

Leiden University 2016 Regulation on Disciplinary Measures

This translation of the Leiden 2016 University Regulation on Disciplinary Measures is intended as a service to non-Dutch speaking employees, and as such has no legal status. Any legal claims can only be made on the content of the Dutch regulation (*Regeling disciplinaire maatregelen Universiteit Leiden 2016*).

Regulation of Leiden University pertaining to the rules applicable with respect to disciplinary measures.

Article 1 Legal basis

This regulation is based on chapter 6, paragraph 2 of the CAO of Dutch Universities.

Article 2 Definitions

In this regulation, the following definitions apply:

- a. *Executive Board*: the Executive Board of Leiden University;
- b. *Regulation*: the Leiden University Regulation on Disciplinary Measures;
- c. *University*: Leiden University;
- d. *Employee*: the employee as defined in the CAO of Dutch Universities, who is employed by Leiden University;
- e. *Neglect of duty*: neglect of duty comprises both the breach of any regulation applicable to the employee, and acting or failing to act in accordance with how a proper employee should act under similar circumstances.

Article 3 Disciplinary measures

1. Only the Executive Board is authorised to impose and implement disciplinary measures.
2. A disciplinary measure can be imposed on an employee who neglects his duty; this measure shall be in proportion to the neglect of duty.
3. The following disciplinary measures can be imposed both individually and in combination:
 - a. Written reprimand;
 - b. Reduction of the entitlement to annual holiday leave up to a maximum of one-third of the number of hours of holiday leave entitlement in the relevant calendar year;
 - c. A financial measure comprising a complete or partial withholding of the salary up to a maximum of half of one month's salary, or a salary reduction of 5% for a maximum of two years;
 - d. A financial measure that involves the employee being placed on a pay scale with a lower maximum salary than on his or her current pay scale for a set period of time or an indeterminate period of time;
 - e. Being assigned an alternative position for a set period of time or an indeterminate period of time, with or without being assigned the pay scale linked to the alternative position;
 - f. Suspension for a set period of time with partial or complete withholding of the salary;
 - g. Dismissal.
4. With the exception of the written reprimand, in imposing the disciplinary measure, it may be decided that such measure will only be implemented if, within a period of time determined at the time of imposing the disciplinary measure, which period shall be no more than two years, the employee again commits a neglect of duty similar to that for which the disciplinary measure was imposed, or any other form of neglect of duty, or fails to comply with the special conditions set by the disciplinary measure.

Article 4 Procedure

1. The Board of the relevant faculty or the Director of the relevant department requests the Executive Board to impose a disciplinary measure. This request must be made in writing and should include a motivation, as well as the relevant documents. This does not affect the right of the Executive Board to enforce a disciplinary measure without a request thereto.
2. Before the Executive Board reaches a decision, the employee is given the opportunity to provide a verbal explanation. Alternatively, the employee may choose to provide an explanation in writing. At his or her request, the employee will be granted the additional opportunity to clarify his or her written explanation verbally.
3. The decision to impose a disciplinary measure will be issued in writing and should be supported with reasons. The decision will include a brief account of any verbal justification and any further verbal clarification of a written justification. A copy of the decision in question will be given to the employee involved or sent to the employee by recorded delivery with acknowledgement of receipt.
4. The decision to impose a disciplinary measure is included in the personnel file of the employee.

Article 5 Specific provisions

1. If and insofar as the disciplinary measure involves a temporary reduction of the employee's salary, the salary of the employee following this period is determined as the amount that would have applied to him or her if no disciplinary measure had been imposed.
2. If a decision to dismiss an employee on disciplinary grounds is implemented and this dismissal is subsequently either revoked under objection or declared invalid as a consequence of an appeal, the salary to which the employee is entitled may be reduced by the amount of the income which the employee has received from work, whether or not as an employed person, which he or she was able to carry out, as a result of the dismissal, during the period to which the salary entitlement relates.

Article 6 Unforeseen circumstances

In instances not covered by this regulation, the decision rests with the Executive Board.

Article 7 Commencement date

This regulation comes into effect on 2 March 2016. It replaces all previous regulations relating to this subject.

Article 8 Official title

This regulation may be referred to as the "Leiden University 2016 Regulation on Disciplinary Measures".

This regulation was adopted by the Executive Board on 1 March 2016, following agreement with the Local Employees' Organisation dated 18 February 2016.