

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

**FIU Emergency Reg. 2005-04**

**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, non-bargaining unit employees and employees who are certified law enforcement personnel.

Authority: 1001.74(19), FS.