

This Emergency Regulation temporarily amends an existing regulation. These emergency amendments are being done to comply with Title IX rules recently adopted by the U.S. Department of Education and which take effect August 14, 2020. The emergency regulation procedure must be utilized to ensure the University is in compliance with federal law in a timely manner. The Board of Governors Regulation Development Procedure does not require a public notice and comment period prior to approval of emergency regulations/regulation amendments. The emergency amendments below will be effective for a period not to exceed ninety (90) days - during this time, the University will propose regulation amendments through the normal public notice and comment process. Therefore, please follow the UCF Regulations page for future notice of regulation development.

NOTICE OF EMERGENCY REGULATION AMENDMENT

Date: August 14, 2020

REGULATION TITLE:

Discipline and Termination for Cause of Non-Unit Faculty and Non-Unit A&P Staff Members

REGULATION NO.:

UCF-3.0124

SUMMARY OF REGULATION AMENDMENT: This regulation is amended on an emergency basis to include changes necessary to comply with new Title IX regulations recently adopted by the U.S. Department of Education and which take effect on August 14, 2020.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSONS WHO INITIATED PROPOSED REGULATION AMENDMENT: Regulations Administrator

COMMENTS CONCERNING THE PROPOSED EMERGENCY REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:

Regulations Administrator
4365 Andromeda Loop N.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
e-mail: regulations@ucf.edu

FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-3.0124 Discipline and Termination for Cause of Non-Unit Faculty and Non-Unit A&P Staff Members.

(1) Just cause shall be defined as:

- (a) Incompetence; or
- (b) Misconduct.

(2) Termination and Suspension.

- (a) The appointment of a non-unit faculty or non-unit A&P staff member may be terminated or suspended during its term for just cause. The employee shall be given a written predetermination notice of a proposed termination or suspension by the president or the president's designee. The notice shall state the reasons for the proposed termination or suspension. The predetermination notice shall provide the opportunity for a predetermination conference regarding the proposed action, if requested in writing within five business days of receipt of the predetermination notice. The predetermination conference shall be informal in nature and shall allow the employee an opportunity to present any information or records regarding the proposed action.
- (b) A written final notice shall be issued to notify the employee of the University's final decision regarding the proposed action. Any termination or suspension imposed under this subsection shall take effect as set forth in the final notice issued by the President or designee. An employee who is terminated or suspended under this subsection may grieve such action as set forth in University Regulations UCF-3.036 (non-unit faculty) or UCF-3.037 (non-unit A&P).

In the event that the non-unit A&P staff member or non-unit faculty member is investigated for Title IX Sexual Harassment, the procedures of this regulation shall be superseded in favor of the procedures of the Title IX Sexual Harassment process, including live hearing, as outlined in the University's Title IX Grievance Policy, UCF Policy 2-012. If the employee is also alleged to have committed other violations of university policy or code of conduct, such that termination or suspension of employment would be warranted based on those violations, if true, then the procedures outlined herein will be utilized to concurrently address the other forms of misconduct that do not fall within the University's Title IX Grievance Policy, UCF Policy 2-012.

(3) Leave Pending a Predetermination Conference. Notwithstanding the provisions of paragraph (2)(a) above, the president or his designee may immediately place an employee on administrative leave as set forth in University Regulation UCF-3.040. An involuntary

administrative leave under this subsection may be with or without pay. As soon as practicable after placing an employee on leave under this provision, the president or president's designee shall serve written notice upon the employee, including a statement of the reasons for any action taken. Either concurrent with or subsequent to that notice the University shall issue a predetermination notice, where warranted, regarding proposed disciplinary action in accordance with Section (2) above. If the employee has been placed on leave without pay under this subsection and ultimately no disciplinary action is proposed or the employee prevails in the predetermination procedure, the employee shall be reinstated with back pay.

(4) Other Disciplinary Action. The president or designee retains the right to impose disciplinary action other than termination or suspension for just cause. Disciplinary actions include, but are not limited to, written reprimand, demotion, payment of fines, loss of future salary increases, or reassignment. The employee shall be given written notice of any disciplinary action other than termination or suspension, which notice shall state the reasons for the disciplinary action. Any disciplinary action taken under this section shall be subject to the grievance procedure found in University Regulations UCF-3.036 or UCF-3.037, as applicable; except that disciplinary action taken as a result of a Title IX live hearing shall be subject to the appeal procedure contained in the University's Title IX Grievance Policy, UCF Policy 2-012. Counseling shall not be considered disciplinary action under this section.

(5) Notification. Whenever notice is provided to be given under this Regulation, the notice shall be personally delivered to the employee or mailed by certified mail to the employee's address of record with the university. The deposit of such notice in the U.S. Mail satisfies the requirement of notification and constitutes delivery of such notice. The University also may, but is not required to, provide notice to the employee by electronic mail to the employee's University-assigned electronic mail address.

Authority: BOG Regulation 1.001. History—New 4-30-81, Amended 12-27-83, Formerly 6C7-3.124, Amended 3-16-03; Formerly 6C7-3.0124, Amended 6-22-09, 4-20-10, 5-2-16, 2-20-17, 9-27-18, _____-20.