

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

**NOTICE OF REGULATIONMAKING -
PROPOSED REGULATION**

REGULATION TITLE: **Disciplinary Actions for Non-Bargaining Unit Employees and
Certified Law Enforcement Personnel**

REGULATION NO. **FIU-1710**

SUMMARY: This proposed Regulation is identical to former Rule 6C8-4.030, F.A.C., as adopted by the Board of Trustees at its June 29, 2005 meeting. The Regulation provides for review by Human Resources of any supervisor's recommendation for severe disciplinary actions. It provides for approval by Human Resources (in the case of non-faculty) or the Provost (in the case of faculty) of any severe disciplinary action before it is imposed. The Regulation clarifies that the pre-disciplinary review protections are in addition to other protections that tenured faculty, law enforcement personnel and tenure-earning faculty (when terminated or suspended for cause) may have under law, University Regulation, or policy. The Regulation defines severe disciplinary actions as suspensions, involuntary demotions, and involuntary terminations, and defines those terms. Lastly, it clarifies that the Regulation does not apply to bargaining unit faculty and bargaining unit employees, except for employees in the law enforcement bargaining unit.

TEXT OF THE REGULATION: The full text of the Proposed Regulation can be viewed on the website of The Florida International University Board of Trustees, www.fiu.edu/trustees/, or by following this link, <http://www.fiu.edu/trustees/regulations.htm>. If you would like a copy of the Proposed Regulation, please contact Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Resolution of the Florida Board of Governors dated January 7, 2003;
1001.74(19). FS.

NAME OF PERSON INITIATING THE PROPOSED REGULATION: Maria Alam, Executive Director, Division of Human Resources.

**ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST
SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL
WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14
CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.**

CONTACT PERSON REGARDING THE PROPOSED REGULATION: Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu. Fax: (305) 348-3272. Phone: (305) 348-2103.

DATE OF PUBLICATION: August 19, 2005.

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FIU-1710 Disciplinary Actions for Non-Bargaining Unit Employees and Certified Law Enforcement Personnel

(1) Definition: For purposes of this Regulation “employee” means all non-bargaining unit faculty, all non-bargaining personnel, and all certified law enforcement personnel in a bargaining unit.

(2) Policy.

(a) A Pre-Disciplinary Review (PDR) must be conducted in conjunction with Human Resources before severe disciplinary action is imposed. The PDR shall provide the review for severe disciplinary actions recommended by supervisors.

(b) Human Resources will ensure that all pertinent information is obtained so that employee behavior which necessitates severe disciplinary action shall be determined by the employee’s supervisor in consultation and with the approval of the Vice President for Human Resources or his/her designee, or the Provost or his/her designee in the case of a faculty member.

(c) The University reserves the right to impose discipline at any level, including immediate termination, consistent with University policies and Regulations.

(d) The rights and protections provided by this Regulation are in addition to any rights and protections provided by applicable law, University regulations and policies to non-bargaining unit tenured faculty, and to non-bargaining unit tenure-earning faculty when terminated or suspended for just cause.

(e) The rights and protections provided by this Regulation are in addition to any rights and protections provided by applicable law, University regulations and policies to certified law enforcement personnel with permanent status. This Regulation must be construed consistently with the University Policy on Permanent Status for Certified Law Enforcement Personnel (Policy No. 66).

(3) Definitions.

(a) Severe Disciplinary Actions – defined as suspensions, involuntary demotions and involuntary terminations.

(b) Suspension - occurs when an employee is taken off duty for a day or more without pay.

(c) Involuntary Demotion - occurs when an employee is involuntarily subjected to a reduction in pay and higher functioning duties are permanently removed resulting in a lower level position. Involuntary demotion for tenured non-bargaining unit faculty shall apply only to the administrative duties that may have been assigned to such faculty.

(d) Involuntary Termination - occurs when an employee is permanently separated from University employment.

(4) Applicability. This Regulation does not apply to bargaining unit faculty and bargaining unit employees except that it does apply to certified law enforcement personnel in a bargaining unit.

Authority: Resolution of the Florida Board of Governors dated January 7, 2003; 1001.74(19), FS.

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