

STOCKTON UNIVERSITY



PROCEDURE

Disciplinary Matters

Procedure Administrator: Director of Human Resources

Authority: N.J.S.A. 2C:51-2, N.J.S.A. 18A:3B-6, N.J.S.A. 52A:14B-1 et. seq., and N.J.A.C. 1:1-1.1 et. seq.

Effective Date: May 30, 2009; December 20, 2010

Index Cross-References: Policy VI-26: Disciplinary Matters

Procedure File Number: 6220

Approved By: Dr. Herman J. Saatkamp, Jr., President

I. EMPLOYEES COVERED: Executive and Managerial Employees

II. PROCEDURE:

A. General Causes for Disciplinary Action

1. An executive or managerial employee may be subject to discipline for the following:
 - a. Incompetence, failure to perform their duties;
 - b. Neglect of duty;
 - c. Conduct inappropriate for a State employee;
 - d. Discrimination that affects equal employment opportunity, including sexual harassment;
 - e. Violation of any federal or state statute, rule, or regulation;
 - f. Violation of University Policies and Procedures or the Campus Code of Conduct
 - g. Ethical violations;
 - h. Other sufficient cause.

B. Considerations before Imposing Discipline

1. Discipline imposed will be timely, appropriate to the offense, and directly related to the seriousness of the infraction committed.
2. To ensure equitable treatment, disciplinary action will be administered in a consistent manner wherein similar penalties will be imposed for similar breaches of discipline.
3. The burden of proof shall be on the University where there is an appeal and entitlement to a hearing.

C. Types of Discipline

1. The University may take any of the following disciplinary actions depending on the seriousness of the offense:
 - a. Oral or Written Warning;
 - b. Written Reprimand;
 - c. Suspension without pay, not to exceed six months;
 - d. Demotion;
 - e. Removal from office;
 - f. Restitution.

D. Oral or Written Warning or Written Reprimand

1. The decision of the Cabinet member to whom the executive or managerial employee reports shall be final when a management employee receives an oral or written warning or a written reprimand.
2. A record of an oral warning or a copy of a written warning or reprimand shall be placed in the personnel file of the executive or managerial employee. The executive or managerial employee shall have a right to respond in writing to this warning or reprimand and have a copy of the written response included in his/her official personnel file.

E. Suspension, Demotion, Removal, or Restitution

1. The University must serve a Notice of Intent to Impose Disciplinary Action to the executive or managerial employee by certified mail that it intends to take disciplinary action against that employee, except in the case of an oral or written warning or a written reprimand. This notice shall indicate the charges, basis of fact supporting the charges, and afford the opportunity for a hearing prior to the imposition of the discipline, except:
 - a. An executive or managerial employee may be immediately suspended prior to a hearing where it is determined: the employee is unfit for duty; poses a hazard to him/herself or any person if permitted to remain on the job; or immediate suspension is required to maintain the safe and the effective direction of University operations. Notice of the disciplinary action, with the opportunity for a hearing, must be served in person or by certified mail within five days following the immediate suspension.

- b. A managerial employee may be suspended immediately when the employee is formally charged with a crime of the first, second or third degree, or a crime of the fourth degree, which touches upon their employment. If an employee has pled guilty or has been convicted of a crime, of the third degree or higher N.J.S.A. 2C:51-2, forfeiture of employment shall apply.
 - c. Where suspension is immediate and without pay the employee must first be apprised orally and then in writing of why an immediate suspension is sought. The employee must be provided a sufficient opportunity to respond.
2. Under E 1 above, the affected employee may request of the President a hearing within five (5) business days of receipt Notice of Intent to Impose Disciplinary Action. If no request is made within five days, unless the President has agreed to additional time, the opportunity for a hearing shall be considered to have been waived and the University shall issue and impose the Final Notice of Disciplinary Action.
 3. A hearing, if requested, shall be held within 30 days of the Notice of Intent to Impose Disciplinary Action, unless waived by the employee or all parties agree to a later date.

F. University Hearing

1. A hearing shall be held before a designated representative of the President who shall serve as the hearing officer.
2. The executive or managerial employee may be represented by an attorney.
3. The parties shall have the opportunity to review the evidence supporting the charges and present and examine witnesses. The executive or managerial employee shall not be required to testify, but an employee who does testify will be subject to cross-examination.
4. Within twenty (20) days of the hearing or such additional time as agreed to by the parties, the designated hearing officer will issue a report and a decision regarding the disciplinary action, if any, to be imposed. The affected employee will be provided a copy of the report and the decision. The hearing officer's report shall include relevant findings of fact that may weigh on the imposition of the disciplinary action. The Hearing Officer's decision shall be an independent finding based on the facts presented and may be at variance with the University Notice of Intent to Impose Disciplinary Action.

5. The affected executive or managerial employee may file an appeal to the President within ten (10) days of receipt of the hearing officer's decision. If no appeal is filed, a Final Notice of Disciplinary Action in keeping with the decision of the hearing officer shall be sent by certified mail or personal service and the disciplinary action shall be implemented.

G. Appeal Process

1. An affected employee may file an appeal to the President of the hearing officer's decision. The appeal must be in writing and must be received by the President within 10 days of receipt by the affected employee of the hearing officer's report and decision.
2. Upon receipt of an appeal, the President or the President's designee shall review the written record regarding the disciplinary matter, including any additional materials that the President or the President's designee may request or that the affected employee or the employee's superiors may submit of their own accord. Copies of any such additional documentation shall be provided both to the affected employee and the employee's superiors.
3. Within 30 days of receipt of the appeal, the President or the President's designee shall make a determination regarding the discipline to be imposed and shall notify the executive or managerial employee either by personal service or by certified mail. The decision of the President or the President's designee shall be final.

Approval History:

	Date
President	12/20/10