

Erasmus University Rotterdam 2018 disciplinary measures regulations

Erasmus University Rotterdam disciplinary measures regulations containing rules relating to disciplinary measures.

Article 1 Basis

These regulations are based on chapter 6, paragraph 2 of the CLA for Dutch Universities.

Article 2 Definitions

The following definitions apply in these regulations:

- a. executive board: executive board of Erasmus University Rotterdam (EUR);
- b. manager: those who on instruction, on behalf and under the responsibility of the executive board, is charged with the execution of tasks related to the management, as referred to in the EUR Administration and Management Regulations;
- c. regulations: the Erasmus University Rotterdam disciplinary regulations;
- d. university: Erasmus University Rotterdam;
- e. employee: the employee as referred to in the CLA for Dutch universities (CLA -NU) as employed by Erasmus University Rotterdam;
- f. dereliction of duty: dereliction of duty includes both the breach of any rule applicable to the employee and an act or omission of something which a good employee ought to have done or not have done.

Article 3 Disciplinary measures

1. The executive board and the manager are authorised to impose the disciplinary measures as set out in the third paragraph of this article under **a** and **b**. In respect of suspension it applies that the manager may suspend the employee for a maximum 10 working days in the interest of the investigation. Only the executive board is authorised to suspend an employee for 11 working days or more.
2. Only the executive board is authorised to impose the disciplinary measures as set out below under **c** to **h**.
3. If the employee is guilty of a dereliction of duty, a disciplinary measure can be imposed which is proportionate to the dereliction of duty.
4. The following disciplinary measures can be imposed, both separately and in combination:
 - a. written reprimand;
 - b. suspension;

- c. reduction of the right to annual holiday with at most 1/3 of the number of hours in respect of which there is a claim in the relevant calendar year;
- d. a financial measure, comprising full or partial deduction of the salary up to an amount of maximum half a month, or a salary reduction of 5% for maximum two years;
- e. a financial measure comprising that for a definite period or indefinite period a salary scale will apply for the employee with a lower maximum salary than the salary scale already applicable to him;
- f. placement in a different position for a definite period or indefinite period without granting the salary scale belonging to that other position;
- g. suspension for a definite period with full or partial deduction of the salary;
- h. dismissal.

5. Except in the event of a written reprimand, when a disciplinary measure is imposed it can be determined that it will only be executed if the employee during term of maximum two year to be determined when the disciplinary measure is imposed, is again culpable of a similar dereliction of duty as for which the disciplinary measure was imposed or is guilty of any other dereliction of duty, or he fails to comply with the special conditions attached to the disciplinary measure.

Article 4 Procedure

1. In respect to the imposition of disciplinary measures where the executive board is authorised, the procedure is as follows:

a. The manager of the organisational unit requests the Executive Board, in writing and stating the reasons and on submission of relevant documents, to impose a disciplinary measure. This does not affect the authority of the Executive Board to impose a disciplinary measure at its own initiative without any request to such end being required.

b. Before the Executive Board makes a decision, the employee is given the opportunity to verbally account for himself. If the employee prefers this, he can also account for himself in writing. At his request, the employee is given the opportunity to give a further verbal explanation of his written account.

c. The decision to impose a disciplinary measure takes place in writing and must be substantiated. The decision will contain a brief report of any verbal account and any further verbal explanation of a written account. A copy of the relevant decision is provided to the relevant employee or sent by registered post with acknowledgement of receipt.

d. The decision to impose a disciplinary measure will be included in the employee's personnel file.

2. In respect of disciplinary measures, where the manager is authorised, the procedure is as follows:

a. the supervisor of the employee requests the manager of the organisational unit in writing and substantiated, on submission of relevant documents, to impose a disciplinary measure.

b. Before the manager makes a decision, the employee is given the opportunity to verbally account for himself. If the employee prefers this, he can also account for himself in writing.

At his request, the employee is given the opportunity to give a further verbal explanation of his written account.

c. The decision to impose a disciplinary measure takes place in writing and must be substantiated. The decision will contain a brief report of any verbal account and any further verbal explanation of a written account. A copy of the relevant decision is provided to the relevant employee or sent by registered post with acknowledgement of receipt.

4. The decision to impose a disciplinary measure will be included in the employee's personnel file.

5. The employee can object to the decision of the manager to the Executive Board within ten working days.

Article 5 Particulars

If and insofar as the disciplinary measure constitutes a reduction in the salary applicable to the employee for a specific time, after expiry of this period, his salary will be determined at the amount that would apply to him if no disciplinary measures had been imposed.

Article 6 Unforeseen circumstances

In cases not provided for by these regulations, the Executive Board shall decide.

Article 7 Commencement date

These Regulations come into force on 1 January 2019.

Article 8 Short title

These regulations may be referred to as "Erasmus University Rotterdam 2018 Disciplinary Regulations".

These regulations have been adopted by the Executive Board on 20 November 2018 in consultation with EUROPA dated 15 October 2018 pursuant to article C9 of the CLA-NU.