

1  
2  
3 **ARTICLE 16**  
4 **DISCIPLINARY ACTION AND JOB ABANDONMENT**

5 16.1 Just Cause.

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

- 8 (1) incompetence, or  
9 (2) misconduct.

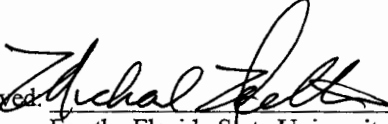
10  
11 (b) A faculty member's activities which fall outside the scope of employment  
12 shall constitute misconduct only if such activities adversely affect the legitimate interests  
13 of the University.


14  
15 16.2 Progressive Discipline. Both parties endorse the principle of progressive discipline  
16 as applied to professionals.

17  
18 16.3 Notice of Intent. When the President or representative has reason to believe that a  
19 suspension or termination should be imposed, the President or representative shall  
20 provide the faculty member with a written notice of the proposed action and the reasons  
21 therefore. Such notice shall be sent certified mail, return receipt requested, or delivered  
22 in person with written documentation of receipt obtained. The faculty member shall be  
23 given ten (10) days in which to respond in writing to the President or representative  
24 before the proposed action is taken. The President or representative then may issue a  
25 notice of disciplinary action under Section 16.4. The faculty member has a right to union  
26 representation during investigatory questioning that may reasonably be expected to result  
27 in disciplinary action. If the President or representative does not issue a notice of  
28 disciplinary action, the notice of proposed disciplinary action shall not be retained in the  
29 faculty member's evaluation file.

30  
31 16.4 Notice of Discipline. All notices of disciplinary action shall include a statement of  
32 the reasons therefore and a statement advising the faculty member that the action is  
33 subject to Article 20, Grievance Procedure. All such notices shall be sent certified mail,  
34 return receipt requested, or delivered in person to the faculty member with written  
35 documentation of receipt obtained.

36  
37 16.5 Termination. A tenured appointment or any appointment of definite duration may  
38 be terminated during its term for just cause. A faculty member shall be given written  
39 notice of termination at least six (6) months in advance of the effective date of such  
40 termination, except that in cases where the President or representative determines that a  
41 faculty member's actions adversely affect the functioning of the University or jeopardize  
42 the safety or welfare of the faculty member, colleagues, or students, the President or  
43 representative may give less than six (6) months notice.

44  
Approved:   
For the Florida State University  
Board of Trustees

Approved:   
For the United Faculty of Florida

Date: 2-4-2005

Date: 4 Feb 2005

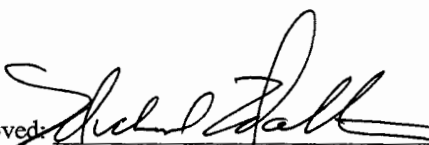
1 16.6 Disciplinary Action Other than Termination. The University retains its right to  
2 impose disciplinary action other than termination for just cause including, but not limited  
3 to, suspension with or without pay. Counseling, including recommendations for  
4 participation in an Employee Assistance Program, shall not be considered disciplinary  
5 action.

6  
7 16.7 Job Abandonment


8  
9 (a) If a faculty member is absent without authorized leave for twelve (12) or more  
10 consecutive days under the provisions of Section 17.1, the faculty member shall be  
11 considered to have abandoned the position and voluntarily resigned from the university.

12  
13 (b) Notwithstanding paragraph (a), above, if the faculty member's absence is for  
14 reasons beyond the control of the faculty member and the faculty member notifies the  
15 University as soon as practicable, the faculty member will not be considered to have  
16 abandoned the position.

17  
18 16.8 Employee Assistance Program. Neither the fact of a faculty member's participation  
19 in an employee assistance program, nor information generated by participation in the  
20 program, shall be used as a reason for discipline under this Article, except for information  
21 relating to a faculty member's failure to participate in an employee assistance program  
22 consistent with the terms to which the faculty member and the University have agreed.

Approved:   
For the Florida State University  
Board of Trustees

Date: 2-4-2005

Approved:   
For the United Faculty of Florida

Date: 4 Feb 2005