

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

**NOTICE OF PROPOSED REPEAL OF REGULATION**

**REGULATION NO.:** FIU-1710

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

**SUMMARY:** This regulation pertains to the disciplinary actions of non-bargaining unit employees and law enforcement personnel. The regulation is being repealed as it was superseded by the applicable collective bargaining agreement and the policies contained therein and University policies adopted by the Board of Trustees.

**TEXT OF REGULATION:** The full text of the Proposed Regulation Repeal can be viewed below and on the website of The Florida International University Board of Trustees, <http://bot.fiu.edu/regulations/>. If you would like a copy of the Proposed Regulation Repeal, 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.

**NAME OF PERSON INITIATING PROPOSED REPEAL:** Cristina Mendoza, Vice President and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REPEAL OF THE 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 REPEAL OF THE REGULATION:** Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, Florida International University, 11200 SW 8<sup>th</sup> Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu Fax: (305) 348-3272. Phone: 305-348-2103.

**DATE OF PUBLICATION:** August 12, 2008.

**THE FULL TEXT OF THE PROPOSED REGULATION REPEAL IS PROVIDED BELOW:**

**~~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.~~