

## APPENDIX H

### SIDEBAR AGREEMENT FACULTY SUSPENSIONS AT LESS THAN FULL PAY

1. A faculty member of the bargaining unit may be suspended at less than full pay for a period of up to one semester. By no later than the termination of the semester, the faculty member shall be reinstated unless a proceeding is instituted in conformity with University Regulations 3.93 through 3.99a.
2. When the University believes that suspension of a faculty member at less than full pay may be warranted, the following shall apply.
  - a. The faculty member shall be given a written notice setting forth the reasons why a suspension at less than full pay is being considered, and the time and place of a meeting with the dean to give the faculty member, who may be accompanied by an advisor, an opportunity to state why the suspension at less than full pay is not warranted. The meeting shall be held within 14 days of receipt of the written notice.
  - b. If the faculty member avails him/herself of the opportunity to be heard, the faculty member will be permitted to respond to the reasons set forth in 2.a. and to make any other statement regarding the appropriateness of the suspension.
  - c. After the dean meets with the faculty member, and before a final determination of wrongdoing or penalty is made, the dean shall consult with a committee of not less than three department chairs and/or members of an Appointments and Promotions Committee (if there are no chairs or an insufficient number of chairs available) concerning the alleged wrongdoing and any proposed penalty of suspension at less than full pay. The members of the committee shall be selected at random from among the eligible faculty members from the decanal unit and/or from other units on the dean's campus if there are an insufficient number within the decanal unit. The faculty member and the dean each shall have one peremptory challenge, which shall be exercised simultaneously within 48 hours of committee selection and prior to notification of committee members. The dean shall make available to the committee the notice to the faculty member setting forth why a suspension at less than full pay is being considered, any written responses from the faculty member, and any documents provided by the faculty member to the dean. Upon request of the faculty member, the committee shall hear a short oral presentation by the faculty member or his/her advisor. The committee shall provide the dean with non-binding advice regarding the alleged wrongdoing and the proposed penalties.
  - d. After the meeting, within 14 days, the faculty member shall be informed in writing by the dean whether the suspension at less than full pay, or some lesser penalty, is being imposed and whether the committee agreed with the action taken by the dean. The imposition of discipline may be grieved as provided for in Article IX.
  - e. Within five working days of receipt of the dean's decision, the faculty member may appeal this decision to the EVPAA (New Brunswick) or the provost (Camden and Newark). The EVPAA or provost shall render a decision on the appeal within seven working days. No penalties may be implemented until either the deadline for appeal has passed with no appeal filed or the EVPAA/provost has rendered a decision on the appeal.

3. In a case where the University reasonably believes that the faculty member poses an immediate and serious threat such that the imposition of a suspension should not be delayed, a suspension with pay may be imposed immediately. Thereafter, the University shall provide notice to the faculty member, in accordance with Section 2.a. above, setting forth the reasons why a suspension at less than full pay is being considered; and the University shall provide the faculty member, who may be accompanied by an advisor, an opportunity to be heard within 14 days in accordance with the provisions in Sections 2.b. through 2.e. above. The imposition of discipline in these circumstances also may be grieved as provided for in Article IX.