



University in unit faculty/United Faculty of Florida

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
DISCIPLINARY ACTION AND JOB ABANDONMENT (UFF)	July 1, 2011	320.025

POLICY STATEMENT (R*)

(1) Just Cause.

(a) The purpose of this Policy is to provide a prompt and equitable procedure for disciplinary action taken with just cause. Just cause shall be defined as:

- (i) incompetence, or
- (ii) misconduct.

(b) An employee's activities which fall outside the scope of employment shall constitute misconduct only if such activities adversely affect the legitimate interests of the University or Board.

(2) Progressive Discipline. Both parties endorse the principle of progressive discipline as applied to professionals.

(3) Notice of Intent for Suspension or Termination. When the President or designee has reason to believe that a suspension or termination should be imposed, the President or designee shall provide the employee with a written notice of the proposed action and the reasons therefore. Such notice shall be sent certified mail, return receipt requested, or delivered in person with written documentation of receipt obtained. The employee shall be given ten (10) days in which to respond in writing to the President or designee before the proposed action is taken. The President or designee then may issue a notice of disciplinary action under Section (4). The employee has a right to union representation during investigatory questioning that may reasonably be expected to result in disciplinary action. If the President or designee does not issue a notice of disciplinary action, the notice of proposed disciplinary action shall not be retained in the employee's evaluation file.

(4) Notice of Discipline. All notices of disciplinary action shall include a statement of the reasons therefore and a statement advising the employee that the action is subject to the BOT-UFF Policy on Neutral, Internal Resolution of Policy Disputes and may, in the event of an allegation of a violation of the BOT-UFF Agreement, be subject to the grievance procedure thereunder. All such notices shall be sent certified mail, return receipt requested, or delivered in person to the employee with written documentation of receipt obtained.

(5) Termination. A tenured appointment or any appointment of definite duration may be terminated during its term for just cause. An employee shall be given written notice of termination at least six (6) months in advance of the effective date of such termination, except that in cases where the President or designee determines that an employee's actions adversely affect the functioning of the University or jeopardize the safety or welfare of the employee, colleagues, or students, the President or designee may give less than six (6) months notice.

(6) Disciplinary Action Other than Termination. The University retains its right to impose disciplinary action other than termination for just cause including, but not limited to, reprimand and suspension with or without pay. Counseling, including recommendations for participation in an Employee Assistance Program, shall not be considered disciplinary action.

(7) Job Abandonment

(a) If an employee is absent without authorized leave for twelve (12) or more consecutive days under the provisions of the BOT-UFF Policy on Leaves, the employee shall be considered to have abandoned the position and voluntarily resigned from the University.

(b) Notwithstanding paragraph (a), above, if the employee's absence is for reasons beyond the control of the employee and the employee notifies the University as soon as practicable, the employee will not be considered to have abandoned the position.

(8) Employee Assistance Program. Neither the fact of an employee's participation in an employee assistance program, nor information generated by participation in the program, shall be used as a reason for discipline under this Policy, except for information relating to an employee's failure to participate in an employee assistance program consistent with the terms to which the employee and the University have agreed.

(9) The procedure for review of any disciplinary action shall be the procedures of the BOT-UFF Policy on Neutral, Internal Resolution of Policy Disputes. This provision does not prohibit the filing of a grievance for an alleged violation of an article in the BOT-UFF Agreement.

REASON FOR POLICY (O*)

To provide a prompt and equitable procedure for disciplinary action taken with just cause. To define just cause for purposes of this Policy.

HISTORY (R*)

Adopted: February 27, 2006; Re-adopted: November 14, 2008; July 1, 2011.

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Division of Academic Affairs
Florida International University

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

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***R = Required *O = Optional**