

# **Regulation on Disciplinary Measures for Neglect of Duty**

Having regard to the Collective Labour Agreement of Dutch Universities, the Maastricht University Executive Board lays down the following regulation<sup>i</sup>.

## **Art. 1: Application range of the disciplinary measures**

Maastricht University employees can face disciplinary measures if found guilty of neglect of duty, with due observance of the relevant stipulations laid down in the CAO and this regulation.

## **Art. 2: Type of disciplinary measures**

1. The following disciplinary measures can be imposed:
  - a. written warning;
  - b. loss of access to grounds and buildings;
  - c. reduction in leave hours by a maximum of 1/3 of the total hours to which one is entitled in the relevant calendar year;
  - d. fine of maximum of €22;
  - e. loss of up to half the gross monthly salary;
  - f. loss of eligibility for a periodic salary increase for up to four years;
  - g. reduction in salary, with a maximum of one salary grade for up to two years;
  - h. exclusion for up to four years of salary scale upgrading;
  - i. relegation to a lower salary scale, either indefinitely or for a set time, with or without reduction in salary;
  - j. relocation, or transfer to another position;
  - k. suspension for a set time with whole or partial salary;
  - l. dismissal.
2. The employer can decide to impose a disciplinary measure conditionally, in the sense that it is only imposed if the set conditions are met.
3. For a concrete case of neglect of duty, the employer can impose a combination of the measures in paragraph 1 (in the order that they appear in that paragraph). Such a combination will always consist of a conditional heavier punishment and an unconditional lighter one, except for the measure mentioned in paragraph 1a. The measure in 1b can be combined with that under j, k and l, even if unconditionally imposed.

## **Art. 3: Procedural provisions**

1. The disciplinary measure is not imposed before the employee has been given the opportunity to justify him/herself regarding the alleged neglect of duty. The employer, i.e. the official authorised to do so on behalf of the Executive Board, determines how this justification will take place and who is to be present.
2. The employee has five working days within which to justify him or herself.
3. If the justification is made orally, a report of this is made.
4. If the justification is made in writing, the employee can request the opportunity to give further explanation orally.
5. If the employee so wishes, s/he can be assisted in this by an adviser.
6. A disciplinary measure is imposed in writing, stating the neglect of duty committed.

#### **Art. 4: Commission of recommendation concerning freedom of opinion**

1. Before a decision is made to impose disciplinary measures as laid down in the CAO-NU, the advice of a commission is sought.
2. The commission consists of at least three members, including a President, and is assisted by a secretary. The commission members nominate a President from one of their own, unless the President is designated by the Executive Board.
3. The commission takes note of the documents relevant to the case, and hears the employer and employee, unless either indicate that they do not wish to be heard or fail to respond to the summons to do so.
4. Unless compelling reasons prevent it, the recommendation is delivered no later than four weeks after the hearing.
5. The commission decides by majority vote and delivers a well-reasoned recommendation which is then signed by both the President and the secretary.
6. The meetings of the commission are not open to the public.

#### **Art. 5: Implementation provisions**

1. A disciplinary measure, with the exception of a reprimand, is only imposed after it has become irrevocable.
2. Contrary to paragraph 1, if the gravity of the situation demands it, the disciplinary measure can be carried out immediately.
3. An employee cannot be punished by disciplinary measure twice for the same neglect of duty.

#### **Art. 6: Review and appeal**

The decision to impose a disciplinary measure is formed on the basis of the General Administrative Law Act (AWB), and, accordingly, is open to review and appeal.

---

<sup>i</sup> This is a translation of the document 'Regeling voor disciplinaire maatregelen wegens plichtsverzuim' approved and adopted by the Maastricht University executive Board in its meeting of 2 November 2010. In the case of a difference of interpretation, this translation cannot be used for legal purpose and the Dutch text of this regulation will be binding.