

STOCKTON UNIVERSITY



PROCEDURE

Disciplinary Guidelines

Procedure Administrator: Associate Vice President for Human Resources
Authority: N.J.S.A. 10:5.1 et. seq., N.J.S.A. 18A:64-8, Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., P.L. 2011, C. 70.
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Index Cross-References: Policies VI-13.2: Employee Disciplinary Guidelines, I-55: Campus Conduct Code Procedure 6220: Disciplinary Matters for Managerial Employees
Procedure File Number: 6140
Approved By: Dr. Joe Bertolino, President

EMPLOYEES COVERED: All Employees

I. PROCEDURE

Ensuring appropriate conduct and work performance is an essential component of a manager and supervisor's job. Managers and supervisors are responsible for identifying and correcting employee conduct that is inconsistent with State or federal law and/or University Policies or Procedures.

Generally, the University utilizes a corrective and progressive process to improve performance and behavioral concerns. In assessing the penalty in relation to the employee's conduct, it is important to balance the nature of the offense against mitigating or aggravating circumstances, including any prior disciplinary history. Corrective action can range from counseling and training, which are generally not considered discipline, to suspension or termination for more serious violations. Discipline puts an employee on formal notice to immediately correct their behavior or performance. Managers and supervisors shall confer with the Office of Human Resources (OHR) prior to the imposition of formal discipline.

1.0 PREFACE

1.1 Disciplinary action should be viewed as a corrective tool rather than a punitive measure. The focus is on the behavior rather than on the employee who committed the infraction. Accordingly, the result should provide an opportunity for employee growth and improvement while ensuring that the University imposes the appropriate sanction for the identified infraction(s) in accordance with similar sanctions for similar infraction(s), and factors in an employee's disciplinary record as appropriate.

1.2 A manager or supervisor is expected to recommend corrective action when an employee's conduct or work performance does not meet expectations. The manager or supervisor shall execute this responsibility without regard to any

protected class referenced in New Jersey Law Against Discrimination (N.J.S.A.10:5-1, et seq.).

- 1.3 These guidelines provide supervisors and managers general direction for the consistent and fair administration of discipline. The guidelines are an informational resource, subject to modification where appropriate, i.e., each situation is fact-sensitive, and circumstances may dictate variance from the penalties suggested herein. A supervisor must provide justification for any proposed variance from the disciplinary recommendations in this Procedure and must contact the OHR to discuss prior to imposition.
- 1.4 To be effective, and to comply with any applicable collective bargaining agreements, disciplinary action should be timely, appropriate, and related directly to the seriousness of the infraction committed. Before imposing discipline, the supervisor/manager should confer with the Office of Human Resources to ensure compliance with all labor agreements applicable to the matter.
- 1.5 Generally, unless an infraction is of such severity that immediate action is required, the supervisor recommending the disciplinary measure should be familiar with the case and the circumstances related to the employee infraction prior to providing the disciplinary recommendation. In summary, the supervisor should perform a preliminary inquiry into the matter to acquire information and gather documents needed to support the discipline unless the supervisor has direct knowledge or reliable documentation to support a disciplinary recommendation. If appropriate, OHR will assist the supervisor with the inquiry. A consultation with a represented employee being considered for discipline should not occur unless the employee's union representative is present. It is a represented employee's *Weingarten* right¹ to have a union representative present for any investigatory interview or meeting that may lead to the imposition of discipline.
- 1.6 Generally, disciplinary action is progressive in nature. It should start with the minimum range of disciplinary action and progress to the next step for a recurrence of the same offense or the occurrence of a different offense. However, the first occurrence of a particular offense can result in a disciplinary action that falls within the range of the second step or higher, when an employee has a previous disciplinary action on record or in consideration of the gravity of the incident and/or any aggravating circumstances attendant to same. This can likewise occur at later steps within the guidelines. Any time the normal progression of the disciplinary steps set forth below is not adhered to, the reason for same will be explained to the employee in the disciplinary charging documentation.

Below are examples of the most common disciplinary infractions. Infractions that are not covered below may be covered by "conduct unbecoming" a University employee or "other sufficient cause."

- 1.7 Employees in classified, civil service job titles, disciplined for improper performance or conduct issues may be rendered unsuitable for promotion and the University may request the person's removal from an eligible promotional

¹ *Weingarten* rights allow union-represented employees, upon request, to have union representation present at an investigatory interview or pre-disciplinary meeting.

list pursuant to N.J.A.C. 4A:4-4.7(a)1 and N.J.A.C. 4A:4-6.1(a)7. The seriousness of the current offense must be weighed in relation to the employee's overall work history to determine the appropriate level of discipline. If an employee has previous disciplinary offenses on their record that are unrelated to the current offense, the previous record may be grounds for utilizing the higher end of the range of disciplinary action.

2.0 LEVELS OF PROGRESSIVE DISCIPLINE

- 2.1 Counseling: Privately informing employees to correct their behavior to comply with rules and/or acceptable performance. Advise employees of potential disciplinary actions if unacceptable conduct or performance is repeated. Supervisors should maintain a departmental record of counseling for future reference. Counseling is not considered "Discipline."
- 2.2 Written Warning: A written notice to employees that their conduct or performance is unacceptable and warning that any recurrence will result in disciplinary action. Copies of a written notice are to be retained in departmental records but not the official personnel file in the Office of Human Resources. A written warning is not considered "Discipline."
- 2.3 Official Written Reprimand: A written reprimand to employees that their conduct or performance is unsatisfactory for a specific reason. The notice must state that it is a reprimand and should warn the employee that any recurrence may result in more severe disciplinary action. This is the lowest form of "Discipline," and constitutes "Minor Discipline." A copy must be forwarded to the Office of Human Resources for inclusion in the official personnel file.
- 2.4 Number of Working Days of Suspension: The suspension is without pay and may include a holiday. In accordance with the applicable collective bargaining agreements, the number of suspension days that constitute a "Minor" or "Major" Discipline may vary.
- 2.5 Demotion (Disciplinary): Reduction in rank or range unrelated to change in official work.
- 2.6 Removal: Permanent separation from employment; also referred to as a "termination" of employment. The employee is removed from the University's payroll and is no longer employed by the University.

OHR shall be consulted when implementing corrective action. If the supervisor is aware that the employee may have a medical condition or a pending administrative inquiry, OHR should be consulted before any action is taken.

Below are the disciplinary ranges which correlate to each infraction. The first row is the disciplinary range for a first offense, the middle row is the disciplinary range for a second offense, and the third row is the disciplinary range for the third and subsequent offenses.

3.0 SECTION I - ATTENDANCE

- 3.1 Regular attendance is an essential function of every position. All employees are expected to be at their workstation/area during all scheduled work shifts and to comply with official starting and ending times, meal breaks and rest periods. Each employee should be informed of these official work hours by their

supervisor on their first day of work, and if the work hours should subsequently change.

3.2 Failure to comply with attendance regulations may, among other things, disrupt work schedules, reduce productivity, require duplication of work, and may result in delay and/or failure to provide necessary emergency and other high-priority services. It also may cause the University to incur overtime and generally creates inefficiency in the unit when employees are not present for their scheduled shift.

3.2.1 UNAUTHORIZED ABSENCE

3.2.1.1 Absence from a scheduled work shift or work location without authorization, failing to observe work hours, taking excessive lunch or breaks and/or failing to provide proper notice of intended absence, or documentation regarding an absence due to an illness upon return to work.

1st Offense	Written Warning – Official Written Reprimand
2nd Offense	Official Written Reprimand – 5-days Suspension
3rd Offense	5-10 days Suspension – Removal

3.2.2 RESIGNATION NOT IN GOOD STANDING

Unauthorized absence for five consecutive scheduled workdays, or failure to tender a written resignation with a two-week notice.

3.2.3 CHRONIC OR EXCESSIVE ABSENTEEISM

Chronic or excessive absences from work either intermittently, short-term or long-term, can result in the imposition of discipline. Consult with the OHR for guidance and review of the employee's attendance record to determine whether the employee was granted an approved leave of absence.

1st Offense	Written Warning – 2 days Suspension
2nd Offense	3 days – 5-days Suspension
3rd Offense	Removal

3.2.4 TARDINESS

Failure to report to work on time. Supervisors should consider the following factors when determining appropriate disciplinary action: the number of times late; effect on the timely starting of work assignments; delays and/or special transportation requirements; causing overtime; rescheduling of daily assignments; and/or amount of time between infractions (decreasing, constant, or increasing interval). Employees who are more than 15 minutes late can be denied the opportunity to work the balance of the work shift and placed on authorized absence without pay.

1st Offense	Written Warning – 2 days Suspension
2nd Offense	Official Written Warning – 5-days Suspension
3rd Offense	5 days Suspension – Removal

3.2.5 FAILURE TO REPORT ANTICIPATED ABSENCE OR LATENESS

PRIOR TO START OF WORK SHIFT

All employees must report anticipated absences or lateness prior to the start of their shift.

1st Offense	Written Warning – Official Written Reprimand
2nd Offense	Official Written Warning – 2-days Suspension
3rd Offense	3-5 days Suspension – Removal

3.2.6 CALLING OUT SICK WITHOUT AVAILABLE SICK LEAVE OR ATTEMPTING TO APPLY OTHER ACCRUED LEAVE WITHOUT PRIOR AUTHORIZATION

Employees are required to manage and utilize their accrued leave time. Employees may call out sick and apply available sick leave or personal leave (administrative) leave. It is improper for employees to call out sick and seek to apply vacation or compensatory leave (except CWA members) unless previously requested and approved.

1st Offense	Written Warning – Official Written Reprimand
2nd Offense	Official Written Warning – 2-days Suspension
3rd Offense	3-5 days Suspension – Removal

3.2.7 FAILURE TO BE AVAILABLE FOR EMERGENCY OVERTIME

All employees involved in emergency work operations are expected to be available to work emergency overtime as a condition of employment. Employees scheduled to be available for emergency work for specified periods (such as weekly, bi-weekly or monthly), must request to be excused from any particular 24-hour period in advance so that the request can be evaluated in terms of the University's needs. Once a request to be excused is approved, if emergency overtime work is actually scheduled, the employee shall be treated as if they rejected an offer of overtime for purposes of equalization of overtime. If a request to be excused is denied, the employee must be available for emergency work.

1st Offense	Written Warning – 2 days Suspension
2nd Offense	3-5 days – 5-10 days Suspension
3rd Offense	10 days Suspension – Removal

3.2.8 REFUSAL TO WORK OVERTIME, REGULAR OR EMERGENCY

Employees with a reasonable excuse shall be excused from overtime unless excuses become excessive.

1st Offense	Written Warning – 2 days Suspension
2nd Offense	3 days – 5 days Suspension
3rd Offense	5-10 days Suspension – Removal

3.2.9 LEAVING ASSIGNED WORK AREA WITHOUT PERMISSION AND/OR ROAMING OR LOITERING ON UNIVERSITY PREMISES WHILE ON DUTY

During work hours, all employees must be at their assigned workstation or work site in order to meet operational needs. Factors to consider if this infraction occurs are the amount of time away from the assigned

area, whether alone or with others in their charge, whether using department equipment, and nature of operational impact.

1st Offense	Written Warning – 5 days Suspension
2nd Offense	5 days – 10 days Suspension
3rd Offense	10 days Suspension – Removal

4.0 SECTION II - PERFORMANCE

4.1 INCAPACITY DUE TO PHYSICAL OR MENTAL DISABILITY

Employees who become incapacitated and unable to perform the essential functions of their job duties and are unwilling to retire or resign may be subject to discipline.

1st Offense	Demotion – Removal (Dependent on the Employee’s medical condition)
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4.2 INCOMPETENCY, INEFFICIENCY OR FAILURE TO PERFORM DUTIES

An employee’s inability to perform satisfactorily without any evidence of the cause being a medical problem. Documented (Performance Evaluation) records or supporting documentation is required to initiate this type of disciplinary action.

1st Offense	Counseling – Demotion/Removal
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4.3 DELIBERATE DELAY OR RESTRICTION OF WORK EFFORT

Deliberate delay or restriction of work effort, including where the employee appears to be working unreasonably slower than the task would require when considered in relation to the performance of the same work by other employees and the supervisor has reason to believe this is intentional, and/or incitement of others to delay or restrict their work effort.

1st Offense	Counseling – 5 days Suspension
2nd Offense	5 days – 10 days Suspension
3rd Offense	10 days Suspension – Removal

4.4 INSUBORDINATION

Insubordination is a broad category of defiant behavior that applies to any behavior where the employee is not performing assigned duties pursuant to University Policy or Procedure or in accordance with direction or guidance from a supervisor. It can include the following: An employee’s refusal or failure to carry out a specific legitimate or reasonable work directive, purposeful resistance to the supervisor's direction, assaulting a supervisor, or being disrespectful through obscene or inappropriate language or behavior. Discussion with the Office of Human Resources is necessary to ascertain an appropriate penalty.

4.4.1 Refusal to carry out a directive, resisting authority, disrespect, or use of insulting or abusive language or gestures to a supervisor.

1st Offense	1 day – 10 days Suspension
2nd Offense	10 days Suspension – Removal
3rd Offense	Removal

4.4.2 An unreasonable delay in carrying out a specific legitimate directive.

1st Offense	Official Written Reprimand – 1 day Suspension
2nd Offense	2-5 days – 5-10 days Suspension
3rd Offense	10 days Suspension – Removal

4.5 NEGLECT OF DUTY

Neglect of duty is the failure to perform or complete tasks or assignments normally required by an employee's job. This is not to be confused with the refusal or failure to carry out a specific order, which is insubordination. When neglect of duty creates a potential danger to persons, property, actual personal injury, or property damage, more severe disciplinary action is warranted.

1st Offense	Written Warning – 5 days Suspension
2nd Offense	5 days – 10 days Suspension
3rd Offense	Demotion/Removal

4.6 IDLENESS/LOAFING

Failure to work or complete assigned duties and responsibilities during scheduled work hours because of laziness.

1st Offense	Counseling – 5 days Suspension
2nd Offense	2 days – 10 days Suspension
3rd Offense	5 days Suspension – Removal

4.7 INATTENTION TO DUTY/SLEEPING ON THE JOB

Sleeping or inattention to duty during scheduled work hours is prohibited. Any employee who is found to have their eyes closed more than five (5) minutes will be presumed to be sleeping and has the burden to prove otherwise. Severe discipline may be warranted for positions where an employee has an obligation to be alert, such as when operating equipment (shop, vehicles, boilers, etc.), or the safety and security of others.

1st Offense	3 days Suspension – Removal
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4.8 FAILURE TO REPORT LOSS, THEFT, DAMAGE, OR INJURIES

An employee is obligated to report work-related loss, theft, damage or injuries promptly.

1st Offense	Official Written Reprimand – Removal
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4.9 UNAUTHORIZED USE OF UNIVERSITY VEHICLES, EQUIPMENT, FACILITIES

An employee is obligated to use/operate University vehicles, equipment and/or facilities in accordance with their job duties, safely and in observance of all applicable laws, regulations other University policies and procedures and safety standards.

1st Offense	Official Written Reprimand – Removal
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4.10 FAILURE TO REPORT SUSPENSION OF DRIVER'S LICENSE

All employees whose job responsibilities require a driver's license are required to report suspension of driving privileges to their supervisor as soon as they are aware of the suspension.

1st Offense	Official Written Reprimand – Removal
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4.11 DRIVING ON THE JOB WHILE LICENSE IS SUSPENDED

1st Offense	Removal
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4.12 FAILURE TO FOLLOW UNIVERSITY POLICIES AND PROCEDURES AND/OR CIVIL SERVICE COMMISSION RULES AND REGULATIONS

An employee is subject to discipline for failure to follow a particular Civil Service Commission statute, regulation, and/or University Policy or Procedure and there is no specific infraction otherwise covered in these guidelines. Supervisors should coordinate with the OHR to determine the severity of the infraction.

1st Offense	Counseling – Removal
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4.13 CARELESS WASTE OF MATERIALS OR SUPPLIES OR ABUSE OF TOOLS AND EQUIPMENT

Employees will make every effort to be conscientious in their use of University materials or supplies and not cause undue waste. Employees shall also be careful and use tools and equipment properly and refrain from any abuse or reckless destruction of same. Employees shall confer with supervision if they do not believe they have the appropriate tools or equipment for the job or task at issue.

1st Offense	Counseling – 5 days Suspension
2nd Offense	6 days – 15 days Suspension
3rd Offense	16 days Suspension – Removal

4.14 UNSATISFACTORY ANNUAL PERFORMANCE RATING – CLASSIFIED EMPLOYEES

Classified employees who receive an annual performance rating at the lowest level on a scale of 1 to 3 or below the mid-point on a scale of 1 to 5, N.J.A.C. 4A:6-5.1(b), (d), will be disciplined for substandard work performance. In addition, as provided in N.J.A.C. 4A:6-4.10, disciplined employees shall be referred by the OHR to the University’s Employee Assistance Program (EAP), which is an external, confidential service, as a mandatory management referral, so that the employee can avail themselves of appropriate assistance. Repeated unsatisfactory annual performance ratings may result in removal.

1st Offense	Personal Improvement Plan (PIP) – 15 days Suspension
2nd Offense	30 days Suspension
3rd Offense	Removal (if 3 rd occurrence within five years or 5 th occurrence within ten years)

5.0 SECTION III - PERSONAL CONDUCT

5.1 THEFT OR MISAPPROPRIATION (ATTEMPTED OR ACTUAL)

Theft or misappropriation is strictly prohibited. Suspected theft or misappropriation must be referred to the OHR and may also be referred to appropriate law enforcement agencies.

1st Offense	Removal
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5.2 THEFT OF UNIVERSITY PROPERTY OR POSSESSION OF STOLEN

PROPERTY ON UNIVERSITY PREMISES

In addition to the recommended discipline, theft of University property, or possession of stolen property on University premises is subject to referral to the appropriate law enforcement agencies.

1st Offense	Removal
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5.3 ARREST AND/OR INCARCERATION OR CONVICTION OF A CRIMINAL OFFENSE

These matters must be referred to the OHR.

1st Offense	Counseling – Resignation to Removal
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5.4 PHYSICAL ASSAULT ON PERSONS

5.4.1 An attack upon another individual that inflicts bodily injury, including through the use of an object.

1st Offense	10 days Suspension – Removal
2 nd Offense	Removal

5.4.2 Any type of sexual assault or sexual harassment as defined within University Procedure 6940.

1st Offense	Counseling – Removal
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5.4.3 Brandishing weapons such as knives, guns or other lethal weapons in a threatening manner.

1st Offense	5 days Suspension – Removal
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5.4.4 Physical contact in the form of pushing or shoving with no blows struck.

1st Offense	1 day – 10 days Suspension
2 nd Offense	5 days Suspension – Removal

5.4.5 Threats of violence, intimidation, coercing or interference with the academic/work environment, via any mode of transmission, including but not limited to threats communicated by conduct, writing, verbally, and electronic means.

1st Offense	Official Written Reprimand – Removal
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5.5 POSSESSION, DISTRIBUTION OR SELLING OF ALCOHOLIC BEVERAGES

Employees are prohibited from possessing or distributing alcoholic beverages in University vehicles, at job sites, in shops, yards or offices, unless specific facts establish the beverage(s) was intended as a gift. Any case that is referred to the Office of Human Resources will be evaluated on a case-by-case basis. Selling alcoholic beverages on University premises will be cause for removal on the first offense.

1st Offense	1 day Suspension – Removal
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5.6 CONSUMPTION OF ALCOHOLIC BEVERAGES WHILE IN PAY STATUS

Generally, employees are not permitted to consume alcoholic beverages during work hours. However, the University acknowledges that there may be

University-sponsored events where alcoholic beverages are served; in these cases, it is an employee's responsibility to engage in appropriate conduct when consuming alcohol.

An employee becoming legally impaired while performing their work duties for the University is grounds for removal on the first offense.

1st Offense	1 day – 5 days Suspension
2nd Offense	5 days – 10 days Suspension
3rd Offense	10 days Suspension – Removal

5.7 REPORTING FOR DUTY WHILE INTOXICATED BY ALCOHOL OR BECOMING INTOXICATED BY ALCOHOL DURING WORK SHIFT

An employee will be considered to be intoxicated whenever they exhibit objective indication of same in the workplace. Employees believed to be intoxicated are not to be sent home driving their own vehicles on their own accord. Arrangements are to be made for a relative or friend to transport the employee off the premises. If unable to arrange transportation by the employee's family or a friend, the University will authorize the employee's Supervisor to transport the employee off the premises at the earliest possible time. In addition to disciplinary action, the employee may be referred to the Employee Assistance Program if appropriate.

1st Offense	Immediate Suspension Without Pay – Removal
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5.8 DRUG RELATED INCIDENTS/SELLING OR DISTRIBUTING ILLEGAL DRUGS

Drug-related incidents, including possible illegal use, appearance of being impaired, or the sale or distribution of illegal and/or unlawful substances are cause for immediate suspension. For guidance on incidents of this nature, contact the OHR.

1st Offense	Immediate Suspension Without Pay – Removal
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5.9 FALSIFICATION

Intentional misstatement or omission of material facts in connection with work, an employment application, attendance, or in any record, report, investigation or other proceeding conducted by either the University or by an outside agency or entity, including any law enforcement agency.

1st Offense	Official Written Reprimand – Removal
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5.10 WILLFUL DAMAGE TO UNIVERSITY PROPERTY, PROPERTY OF EMPLOYEES OR VISITORS ON UNIVERSITY PREMISES

Fines commensurate to restitution in addition to other concurrent disciplinary action.

1st Offense	Official Written Reprimand – Removal Plus Fines
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5.11 NEGLIGENT DAMAGE TO UNIVERSITY PROPERTY

Damage, which could have been prevented if the employee had used proper care or caution and/or followed safety requirements. Fines commensurate to restitution in addition to other concurrent disciplinary action.

1st Offense	Official Written Reprimand (plus fine) – 10 days Suspension plus fine
2nd Offense	10 days Suspension plus fine – Removal (plus fine)

5.12 MISUSE OF UNIVERSITY ELECTRONIC EQUIPMENT, INCLUDING CELL PHONES, COMPUTERS, LAPTOPS OR PROVIDED INTERNET ACCESS

Employees are required to abide by all University Policies and Procedures regarding the proper use of University electronic equipment, including cell phones, computers, laptops or provided internet access. The misuse of same is grounds for disciplinary action.

1st Offense	Official Written Reprimand – 5 days Suspension
2nd Offense	3 days – 10 days Suspension
3rd Offense	5 days Suspension – Removal

5.13 MALICIOUS USE OR DESTRUCTION OF UNIVERSITY ELECTRONIC EQUIPMENT, INCLUDING CELL PHONES, COMPUTERS, LAPTOPS OR PROVIDED INTERNET ACCESS

The malicious use or destruction of University electronic equipment, including cell phones, computers, laptops or provided internet access is an extremely serious matter as well as potentially criminal behavior. The penalty will reflect as much, and a first-offense could result in removal. The matter will also be referred to law enforcement for possible criminal prosecution.

1st Offense	30 days Suspension - Removal
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5.14 DIVULGING CONFIDENTIAL INFORMATION WITHOUT AUTHORIZATION

These incidents must be referred to the OHR for investigation and determination of appropriate action.

1st Offense	Counseling – Removal
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5.15 CONDUCT UNBECOMING AN EMPLOYEE

Any behavior that is not in accord with reasonable behavior in the workplace or behavior that is inappropriate on the part of the person who is a public employee. Conduct unbecoming may be less serious than a violation of the law, and it does not require the violation of any specific rule or regulation. It may be based merely upon a violation of the implicit standard of good behavior that devolves upon a public employee.

1st Offense	Counseling – Removal
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5.16 ENGAGING IN HORSEPLAY OR DISORDERLY CONDUCT ON UNIVERSITY PREMISES

1st Offense	Official Written Reprimand – 5 days Suspension
2nd Offense	5 days – 10 days Suspension
3rd Offense	10 days Suspension – Removal

5.17 INAPPROPRIATE AND/OR CONTINUAL USE OF FOUL, OFFENSIVE OR OBSCENE LANGUAGE

Use of foul, offensive, or obscene language not reasonably associated with workplace standards.

1st Offense	Written Warning – 5 days Suspension
2nd Offense	5 days – 10 days Suspension

5.18 GAMBLING ON UNIVERSITY PREMISES

Illegal gambling, and gambling that adversely impacts operations, are prohibited.

1st Offense	Counseling – Removal
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5.19 DISCOURTESY OR LACK OF PROFESSIONALISM

All University employees shall display the appropriate level of respect and professionalism toward the campus community, including students, employees, campus visitors, and members of the public.

1st Offense	Counseling – 5 days Suspension
2nd Offense	6 days – 30 days Suspension
3rd Offense	31 days Suspension– Removal

5.20 VIOLATIONS OF THE UNIVERSITY’S POLICY PROHIBITING DISCRIMINATION IN THE WORKPLACE

Employees will be held accountable for any discriminatory/harassing conduct that undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale, and interferes with work productivity.

1st Offense	Counseling – Removal
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5.21 VIOLATION OF TITLE IX

The University is committed to providing an educational environment free from discrimination on the basis of sex. The University strictly prohibits any conduct that could be a violation of Title IX. The University uses a reasonable person (objective) standard in determining whether a Title IX violation has occurred regarding a particular set of circumstances.

1st Offense	Counseling - Removal
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5.22 ENGAGING IN ANY FORM OF POLITICAL ACTIVITY OR SOLICITATION DURING WORKING HOURS

Employees are prohibited from engaging in any political activity, distributing political literature or products, soliciting membership in fraternal, religious, social or political organizations, and/or selling commercial products while on-duty or while at work.

1st Offense	Written Warning – Removal
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5.23 UNAUTHORIZED OR ABUSIVE USE OF THE UNIVERSITY’S RADIO COMMUNICATION SYSTEM

Disruptive transmissions, obscene language, “cat” calls, microphone clicking, rebroadcast of commercial stations all adversely affect the University’s ability to effectively communicate with employees and disrupt field operations. Such improper use of the radio system may be a violation of Federal Communications Regulations, punishable by a fine and imprisonment. Uncontrolled use by individuals could result in revocation of the University’s

license.

1st Offense	5 days Suspension – Removal
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5.24 UNHYGIENIC PERSONAL HABITS

Counseling is mandatory as a first step. Employee is to be referred to the OHR for first offense.

1st Offense	Counseling – 5 days Suspension
2nd Offense	3 days – 10 days Suspension
3rd Offense	10 days Suspension – Removal

5.25 VIOLATION OF THE STATE’S UNIFORM ETHICS CODE

The University is committed to ensuring that all University employees engage in ethical behavior at all times. The University strictly prohibits any conduct that would violate the State’s Uniform Ethics Code, and a first-offense is subject to the penalty of removal. Subject to approval by the State Ethics Commission, the University may impose an enhanced penalty on a supervisor charged with an ethics violation.

1st Offense	10 days Suspension – Removal
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5.26 MISUSE OR MISAPPROPRIATION OF UNIVERSITY STATUS, SIGNAGE, OR LOGOS

Employees are prohibited from using their position, or the University’s signage or logo, in association with any activity that is discriminatory, immoral, indecent, obscene, hateful, illegal or which would otherwise negatively impact the University’s reputation.

5.27 VIOLATION OF THE NEW JERSEY RESIDENCY REQUIREMENT FOR PUBLIC EMPLOYEES

All public employees are required to comply with State residency requirements, unless otherwise exempt as contained in the New Jersey First Act, N.J.S.A. 52:14-7 (P.L. 2011, Chapter 70).

1st Offense	Written Warning – Removal
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5.28 OTHER SUFFICIENT CAUSE

Any inappropriate or improper behavior that might not otherwise be included or addressed by the specified disciplinary categories set forth in these guidelines.

1st Offense	Written Warning – Removal
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6.0 SECTION IV - SAFETY AND SECURITY

6.1 FAILURE TO COMPLY WITH SAFETY MANUAL AND PRESCRIBED SAFETY PRACTICES

Failure to use appropriate safety devices and personal safety gear.

1st Offense	Counseling – Removal
2nd Offense	1 day Suspension – Removal
3rd Offense	5 days Suspension – Removal

6.2 OPERATING A VEHICLE AND/OR EQUIPMENT IN A NEGLIGENT

MANNER

This includes shop, laboratory, office equipment, and all types of vehicles, in addition to the commission of violation(s) of State motor vehicle laws while on duty. Employees are also prohibited from transporting family members without the express written authorization from the Division of Facilities and Operations in any State vehicle. Fines may be imposed appropriate to recover costs for damaged property.

1 st Offense	Written Warning – 3 days Suspension
2 nd Offense	1 day Suspension – Removal
3 rd Offense	5 days Suspension – Removal

6.3 FAILURE TO SECURE FACILITIES

Employees who are deemed responsible to secure facilities by lockup or other means must ensure that tasks are completed as directed.

1 st Offense	Written Warning – 1 day Suspension
2 nd Offense	Official Written Reprimand – Removal

6.4 LOSS OR CARELESS CONTROL OF KEYS AND ACCESS CARDS

Keys/cards to all premises, vehicles and equipment are to be secured by the operator or custodian of the keys at all times.

1 st Offense	Counseling – 3 days Suspension
2 nd Offense	Official Written Reprimand – 10 days Suspension
3 rd Offense	5 days Suspension – Removal

6.5 IMPROPER POSSESSION OR USE OF FIREARMS OR OTHER WEAPONS

While on duty, employees are not permitted to have weapons such as firearms, knives and other types of implements whose designed purpose is to inflict injury. Such weapons are not permitted on University premises or property, unless for pedagogical use and preapproved by the Stockton Police. This provision does not apply to employees required to be armed on campus to perform their job duties on behalf of the University.

1 st Offense	Removal
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6.6 FAILURE TO COOPERATE WITH OFFICIAL INVESTIGATION BY THE OFFICE OF HUMAN RESOURCES, STOCKTON POLICE, OFFICE OF GENERAL COUNSEL, ETHICS LIAISON OFFICER, UNIVERSITY AUDITOR, OR THE OFFICE OF EQUAL OPPORTUNITY AND INSTITUTIONAL COMPLIANCE

All employees are required to cooperate with inquiries related to official investigations.

1 st Offense	Official Written Reprimand – 5 days Suspension
2 nd Offense	3 days – 10 days Suspension
3 rd Offense	5 days Suspension – Removal

	Date
Procedure Administrator	08/07/2023
Divisional Executive	08/07/2023
General Counsel	09/11/2023
Cabinet	09/28/2023
President	09/28/2023