

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

NOTICE OF PROPOSED REPEAL OF REGULATION

REGULATION NO.: FIU-1703

REGULATION TITLE: Termination for Cause and Other Disciplinary
Actions for Bargaining Unit Faculty, and Bargaining
Unit Employees.

SUMMARY: This regulation pertains to termination for cause and other disciplinary actions applicable to bargaining unit faculty and bargaining unit employees, not including employees who are in the law enforcement personnel bargaining unit. The regulation is being repealed as it was superseded by the applicable collective bargaining agreement and the policies contained therein.

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 8th 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-1703 — Termination for Cause and Other Disciplinary Actions for
Bargaining Unit Faculty, and Bargaining Unit Employees.~~**

~~(1) — Definition: For purposes of this Regulation, “Bargaining Unit Employee” means all bargaining unit employees who are not certified law enforcement personnel.~~

~~(2) — Just cause shall be defined as:
(a) Incompetence; or
(b) Misconduct.~~

~~(3) — Termination or Suspension. Bargaining unit faculty, , and Bargaining unit employees may be terminated from employment or suspended with or without pay for just cause. An employee shall be given written notice of termination or suspension specifying the reason(s) and such action shall be in accordance with University policies and procedures, and applicable collective bargaining agreements. Following the issuance of termination or suspension notice, the employee may be reassigned.~~

~~(4) — Disciplinary action other than termination or suspension, with or without pay, may be imposed for just cause. Written notice of such disciplinary action, specifying the reason(s) therefor, shall be given to the bargaining unit faculty or bargaining unit employee by the President or representative. Any disciplinary action taken pursuant to this section shall thereafter be subject to applicable collective bargaining agreements, and University policies and procedures.~~

~~Counseling shall not be considered disciplinary action.~~

~~(5) — Termination or Suspension Pending Hearing. Notwithstanding the provisions of subsection (2) above, when the President or representative has reason to believe that a bargaining unit faculty's or bargaining unit employee's presence on the job would adversely affect the functioning of the University or jeopardize the safety or welfare of any University employee or student, the President or representative may immediately suspend the bargaining unit faculty or bargaining unit employee from the performance of duties, with or without pay, pending an investigation or any requested grievance, arbitration or administrative hearing under University procedures or applicable collective bargaining agreements, and final administrative action pertaining hereto. If an employee suspended without pay under this section ultimately prevails in any grievance arising therefrom, the employee shall be reinstated with back pay.~~

~~(6) — Applicability. This Regulation does not apply to non-bargaining unit faculty, nonbargaining unit employees and employees who are certified law enforcement personnel.~~

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

