

RULES OF
UNIVERSITY OF FLORIDA

6C1-7.048 Academic Affairs; Suspension, Termination, and Other Disciplinary Action for Faculty: Definition of Just Cause, Termination, Suspension, and Other Disciplinary Action, Suspension pending Investigation, Notification and Records of Disciplinary Action.

(1) Just cause for termination, suspension, and/or other disciplinary action imposed on a faculty member shall be defined as incompetence or misconduct, which shall include, but not be limited to, the following:

(a) Neglect of duty or responsibilities which impairs teaching, research, or other normal and expected services to the University;

(b) Failure to perform the terms of employment;

(c) Willful violation of a rules or regulation of the University;

(d) Failure to discharge assigned duties;

(e) Conduct, professional or personal, involving moral turpitude;

(f) Violation of the ethics of the academic profession;

(g) Action(s) which impair, interfere with, or obstruct; or aid, abet, or incite the impairment, interference with, or obstruction of; the orderly conduct, processes, and functions of the University. Refer to Article V, Section (5)(G) of the University Constitution and Rules 6C1-1.007, 6C1-1.008, and 6C1-7.010, F.A.C.

(h) Failure to return from an approved leave;

(i) Failure to maintain professional licensure or clinical privileges necessary to perform assigned duties;

- (j) Threatening or abusive language or conduct;
- (k) Sexual harassment;
- (l) Falsification of records;
- (m) Unauthorized use of state property, equipment or personnel;
- (n) Possession, sale, distribution of alcoholic beverages or nonprescribed drugs;
- (o) Insubordination;
- (p) Possession of unauthorized weapons and/or firearms on university property.
- (2) Termination and Suspension.

(a) The appointment of any faculty member can be suspended or terminated with or without pay during the term of the faculty member's employment contract for just cause. The faculty member shall be given written notice of the proposed termination or suspension by the President or a designee. The notice shall specify the reasons for termination or suspension and the effective date of the termination or suspension. Such notice shall be sent in accordance with the provisions of subsection (5) below. Following the sending of the notice of proposed termination or suspension, the faculty member may be reassigned.

(b) Within ten (10) days, excluding Saturdays, Sundays, and university holidays, following the receipt of the notice of the proposed termination or suspension, the faculty member may respond in writing to the individual who issued the notice regarding the proposed action to be taken as stated in the notice, and may schedule a meeting to present any matter which the faculty member believes should be brought to the attention of the individual issuing the notice regarding the termination or suspension without pay. Such meeting shall in no way modify any rights the faculty member may have under subsection 6C1-7.041(3), F.A.C.

(c) Termination or suspension imposed under this section shall take effect on the date set forth in the notice of termination or suspension, except that if the faculty member timely files a grievance concerning the termination or suspension as set forth in Rule 6C1-7.041(3), F.A.C., the faculty member shall not be deprived of pay and benefits until the grievance process ends with an outcome that allows the discipline.

(3) Suspension Pending Investigation -- Notwithstanding the provisions of paragraph (2)(b) above, if the President or designee has reason to believe that a faculty member's actions or presence on the job would adversely affect the orderly conduct and processes of the University and/or jeopardize the safety or welfare of the faculty member, colleague(s), other employee(s), or student(s), the President or designee shall immediately suspend with ~~or without~~ pay the faculty member from the performance of duties pending an investigation, which shall not exceed thirty (30) days without appropriate justification.

(a) Within two (2) days following the suspension, excluding Saturday, Sunday, and university holidays, the President or designee shall send a written notice to the faculty member specifying the reason(s) for the suspension. The notice shall be sent in accordance with the provisions of subsection (5) below.

(b) At the close of the investigation described above, the President or designee shall send written notice to the faculty member of any additional action, such as further suspension, termination, or other disciplinary action to be taken by the University. The notice shall specify the reason(s) for the action and shall be sent in accordance with the provisions of sub section (5) below.

(4) Other Disciplinary Action -- The President or designee retains the right to impose disciplinary action other than suspension or termination for just cause and for other cause as is

provided for in the rules and regulations of the University. Disciplinary actions include a reprimand, demotion, payment of fines, reassignment or required leave. Written notice of such disciplinary action, specifying the reason(s) therefor, shall be sent to the faculty member by the President or designee, in accordance with the provisions of subsection (5) below. Counseling shall not be considered disciplinary action.

(5) Notification -- Whenever notice is required to be sent under this rule, the notice shall be hand delivered or forwarded to the faculty member by certified mail with a return receipt requested. The deposit of such notice in the U.S. Mail satisfies the requirement of notification.

(6) Records of Disciplinary Action.

(a) If a faculty member is disciplined the record of the President or designee shall be included as part of the faculty member's personnel records.

(b) If a faculty member prevails in a grievance procedure arising from termination, suspension, or other disciplinary action, all records concerning such disciplinary action shall be removed from the faculty member's personnel file and the grievance decision with the documentation shall be retained only in the unit administrator's file in order to record the results of the grievance decision.

(c) If a faculty member is dismissed, the records of any hearing and actions of the President or designee shall be included as part of the faculty member's personnel records including the employment file maintained by the Director of Division of Human Resources.

Specific Authority 1001.74(4), 1012.92(1) FS.

Law Implemented 1001.74(19), 1001.75(3), 1012.92 FS.

History--New 3-26-80, Amended 5-14-85, Formerly 6C1-7.48, Amended 7-27-98, 5-22-01, 3-12-03, 7-19-05.