

# **FLORIDA ATLANTIC UNIVERSITY NOTICE OF PROPOSED REGULATION AMENDMENTS**

Date: June 1, 2015

## **REGULATION TITLES AND NUMBERS:**

Employee Compensation Plans (5.001)

Separations from Employment (5.007)

Notice of Separation (5.008)

Grievance Procedure (5.009)

Employee Standards and Disciplinary Procedures (5.012)

**SUMMARY:** These personnel regulations were last reviewed in total and updated in March 2009 (5.001 was slightly modified in 2012). As part of a regular review with Human Resources and other administrators, these amendments to the regulations are recommended to update outdated provisions and implement current best practices.

Employee Compensation Plans (5.001): Amended to reflect existing personnel policy which implements a probationary period for new employees.

Separations from Employment (5.007): Amended to update titles, reflect existing personnel policies, and clarify processes and procedures to the reader.

Notice of Separation (5.008): Amended to reflect existing personnel policies, change the notice periods for new employees in their initial year of employment (probationary period), and clarify processes and procedures to the reader.

Grievance Procedure (5.009): Amended to update titles, reflect existing personnel policies, extend and clarify filing deadlines, and clarify the disciplinary processes and procedures to the reader.

Employee Standards and Disciplinary Procedures (5.012): Amended to update titles, reflect existing personnel policies, add a provision for failure to cooperate with an internal investigation, and clarify the grievance and Step Three hearing processes and procedures to the reader.

**FULL TEXT OF THE REGULATIONS:** The full text of the proposed regulations are attached below to this Notice. The full text of the existing regulations are posted on FAU's website at [www.fau.edu/regulations](http://www.fau.edu/regulations). In addition, the full text of the proposed regulations and current regulations are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or [GeneralCounsel@fau.edu](mailto:GeneralCounsel@fau.edu).

**AUTHORITY TO AMEND THE REGULATION:** Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

**UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENTS:**

David Kian, Vice President & General Counsel

**COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENTS SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendments in whole or in part after notice, or proceed with adopting the regulation amendments. The comments must identify the regulation(s) on which you are commenting:

**THE PERSON TO BE CONTACTED REGARDING THE AMENDMENT/REPEAL OF REGULATIONS IS:** David L. Kian, General Counsel, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), [GeneralCounsel@fau.edu](mailto:GeneralCounsel@fau.edu).

# PROPOSED

## Florida Atlantic University

### **Regulation 5.001 Employee Compensation Plans**

(1) The University shall administer a compensation plan which will consist of the following:

(a) Executive Service positions are responsible for policy-making at the executive level as defined in Regulation 5.013.

(b) Faculty positions are assigned the primary responsibility of teaching, research, or public service activities or for administrative responsibility for functions directly related to the academic mission.

(c) Administrative, Managerial and Professional (AMP) positions are authorized and established positions whose level of job duties meet the criteria for exemption from the Fair Labor Standards Act.

(d) Support Personnel (SP) positions are authorized and established positions for secretarial, clerical, technical, skilled crafts, service, maintenance and other responsibilities, and are covered by the Fair Labor Standards Act. SP positions are subject to a probationary period set forth in personnel policies.

(e) Temporary positions are not established positions, provide no benefits, and are paid from Other Personal Services (OPS) funds. They provide exempt or non-exempt temporary employment.

*Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors Regulation 1.001. History—New 11-9-05; Amended 3-18-09, 8-6-12, 7-1-2015.*

## PROPOSED

### Florida Atlantic University

#### Regulation 5.007 Separations from Employment

(1) Separations from employment shall be administered consistent with the following provisions:

(a) Resignation. An employee who resigns from employment shall not have any grievance rights or rights of appeal. Once tendered, a resignation is deemed accepted and irrevocable, and may not be rescinded by the employee without written concurrence agreement by of the the President, Provost, a vice president or designee University.

(b) Abandonment. An employee who is absent without approved leave for three or more consecutive workdays shall be considered to have abandoned the position.

(c) Notice of Separation. ~~An out of unit~~ Any Faculty or Administrative, Managerial and Professional (AMP) employee who receives a Notice of Separation in accordance with Regulation 5.008, and whose notice period has ended, may be separated without further notice.

(d) Just Cause. ~~The President or designated Vice President or Provost may dismiss a~~ An employee may be separated for just cause in accordance with Regulation 5.012.

(e) Layoff or Furlough. The University may lay off or furlough an employee at any time as a result of adverse financial circumstances; reallocation of resources; reorganization of degree or curriculum offerings or requirements; reorganization of academic or administrative structures, programs, or functions; curtailment or abolishment of one or more programs or functions; shortage of work; or a material change of duties. Layoff or furlough shall be conducted in accordance with University policy.

(f) Expiration of Term. The employment of employees holding time limited appointments and employees who are issued an offer letter with a preset termination date will -automatically cease on the date indicated. No other notice of cessation of employment is required.

(2) Probationary and Temporary employees. Probationary and Temporary (or OPS) employees may be separated from employment at any time without any requirement of notice or reason and without right of appeal or grievance. Probationary employees who have been employed more than 90 days may be given two weeks advance notice or the equivalent severance paypayment in lieu of notice at the sole discretion of the supervisor and with the approval of the Provost

or Vice President, as permitted by law.

(3) Other Positions. Employees in the following categories may be separated from employment at any time for any reason upon at least 30 days advance notice without a Notice of Separation, right of appeal or grievance:

1. Employees holding acting appointments.
2. Employees holding visiting appointments.
3. Employees holding time limited appointments.
4. Employees who are appointed for less than one academic year.
5. Employees who are in positions funded through contracts and grants (not overhead funds).

*Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors Resolution dated January 7, 2003, 1001.706 FS., 1001.74(5) FS. History—New 7-6-81, Formerly 6C5-5.09; Amended 11-11-87, 6-7-88, 11-9-05, Formerly 6C5-5.009; Amended 3-18-09, 7-1-15.*

# PROPOSED

## Florida Atlantic University

### Regulation 5.008 Notice of Separation.

#### (1) Applicability

(a) A Notice of Separation may ~~only~~ be issued in accordance with Regulation 5.007 to ~~eligible employees in accordance with 5.007 who are~~ regular non-tenured or non-permanent status Faculty, and Administrative, Managerial and Professional (AMP) employees, unless superseded by who are not subject to a collective bargaining agreement.

(b) A Notice of Separation may be issued with or without cause for any reason, and without right of appeal or grievance. A Notice of Separation may be issued in lieu of, or together with a layoff notice.

#### (2) Notice Periods

(a) Only the most recent continuous sService in pay plans ~~or~~and positions ~~other than those~~ described above, ~~or with any entity other than at~~ Florida Atlantic University, ~~does not will~~ count toward length of employment or hiring date for purposes of this Regulation.

(b) Employees issued a Notice of Separation shall receive at least the following advance notice periods prior to separation:

1. Employees hired prior to August 29, 2001: twelve months
2. Employees hired on or after August 29, 2001, but prior to November 15, 2005: six months
3. Employees hired on or after November 15, 2005, but prior to July 1, 2015:
  - a. In their initial year of covered employment: one month
  - b. In their second year of covered employment: two months
  - c. With two or more years of covered employment: three months
4. Employees hired on or after July 1, 2015:
  - a. In their initial year of covered employment:
    - i. 0-6 months: none
    - ii. 6-9 months: 2 weeks
    - iii. 9-12 months: one month
  - b. In their second year of covered employment: two months
  - c. With two or more years of covered employment: three months

(c) Employment shall terminate without right of appeal or grievance after the advance notice period.

#### (3) Terms and Conditions of During Notice Period

(a) The employee's current rate of pay shall remain unchanged through the end of the advance notice period. The employee shall not receive any pay increases during the advance notice period.

(b) The University's right to may reassign the employee to ~~other duties~~ a different position and/or change the employee's responsibilities, job title, work location and/or duties ~~—and responsibilities remains in effect~~ during the ~~notification notice~~ period. The University's right to terminate the employee for just cause, layoff or furlough remains in effect during the advance notice period.

(c) The President, Provost or Vice President may offer the employee a payout in lieu of continuing to work through the end of the notice period as permitted by law.

#### (4) Notice of Separation Requirements

(a) Notices of Separation shall be issued by the President, Provost, ~~Senior Vice President,~~ Vice President or their designee to whom the employee reports.

(b) Notices of Separation shall specify the dates of the notice period.

*Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors Resolution dated January 7, 2003, 1001.706 FS., 1001.74(5) FS, History—New 7-6-81, Formerly 6C5-5.10, Amended 11-11-87, 8-29-01, 11-9-05, 3-15-06, 3-18-09, 7-1-15.*

# PROPOSED

## Florida Atlantic University

### Regulation 5.009 Grievance Procedure

#### (1) GRIEVANCE POLICY STATEMENT

(a) Florida Atlantic University encourages a pro-active, collegial work environment in which employees have the opportunity to discuss and resolve work related concerns with the appropriate supervisor. In those cases where an employee has an unresolved dispute concerning that employee's terms or conditions of employment, the employee may choose to file a grievance. The purpose of this Regulation is to set out a procedure for the investigation and resolution of grievances filed by instructional and research faculty; administrative, managerial and professional staff; and support personnel employees, at Florida Atlantic University who are not subject to the terms of collective bargaining agreements.

(b) Job-related problems should be resolved, whenever possible, before the filing of a grievance. Open communication and informal resolution between the employee and supervisor are encouraged so as to avoid the necessity for formal grievances.

(c) The burden of proving a grievance by a preponderance of evidence~~proof~~ shall be on the University ~~in-for~~ grievances ~~alleging a dispute~~ concerning terminations for cause. In all other cases, the burden of proving a grievance, by a preponderance of evidence, proof shall be on the grievant.

(d) It is the purpose of this procedure to provide a complete response to a grievance and to discourage multiple processing of the same issue. Therefore, if prior to or while seeking resolution of a dispute under this Regulation, a grievant seeks resolution of the matter in any other forum, administrative or judicial, FAU shall have no obligation to entertain or proceed further with the matter pursuant to this Regulation. Final disposition of any grievance under this Regulation shall not be an act or omission giving rise to a grievance under this procedure.

(e) All time limits contained in this Regulation may be extended by mutual agreement of the parties. Upon failure of the grievant to file any step of the grievance within the time limits provided in this Regulation, the grievance shall be deemed to have been resolved at the prior step, or in the case of an untimely filing of the initial grievance, the grievance shall not be accepted. Upon failure of the University to act within the time limits provided in this Regulation, the grievant shall be permitted to proceed to the next step in the process, but is not entitled to substantive relief.

(f) Any decision made as a result of the grievance process will apply only to the individual who submitted the grievance, based on the specific unique facts of the matter, and will not serve as a precedent for future matters.

(g) Definitions: 1. The term “grievance” means a dispute concerning the grievant’s rights regarding the terms and conditions of employment. The following actions may not be grieved:

- a. Placement on administrative leave;
- b. Voluntary reduction in pay;
- c. Voluntary demotion;
- d. Receipt of Notice of Separation;
- e. Separation at the conclusion of a time limited position or notice period;
- f. Notice of layoff or furlough;
- g. Performance evaluations - unless it is alleged that the evaluation is based on factors other than performance.

2. The term “grievant” means a member of the instructional and research faculty; administrative, managerial and professional staff; or support personnel employee, not governed by a collective bargaining agreement, who has filed a grievance and whose rights have been directly affected by an act or omission of a supervisor or administrator at FAU. Only regular employees are eligible to file a grievance. Probationary, Acting, Visiting and Temporary employees do not have grievance rights.

3. The term “days” means calendar days. In the event an action falls due on Saturday, Sunday or a University holiday, the action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.

4. The term “party” means FAU or the grievant.

## (2) GENERAL GRIEVANCE PROCEDURE

(a) This general procedure applies to any grievance as defined above except for a grievance concerning a suspension or termination

(b) The general procedure is as follows:

1. Step One – Employees are encouraged to seek informal resolution before the formal filing of a grievance. All grievances shall be filed with the Department of Human Resources on a Florida Atlantic University Request for Grievance form, within 7 days following the act or omission giving rise to the grievance, or the date on which the grievant knew or reasonably should have known of such act or omission if that date is later, unless an extension is granted in writing by the Human Resources Director or designee for the purposes of facilitating informal resolution. The written grievance shall contain the following information: The grievant’s name, specific provision(s) of FAU Regulations, policies, statute or agreement claimed to have been violated, a statement of the grievance, including the acts or omissions which are claimed to have given rise to the grievance, the remedy sought, and the grievant’s signature. The designated Step One Representative shall be the Dean, Director or other equivalent or higher level administrator; to whom the grievant reports, [or their designee](#). The Step One Representative shall arrange a meeting, to be held within 10 days of the filing date, for the purpose of resolving the grievance. In advance of the Step One meeting, the grievant shall have the right, upon request, to a copy of identifiable documents relevant to the grievance. The Step One Representative shall have 7 days from the meeting to resolve the

dispute to the satisfaction of both parties. The Step One Representative shall notify the grievant in writing of the decision.

2. Step Two – If the grievant is not satisfied with the Step One decision, the grievant may request in writing that the grievance proceed to Step Two. This request must be made within 7 days of the date of the Step One decision. The Step Two Representative shall be the appropriate Vice President or Associate Provost or their designee. The Step Two Representative shall schedule a conference, to be held within ~~40~~15 days of the written request, with the grievant, and any other persons believed to be necessary to the equitable settlement of the grievance. The Step Two Representative will endeavor to settle the dispute and will notify the grievant of the Step Two decision in writing within ~~7~~15 days of the conference. The Step Two decision is final and binding upon the parties.

### (3) GRIEVANCES PROCEDURES FOR SUSPENSIONS AND TERMINATIONS

(a) This procedure applies to all grievances concerning a suspension or termination

(b) All grievances for suspensions and terminations shall be filed at Step Two above. All grievances shall be filed with the Department of Human Resources on a Florida Atlantic University Request for Grievance form, within 7 days following the Notice of Suspension or Notice of Termination. The Step Two Representative shall be the Vice President ~~for~~for Financeial Affairs, the ~~Associate~~Associate Vice Provost for Academic Personnel, or their designee.

The Step Two Representative shall schedule a conference, to be held within ~~40~~15 days of the written request, with the grievant, ~~the Vice President or the~~ Provost or the Vice President or their designee of the division in which the grievant reports, and any other persons believed to be necessary to the equitable settlement of the grievance. The grievant may make an oral or written statement or both, as a response to the charges, and may be accompanied by a representative. The representative may assist, advise and confer with the grievant but may not speak for the grievant. The conference shall be informal and shall not be in the nature of an evidentiary hearing. Discovery, cross-examination and other legal procedures are not permissible.

The Step Two Representative will endeavor to settle the dispute and will notify the grievant of the Step Two decision in writing within ~~7~~15 days of the conference.

(c) Step Three – If the grievant is not satisfied with the decision of the Step Two Representative, the grievant may, within 7 days of the date of the Step Two decision, request in writing that the grievance proceed to Step Three for an administrative hearing. The request for Step Three must be submitted on a Florida Atlantic University Request for Grievance form and shall waive any other review procedures. The President or the President's designee shall serve as the hearing officer and schedule a closed hearing to be held no sooner than 5 days and no later than 30 days of the request for hearing. Formal rules of evidence or procedure shall not apply. The hearing officer shall determine the place and duration of the hearing and all procedures to be followed, and shall decide any procedural questions, objections, or issues if they arise. The President or the President's designee is the sole decision maker and shall issue a written decision within 30 days of the conclusion of the hearing, which shall be final and binding.

~~Three. The request for Step Three must be submitted on a Florida Atlantic University Request for Grievance form and shall waive any other review procedures. The President or the President's designee shall schedule a closed hearing to be held no sooner than 5 days and no later than 1020 days of the request for hearing.~~

The employee shall have the right at the Step Three hearing to:

1. Review all evidence, testimony and argument against the employee.
2. Present evidence and argument on all issues.
3. Submit rebuttal evidence.
4. Present witnesses.
- ~~5. Be represented by counsel. The President or the President's designee is the sole decision maker and shall issue a decision within 15 days of the conclusion of the hearing, which shall be final and binding.~~

(d) The employee may submit a written statement to be placed in his/her personnel file at the conclusion of the grievance process and is entitled to all other rights provided by applicable law.

*Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors Resolution dated January 7, 2003, 1001.706 FS., 1001.74(5) FS. History—New 7-6-81, Formerly 6C5-5.011, Amended 11-11-87, 11-9-05, 3-15-06, 3-18-09, 7-1-15.*

# PROPOSED

## Florida Atlantic University

### Regulation 5.012 Employee Standards and Disciplinary Procedures

(1) Scope and Authority. This Regulation applies to all ~~instructional and research faculty and administrative, managerial and professional staff, not covered by a~~ employees unless in direct conflict with an applicable collective bargaining agreement; ~~and all support personnel employees.~~

(a) The authority to discipline employees is vested in the University President. The President has delegated this authority as follows:

1. To the Provost ~~or~~ Vice President, or their designee, to whom the employee reports, for ~~suspensions and terminations~~ all disciplinary action; ~~and~~
2. To the Dean, Director or higher level immediate supervisor, or their designee, for all ~~other~~ disciplinary actions other than suspensions without pay and terminations.

(2) Standards of Conduct. The following standards are required for all employees. Departure from these standards by an employee will constitute offenses and will result in disciplinary action being taken:

- (a) Employees shall respect the rights of others
- (b) Employees shall exhibit a level of behavior supporting the mission, purposes and best interests of the University
- (c) Employees shall perform assigned duties in an orderly, efficient and effective manner
- (d) Employees shall adhere to all University regulations, policies and directives

(3) Disciplinary Procedures. Employees who intentionally act to impair, interfere with, or obstruct the mission, purposes, order, academic atmosphere, operations, processes, and functions of Florida Atlantic University shall be subject to appropriate disciplinary action by University authorities. This includes incompetence in the performance of job duties, and misconduct.

(a) Counseling. Except for offenses which require that immediate disciplinary action be taken, employees will receive counseling and will be given an opportunity to comply with the supervisor's instructions before disciplinary action is taken. Counseling shall be constructive and done with the primary purpose of helping the employee correct a problem.

(b) Just Cause 1. Procedure: Disciplinary action shall be taken only for just cause. The disciplining authority shall review alleged offenses to determine:

- a. Notice - Whether the employee knew or should have known that the behavior is not acceptable.

b. Job-related offenses - Whether the offense occurred while the employee was at work or is job-related. If offense occurs while the employee is off duty and away from the job, any disciplinary action taken must be preceded by a decision, supported by facts, that the offense adversely affects the employee's ability to perform assigned duties, or the University's ability to carry out its mission and purposes.

c. Proof of Misconduct – Whether the alleged offense has been investigated objectively and the investigation has established a reasonable belief that the University's standards of conduct have been violated.

d. Past Practice – Whether the proposed discipline is consistent with past treatment of employees who have committed similar offenses.

e. Appropriateness of Discipline – Whether the severity of the proposed discipline is reasonably related to the seriousness of the offense and the employee's past record of work performance, conduct, and discipline.

(c) Types of Disciplinary Action. The following types of disciplinary actions shall be administered in accordance with this Regulation:

1. Reprimand (oral and/or written)
2. Suspension
3. Discharge

(d) Probationary Employees. Probationary employees may be disciplined without a right of appeal and are subject to dismissal for any single offense or for failure to meet required performance levels during the probationary period.

(e) Guidelines for Disciplinary Action.

1. The employee shall be given written notice of any disciplinary action.
2. The notice shall state the reason for the disciplinary action.
3. A copy of the notice shall be retained in the employee's personnel file.

(4) Standards for Disciplinary Action. The appropriate level and severity of disciplinary action, ~~based on progressive discipline and~~ ranging from oral reprimand to termination, shall be determined in each individual instance on a case by case basis. Progressive discipline should be considered where appropriate, but is not required based on the nature and severity in each case, by following the guidelines of just cause. The following list of unacceptable conduct, further defined as incompetence or misconduct, is in violation of the University's Standards of Conduct, and shall include, but shall not be limited to, the following:

(a) Substandard, incompetent, unprofessional or incomplete performance of any responsibility or assigned duty;

(b) Insubordination- A deliberate and inexcusable refusal or failure to obey a reasonable order given by the supervisor or other authorized University personnel in the performance of their official duties. Such orders may include orders given by authorized University Administrators or University Police to vacate campus premises;

(c) Excessive tardiness, or a pattern of tardiness;

(d) Excessive absences, or a pattern of absences;

- (e) Absence without authorization - Failure to obtain approval prior to any absence from work, to notify or call the appropriate supervisor or the supervisor's designee on the first day of an absence or obtaining leave based upon a misrepresentation or falsification. Includes unauthorized absence from the work area;
- (f) Loafing - Continued and deliberate idleness during working hours which results in the employee's failure to perform assigned duties;
- (g) Sleeping on duty;
- (h) Falsification of records - The willful and deliberate misrepresentation, falsification or omission of any fact whether verbal, written, or communicated in some other medium;
- (i) Unauthorized use of University property, equipment or personnel;
- (j) Improper or careless use or operation of State property or equipment;
- (k) Misuse or duplication of any University key;
- (l) Unauthorized distribution and solicitation;
- (m) Horseplay - Actions which disrupt or have the effect of disrupting the work of the participants or other employees;
- (n) Fighting - Any form of violence, or threat of violence to others or against one's self;
- (o) Threatening or abusive language;
- (p) Illegal possession, sale, distribution or misuse of alcohol, drugs and other controlled substances, including drinking on the job, and/or reporting to work impaired under the influence of alcohol or drugs;
- (q) Theft, conversion, misuse, damage or destruction of University property or of the property of members of the University community;
- (r) Sabotage - Participation in an act of destruction or attempted destruction of University property or equipment;
- (s) Conviction of a crime - The conviction of an employee of a crime, which would adversely affect the employee's ability or availability to perform the duties of the job, or the University's ability to carry out its mission;
- (t) Violation of safety practices;
- (u) Failure to wear required uniforms or appropriate clothing;
- (v) Providing false information to University officials, withholding requested and/or required information, or the misuse of University documents;

- (w) Prohibited Harassment - As defined by law, University Regulation or Policy;
- (x) Conduct unbecoming a public employee - Conduct, whether on or off the job, which adversely affects the employee's ability to continue to perform his assigned duties, or the University's ability to carry out its assigned mission;
- (y) Abuse of position or unauthorized use of department identification;
- (z) Divulging confidential information or unauthorized release of records;
- (aa) Interference with the freedom of movement of any member or guest of the University;
- (bb) Interference with the rights of others to carry out their activities or duties at or on behalf of the University;
- (cc) Interference with academic freedom and freedom of speech of any member or guest of the University;
- (dd) Possession of fireworks, explosives or weapons on campus without the express approval of the appropriate University authority;
- (ee) Creating a false alarm;
- (ff) Misuse of, or interference with, firefighting equipment;
- (gg) Disturbing the peace;
- (hh) Endangering the health, safety and welfare of members or guests of the University;
- (ii) Failure to make restitution of debts owed to the University or State of Florida;
- (jj) Failure to report revocation or suspension of driver's license where driving is a job-related function or the employee has access to University owned vehicles;
- (kk) Failure to report a bribe;
- (ll) Unlawful or careless use or display of a weapon by an employee required to carry a weapon during the performance of duties;
- (mm) Handling of evidence by Law Enforcement Officers- A University law enforcement officer who fails to inventory, process and reasonably care for recovered or seized property or who converts, falsifies, conceals, destroys or withholds any property or evidence;
- (nn) Repeated carelessness in, omission of, or inattention to, the performance of assigned duties and responsibilities;
- (oo) Violation of State or Federal law or University Regulations or Policies; and
- (pp) Violation of University Police General Orders.

(qq) Failure or refusal to cooperate in or interference with an internal investigation. All employees are required to fully and candidly cooperate with University or University sanctioned investigations and may not interfere in the process.

(5) Suspensions and Terminations. The appointment of an employee may be suspended or terminated for cause. Employees shall be given written notice of the proposed suspension or termination by the President, Provost, Senior Vice President or the Vice President to whom the employee reports. The notice shall state the reason for the suspension or termination. During the period following notice, the employee may be reassigned at the discretion of the President, Provost, Senior Vice President or Vice President to whom the employee reports or their designee, or be placed on Administrative Leave with Pay. Written notice shall also be given upon a determination of final action.

(6) Administrative Leave pending investigation. The President, Provost or Vice President to whom the employee reports, ~~for of Financial Affairs~~ or designee, may immediately suspend an employee from the performance of duties with or without pay when the employee is under investigation by the University for violation of the University's Standards of Conduct, or when ~~there is President, Provost, Senior Vice President or Vice President to whom the employee reports has~~ reason to believe that the employee's presence on the job would adversely affect the functioning of the employee's office or the University, or jeopardize the safety or welfare of other employees, colleagues, or students. Administrative Leave may be with or without pay, pending final administrative action. Within two work days, excluding weekends and official holidays, the President, Provost or Vice President ~~for of Financial Affairs~~ or designee, shall serve written notice upon the employee including a statement of the reasons for any action taken. If the employee has been placed on Administrative Leave without pay and ultimately prevails in the grievance procedure, the employee shall be reinstated with back pay.

(7) Notification. Notices given under this Regulation shall be hand-delivered or sent "return receipt requested" to the employee's address of record with the University. It is the duty of employees to keep current their address of record by notification to the University's Department of Human Resources.

(8) This Regulation shall apply to acts conducted on or off campus when relevant to the orderly conduct, processes and functions of the University.

*Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors Resolution dated January 7, 2003, 1001.706 FS., 1001.74(5) FS., History– New 6-7-88, Formerly 6C5-5.014; Amended 11-9-05, 3-15-06, 3-18-09, 7-1-15.*