

VIII. Policy on Administrative Investigation and Proceedings

The Company expects strict adherence to a professional standard of conduct by all AFPGEN employees regardless of position, rank, or assignment in the performance of their work and their dealings with one another, clients and stakeholders alike.

It is the policy of the Company that administrative investigations and proceedings undertaken shall inquire into complaints of misconduct by employees in a fair and objective manner. In this regard, management reserves the right to conduct such investigation to objectively uncover the facts in each complaint filed while protecting the rights and dignity of the subject employee.

In the course of any administrative investigation, all investigative methods employed must be consistent with the law.

For purposes of conducting an investigation, only those cases that merit suspension or termination may be the subject thereof.

VIII.1. Objectives

The Rules have been developed to help the management conduct efficient, effective and impartial administrative investigations. They are designed to contribute to fairness, honesty, integrity and good administration in the Company.

The Rules provide direction on key matters considered into preparation and course of an investigation raising administrative or disciplinary issues only to the exclusion of all other non- related issues.

The Rules must be read in conjunction with the Employee Code of Conduct (ECC) and any statutory employment provisions and guidelines applicable to the particular investigations being undertaken.

The proper and orderly conduct of administrative investigations and proceedings paves the way for workplace equality, prevents unlawful termination of an employee, and seeks to create harmonious relations between employer and employees.

VIII.2. Scope and Coverage

This prescribes the policies and procedures in the conduct of administrative investigations and proceedings covering all employees.

Further, it applies only to the conduct of administrative investigations and proceedings and all matters relevant, incidental to or arising from such proceedings to the exclusion of all other proceedings which are not administrative in character.

VIII.3. Definition of Terms

- Covered Employees refers to AFPGEN personnel who occupy regular, permanent, probationary and contractual status of employment.

- Administrative Investigation/ Hearing/ Proceeding refer to the conduct of investigation of an employee charged of violating the Employee Code of Conduct and Discipline, company rules, regulations, memoranda and policies.
- Investigation Committee refers to the body tasked to inquire, probe, investigate and recommend on the administrative case of an employee placed under investigation.
- Hearing Secretary refers to a confidential employee tasked by management to record, transcribe and prepare the minutes of the investigation/ proceeding or series thereof.
- Offense or Misconduct refers to a violation or breach of the Employee Code of Conduct and Discipline, company rules or regulation, memoranda and circulars that may constitute either a slight, moderate or grave transgression or wrong doing committed by an employee.

VIII.4. Approving Authority

The decision of the investigation committee to dismiss or to retain the employee concerned shall be subject to the final approval of the President after the EVP - GM shall have given his findings or recommendation to the case.

VIII.5. General Guidelines

Interpretation & Application

The Rules shall be liberally construed and applied to fairly and expeditiously promote administrative due process in the workplace.

The Investigation shall be conducive to developing truthful responses to issues that surface. It shall be conducted with recognition of the legal consideration that employee privacy shall be protected and that confidentiality in the proceedings shall be preserved. An atmosphere of candor and propriety

shall be maintained in the course of the Investigation and decision.

VIII.6. Scope of Authority

The investigation committee shall, upon recommendation of the Department Head concerned, through the EVP - GM, be created by the President which shall investigate or otherwise receive, gather and evaluate information and evidence against the subject employee placed under Investigation.

VIII.7. Period of Hearing or Investigation

The investigation shall be concluded not more than thirty (30) days from the time the same has started.

If the investigation cannot be concluded within 30 days, the Chairman of the committee shall seek extension from the President citing reasons thereof.

VIII.8. Notice of Investigation

The Notice of Investigation shall be issued to the subject employee only after having been duly appraised of the offense committed which shall be in a separate Notice to Explain and after consolidation of evidence and testimony pointing to the violation or breach of Employee Code of Conduct and Discipline, company rules, regulations, memoranda and policies.

VIII.9. Objective of the Investigation Committee

The investigation committee shall conduct a fact - finding investigation, using any and all reasonable means to speedily and objectively ascertain facts without strict adherence to technicalities of law or procedure, but in all instances respecting the rights of an employee placed under Investigation and observing administrative due process.

VIII.10. Composition of the Investigating Committee

The investigation committee shall be composed of the following members; Department Head where the subject employee directly reports to, HR Head, and one (1) supervisor from other departments.

The Department Head of the subject employee shall act as chairman of the investigation committee.

The supervisor shall be appointed by the chairman of the committee.

There shall be assigned a hearing secretary to act as recorder and documenter of the investigation/proceeding or series thereof. In the absence of a Hearing Secretary, any of the members present shall act as Minutes Taker of the Investigation or Proceeding.

The Chairman may invite a resource person in solving complex and/or technical issues or when the nature of the case requires legal and technical expertise.

VIII.11. Determination of Facts

The investigation shall seek to gather data, evidence, facts and statement to assist in determining whether an incident occurred or did not occur as alleged.

The investigation shall include but shall not be limited to; the examination of documents submitted by the complaint, testimony of the witness for and against the subject employee and the examination of the subject employee itself.

The investigation shall be conducted free from any extraneous influence or interference and shall make effort to prevent the personal and professional reputation of the subject employee from being tainted with baseless charges and accusations. The investigation shall be conducted in a calm, deliberate, professional and unbiased manner.

The investigation committee may call witness for the defense or prosecution of the subject employee.

VIII.12. Preventive Suspension

Preventive suspension shall apply only in cases of a major breach or gross violation of the Employee Code of Conduct, company policies, rules or regulations or commission of an offense of a grievous character or where the offense is punishable by termination from employment.

Preventive suspension means the temporary removal of an employee charged with the violation of a company rule or regulation from his/her present status or position.

Preventive suspension shall be imposed against the subject employee while the investigation committee is conducting an investigation for the alleged violation to prevent him/her from causing further harm or damage to the Company or to his or her co-employees.

VIII.13. Issuance of Preventive Suspension

At any time after Notice of Investigation is served to the subject employee, the chairman of the investigation committee may recommend to the President the preventive suspension of the employee during the formal investigation, if there is reason to believe that he or she is probably guilty of the charge which will warrant dismissal from work or if his/her continued employment may result to the tampering of evidence or poses a serious threat to the life, security, or property of the Company or his/her co-workers.

When service or receipt of the said notice is refused or avoided by the employee concerned, the same shall be tendered by HR Department to him/her and will have the same effect as if the same was personally received by the subject employee.

VIII.14. Period of Preventive Suspension

The Preventive Suspension shall not be more than thirty (30) calendar days. After the said period, the employee shall be reinstated to his/her former position, or in a substantially equivalent position.

The employee is not entitled to the payment of his/her compensation corresponding to the period he or she was placed under preventive suspension. However, if the suspension is extended beyond the maximum thirty (30) day limit, the subject employee shall be entitled to his/her salary and other benefits for the period of the extension.

The Admin Supervisor shall cause immediate return of the laptop, mobile phone and other similar equipment or gadgets issued by the company to the employee once the preventive suspension is in effect. IT Manager shall likewise archive the company email account of the employee preventively suspended.

VIII.15. Separation from Service

The resignation, retirement or separation from employment of any employee under investigation shall not divest the investigation committee the authority to pursue an investigation or proceedings to its logical conclusion and render a decision thereon.

VIII.16. Decision by Investigation Committee

When the investigation is completed, the matter is considered by the investigation committee for decision. The resolution of the administrative case shall be made by the majority of the members of the committee.

VIII.17. Submission of Final Investigation Report/ Findings

Within five (5) days from the conclusion of the investigation, the report/ findings shall be submitted to the EVP - GM.

The same shall contain a narration of the material facts established during the investigation, the findings and the evidence supporting thereof along with the recommendation.

VIII.18. Recommendation

After endorsement of the report/ findings to the EVP - GM, the latter shall endorse the same to the President for final decision.

VIII.19. Confidentiality of Proceedings

Administrative proceedings against the subject employee shall be private and treated with utmost confidentiality by the Committee.

Any member of the Investigation Committee shall not disclose to any other employee or officer of the Company any confidential information acquired in the course of the investigation or proceedings. Failure to comply with this prohibition shall subject the erring employee or officer to the appropriate disciplinary sanction.

VIII.20. Potential Criminal Liability

The final decision in the administrative case finding the employee guilty of the offense charged shall not prevent the filing of a criminal complaint against said employee based on the offense arising from the administrative charge.

VIII.21. Specific Guidelines and Procedure on Administrative Investigation and Proceedings

A Notice of Investigation shall be given to the employee prior to the investigation which shall contain the following specifics:

- A clear and precise description of the alleged offense, violation, or misconduct and the specific violation of the provision of the Employee Code of Conduct, company rules, regulations, memoranda or circular and the imposable penalty.
- The date, place, and time the investigation will be conducted.
- The right of the subject employee to a hearing which includes the right to present his or her side and to submit evidence in support thereof.
- The right to be represented by a private legal counsel or another employee of his or her choice.

Failure of the subject employee to appear in the initial investigation despite proper notice and information shall amount to a waiver of the opportunity to defend himself/herself. The non-appearing employee shall immediately be informed of such waiver in writing. In such event, the case shall proceed and shall be decided to its final resolution despite the absence of the subject employee.

The responsibility for initiating, concluding, and overseeing administrative employee investigation is delegated to the Human Resource in coordination with the Department the subject employee is reporting to and accountable with.

IX. Rescission Clause

All previous Memorandum Circulars inconsistent with the provisions of this Memo Circular are hereby rescinded.

X. Separability Clause

If any portion or provision of this Memo Circular is declared void or illegal by the approving authority, the remaining portions or provisions hereof shall not be affected by such declaration.

XI. Effectivity Clause

This Memorandum Circular shall take effect on May 1, 2014.

The investigation shall be conducted in a manner free from force, duress, undue influence and intimidation.

- The committee shall refrain from using course, abusive & foul language.
- The committee shall refrain from asking questions that will pressure and intimidate the subject employee to answer against his/her will. Neither shall it place the subject employee under surprise questioning as an attempt to wrest information.
- The Committee shall be guided at all times by acceptable rules and reasonable conduct on the proper questioning and interrogation of an alleged wrongdoer under the law.

The Investigation Committee shall have the authority to take testimony or receive evidence for the case.

- The committee may invite witnesses and request the production of pertinent documents.
- The committee has the right to ask questions from the subject employee to the fullest and examine all the witness if appropriate and necessary.
- The committee shall carefully establish that the participation of the subject employee under Investigation or of a witness depends strictly on the condition outlined in this Policy.

The investigation committee shall delegate a confidential employee from Management as Hearing Secretary to take the Minutes of the Proceedings and the personal notes of the testimonies gathered.

- The Minutes taken by the hearing secretary shall be an objective and factual rendition of the questions raised and answers given during the investigation or proceeding.