

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED REGULATION REPEAL**

DATE: June 19, 2008

REGULATION TITLE(S) AND NUMBER(S): 6C-5.950 Disciplinary Actions, Complaints, and Appeals

SUMMARY: The Board of Governors has delegated authority to the board of trustees to develop university personnel programs. Therefore, the obsolete Board of Regents rule regarding disciplinary actions, complaints, and appeals needs to be repealed.

FULL TEXT OF THE REGULATION: The full text of the regulation proposed for repeal is posted on Board of Governor's Web site at www.flbog.org. In addition, the full text of the regulation is available upon request to the Office of the Chancellor, at (850) 245-0466.

AUTHORITY TO REPEAL REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING REPEAL OF THE REGULATION(S): Vikki Shirley, General Counsel.

COMMENTS REGARDING THE REPEAL OF THE REGULATION(S) SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation(s) on which you are commenting:

Vikki R. Shirley, General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.org.

5.950 ~~Disciplinary Actions, Complaints, and Appeals.~~

~~(1) Each University shall administer standards for performance and conduct to ensure timely and equitable disposition of disciplinary problems. Discipline ranging from written reprimands to dismissal may be imposed for just cause.~~

~~(2) Each University shall institute predetermination and appeal procedures for all employees with permanent or tenured status.~~

~~(3) The Chief Administrative Officer shall establish procedures for addressing employee complaints consistent with the following:~~

~~(a) A tenured or permanent status employee may file a complaint concerning employment or alleging that the University failed to comply with the University complaint procedure with the Chief Administrative Officer and request specific action by the Chief Administrative Officer.~~

~~(b) A nontenured or nonpermanent status employee may file a complaint concerning only nondisciplinary matters affecting the employee's terms and disciplinary ma~~

~~4. The Chancellor shall select an arbitrator on a rotational basis from an odd-numbered panel of at least seven arbitrators maintained by the Board and shall notify the University representative and the employee or his/her representative of the arbitrator selected. If the parties do not agree on the arbitrator selected, the selection shall be made by alternatively striking names from the panel. The right of first strike shall be determined by a coin toss. The employee will receive notice of the identity of the arbitrator selected and may request disqualification of the arbitrator based on cause within five calendar days of receipt of the notice. Cause is present when it appears the arbitrator was chosen through corruption, fraud, or other undue means.~~

~~5. When an action is both appealable under this rule and~~

~~_____ 2. The arbitrator may subpoena witnesses and compel the production of documents pertinent to the appeal. All requests for subpoenas must be made to the arbitrator no later than 10 working days prior to the arbitration date and each party is responsible for providing its own witnesses and documents which it wishes to present.~~

~~_____ 3. Within 60 calendar days, the arbitrator shall issue to the University and the employee a written order which may affirm, reverse, or alter the decision of the University.~~

~~_____ 4. The employee and the University agree that the decision of the arbitrator shall be final and binding on both parties. No judicial review of the arbitration order is available except as provided by Chapter 682, F.S.~~

~~_____ (f) Jurisdiction of Arbitrator.~~

~~_____ 1. _____~~