

Termination for Cause of Managerial Employees

ROWAN UNIVERSITY POLICY

Title: Termination for Cause of Managerial Employees

Subject: Employee and Labor Relations

Policy No: HR: 2014:01

Applies: University-Wide

Issuing Authority: University President

Responsible Officer: Senior Vice President for Finance and CFO

Adopted: 05/05/2014

Amended:

Last Revision:

I. PURPOSE

The purpose of this policy is clarify six-month and one-year appointments and the grounds for which, and procedures by which, those appointments could be terminated.

II. ACCOUNTABILITY

Under the direction of the President, the Senior Vice President for Finance and CFO, General Counsel, and Associate Vice President for Employee and Labor Relations shall ensure compliance with and implement this policy.

III. APPLICABILITY

This policy applies to all six-month and one-year appointments of managerial employees that became effective on or after September 1, 2014.

IV. BACKGROUND

This policy addresses the misalignment of managerial appointments policies at Rowan University and the School of Osteopathic Medicine, and the ambiguities in terms and procedures that they found on both campuses.

V. POLICY

1. Managerial employees (non-aligned and non-tenure track) may be terminated for "Cause," whereupon their salary and unvested benefits shall immediately terminate. As used in this Policy, "Cause" shall be limited to:
 - a. Fraud, willful dishonesty or criminal conduct that materially and adversely affects the University;
 - b. Gross negligence or willful misconduct in the performance of one or more material duties of the job or as set forth in the Code of Conduct or other policies or rules governing performance of duties; or,
 - c. Nonperformance or inadequate performance of duties, including but not limited to refusal to abide by or comply with the reasonable directives of the person's supervisor(s) or the University's policies and procedures, provided that in cases of repeated non-performance or inadequate performance (only):
 - i. Such deficiencies, discussions about them between manager and employee and imposition of any progressive sanctions are documented in writing in advance of the termination; and,

- ii. The employee must be warned in writing of the possibility of termination and be given a reasonable opportunity to make material improvements in his or her performance.

VI. ATTACHMENTS

- A. Attachment 1: Procedure for "for Cause" Terminations of Managerial Employees
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ATTACHMENT 1 Procedure for "for Cause" Terminations of Managerial Employees

1. Any decision to terminate a managerial employee (non-aligned and non-tenure or tenure-track) for "Cause" shall be reviewed and approved in advance by the associate vice president for Employee and Labor Relations, the Office of General Counsel, and the executive vice president of the University. This new process shall not in any way change or limit the University's ability to appoint any managerial employee for less than one year, or not to reappoint any employee, which remains at the complete discretion of the University.
2. It shall not be required that a managerial employee first be suspended (with or without pay) before being terminated for Cause, but where the termination is based on repeated acts of improper conduct, non-performance or inadequate performance, and in those circumstances only, the written record must include at a minimum:
 - a. Notice to the employee of the specifics of the unacceptable performance,
 - b. Confirmation of discussion(s) about the need to improve the documented performance problems, with progressive sanctions as appropriate, and
 - c. Written warning of the potential for termination.