

**Regulations of
Florida A&M University**



**10.205 Disciplinary and Separation from Employment Actions for Faculty
and Administrative and Professional Employees.**

(1) The provisions of this ~~regulation~~rule are supplemented by the respective collective bargaining agreement for the employees who are represented by a collective bargaining agent.

(2) Faculty ~~or Administrative and Professional (A & P) employees~~ shall give one month notice of resignation from employment, if possible. An employee who resigns from employment shall not have any rights of appeal.

(3) Nontenured or Nonpermanent Faculty ~~and A & P employees~~ whose appointments expire after receiving notice of nonrenewal or nonreappointment or whose appointment expires without the requirement of a written notice of nonreappointment may be separated without further notice.

(4) An employee who is absent without approved leave for three or more consecutive workdays shall be considered to have abandoned the position. For employees governed by the Board of ~~Regents~~ Trustees and United Faculty of Florida (~~BOR/UFF~~) (BOT/UFF) Collective Bargaining Agreement, the relevant provisions of ~~Article 16~~ the Collective Bargaining Agreement shall apply for job abandonment.

(5) The President or President's designee may discipline a Faculty ~~or A & P employee~~ for just cause in accordance with the provisions set forth herein. Counseling of any nature or degree shall not be considered disciplinary action.

(a) Just cause shall be defined as:

1. Incompetence; or
2. Misconduct.

(b) The President or President's designee may impose progressive discipline as applied to employees. The term "progressive discipline" as used in this ~~regulation~~rule means that the form of disciplinary action imposed against the

employee increases in extent or severity with each action taken. The discipline to be imposed against the employee under this paragraph may include a written reprimand, suspension or dismissal from employment with the University. The discipline that is imposed will depend upon the seriousness of the offense and any aggravating or mitigating circumstances.

(c) Written Reprimand – A written reprimand issued by the employee’s supervisor is to warn the employee in writing of the specific conduct or performance standard that was violated and to place the employee on notice of the next level of discipline if the offense is repeated. The written reprimand shall be in a letter format from the supervisor to the employee. A copy of the written reprimand shall be placed in the employee’s personnel file. The employee must be informed of the possible consequences if the offense is repeated or the performance fails to improve.

(d) Suspension – The President or President’s designee may suspend the appointment of the employee during the term of the employment contract for just cause. The President or President’s designee shall also determine whether the suspension shall be with or without pay, which will depend upon the seriousness of the offense and any aggravating or mitigating circumstances. The employee shall be given written notice of the suspension action by the President or President’s designee specifying the reason(s) therefor. Following appropriate written notice, the employee may be reassigned by the President or President’s designee depending upon the nature of the offense and any aggravating or mitigating circumstances.

(e) Suspension Pending Hearing – 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 the employee, other employees or students, the President or President’s designee may immediately suspend the employee from the performance of duties, pending a hearing under the complaint procedure outlined in Regulation Rule 6C3-10.206.32, F.A.C. The President or President’s designee shall also determine whether the suspension shall be with or without pay in the manner outlined in

paragraph (4)(d) of this ~~regulation~~^{rule}. If the employee has been suspended without pay and subsequently is reinstated as a result of the complaint procedure under ~~Regulation Rule 6C3-10.20632, F.A.C.~~, the employee shall be reinstated with back pay.

(f) Dismissal – The employee may be dismissed during the term of the employment contract for just cause, regardless of tenure status where it appears to the President or President’s designee that an employee’s actions adversely affect the functioning of the University or jeopardize the safety or welfare of the employee, other employees or students. The employee shall be given written notice of the dismissal by the President or President’s designee specifying the reason(s) therefore. The dismissal shall take effect at the time determined by the President or President’s designee and as written in the notice of dismissal.

(g) The President or President’s designee may impose other disciplinary action for just cause. The term “other disciplinary action” is defined as discipline incidental or in addition to a written reprimand or suspension. Examples of other disciplinary action may include a demotion, reduction in pay, removal of administrative duties or restitution. Any other disciplinary action imposed will occur simultaneously with a written reprimand or suspension. The other disciplinary action imposed will depend upon the nature of the offense and any aggravating or mitigating circumstances. Written notice of such disciplinary action, specifying the reason(s) therefor, shall be given to the employee by the President or President’s designee.

(h) The effective date and hour of the disciplinary action shall be recorded in the written notice. Such notice shall be delivered or forwarded to the employee by certified mail with a return receipt requested, or when practicable the notice may be hand-delivered to the employee provided the delivery is certified in writing by the deliverer. The attempts prescribed above to notify the employee satisfy the requirement of notification, and failure of the employee to receive notification does not invalidate the disciplinary action nor its effective date. It is incumbent upon the University, however, to see that a continuing effort is made to effect notification.

- (i) Within 30 days following the receipt of notice of disciplinary action, the employee may file a complaint in accordance with ~~Regulation Rule 6C3-10.206.532, F.A.C.~~
- (6) Other Personal Services (OPS) employees without permanent status in any class may be separated from employment at any time without requirements of notice or reason and without rights of appeal.

Specific Authority: 1001.74, 1001.75 FS. Law Implemented 110.205(2)(d), 1001.74, 1001.75 FS. History—New 6-3-01.