

## **NOTICE OF REGULATORY ACTION**

May 16, 2008

### **REGULATION TITLE:**

Discipline and Termination for Cause of Non-Unit Faculty and A&P Employees

### **REGULATION NO.:**

FGCU-PR5.022

### **SUMMARY:**

The regulation, Discipline and Termination for Cause of Non-Unit Faculty and A&P Employees, is being repealed.

### **FULL TEXT:**

The full text of the regulation being proposed is attached and can also be found at

<http://www.fgcu.edu/generalcounsel/promulgation.asp>

### **LAW IMPLEMENTED:**

Not Applicable

### **UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:**

Director, Human Resources

### **UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:**

Vice President of Administrative Services and Finance

### **PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:**

Diane St. John, Administrative Assistant, [dstjohn@fgcu.edu](mailto:dstjohn@fgcu.edu); (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

**ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE JUNE 2, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.**

**THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: MAY 16, 2008**

~~6C10-5.022 Discipline and Termination for Cause of Non-Unit Faculty and A&P Employees~~

~~(1) Just cause shall be defined as:~~

~~(a) incompetence; or~~

~~(b) misconduct.~~

~~(2) Termination and Suspension.~~

~~(a) The appointment of a non-unit faculty or an A&P employee may be terminated or suspended during its term for just cause. The employee shall be given written notice of termination or suspension by the President or President's designee. The notice shall state the reasons for the termination or suspension. The termination or suspension imposed under this subsection shall take effect when either the time for filing a grievance under Rule 6C10-5.020, F.A.C. has passed, or, in the event a grievance is filed, after final administrative action has been taken thereon. During the period following notice, the employee is subject to reassignment.~~

~~(b) The President or President's designee retains the right to impose disciplinary action, other than termination or suspension, for just cause. The employee shall be given written notice of any disciplinary action. The President or President's designee shall state in the notice reasons for the disciplinary action. Any disciplinary action taken under this section shall be~~

~~subject to the grievance procedure found in Rule 6C10-5.020, F.A.C. applicable to non-unit faculty and A&P employees.~~

~~(c) Suspension Pending Investigation. The President or President's designee may immediately suspend an employee from the performance of his/her duties when the President or President's designee has reason to believe that the employee's presence on the job would adversely affect the functioning of the University or jeopardize the safety or welfare of other employees. The President or President's designee shall determine whether a suspension shall be with or without pay. The President or President's designee shall suspend an employee without pay only when the employee is already in a leave without pay status. Within two (2) work days from such immediate suspension, excluding weekends and official holidays, the President or President's designee shall serve written notice upon the employee, stating the reasons for the action taken. If the employee has been suspended without pay and subsequently is reinstated as a result of the grievance procedure, the employee shall be reinstated with back pay.~~

~~(3) Employees appointed to Executive Service may be subject to suspension, reduction in pay, demotion, transfer, reassignment and other personnel action by the President.~~

~~Specific Authority 240.227(1) FS. Law Implemented 240.227(1),~~

~~(5) FS. History -- New 4-17-97.~~