

NOTICE OF REGULATORY ACTION

May 16, 2008

REGULATION TITLE:

Non-Reappointment and Resignation of Non-Unit Faculty and A&P Employees

REGULATION NO.:

FGCU-PR5.021

SUMMARY:

Approve repeal of Non-Reappointment and Resignation of Non-Unit Faculty and A&P Employees.

FULL TEXT:

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

LAW IMPLEMENTED:

Not Applicable

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Director, Human Resources

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:

Vice President of Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:

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ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE JUNE 2, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: MAY 16, 2008

~~6C10-5.021 Non-Reappointment and Resignation of Non-Unit Faculty and A&P Employees~~

~~(1) This rule is applicable to all Instructional and Research faculty and Administrative and Professional (A&P) employees who are not members of the BOR/UFF collective bargaining unit.~~

~~(2) Non-Unit Faculty and A&P employees are expected to provide at least one (1) month notice prior to resignation, except in an emergency situation.~~

~~(3) Non-reappointment by the University.~~

~~(a) Non-unit Faculty and A&P employees, except those appointed for less than one (1) year, appointed with visiting status, appointed to a multi-year contract, or paid in whole or in part from contracts and grants, sponsored research funds, trust funds, auxiliaries or local funds, are entitled to written notice that they will not be offered further appointment as follows:~~

~~1. For employees in their initial year of employment with the University, one (1) month notice prior to the effective date of the non-reappointment;~~

~~2. For employees with one (1) or more years of service, three (3) months notice prior to the effective date of the non-reappointment;~~

~~3. For employees in the Executive Service, sixty (60) days notice prior to the effective date of the non-reappointment.~~

~~(b) The decision not to offer further appointment to a non-unit Faculty or A&P employee shall not be based upon constitutionally impermissible or other illegal grounds.~~

~~(c) In the event of a break in service for more than four consecutive months in a year, only service following such break shall be counted in determining years of employment under this section. "Break in service" is defined as absence, not including approved leaves of absence, following which the employee is treated as a new employee.~~

~~(d) Following receipt of the notice of non-reappointment, a non-unit Faculty or A&P employee may be reassigned to other duties and responsibilities. Regardless of a reassignment, the employee is entitled to the same amount of compensation he/she received prior to reassignment until the effective date of non-reappointment. If the effective date of non-reappointment is subsequent to the expiration date of the employee's contract, the employee shall be issued a temporary contract for the balance of the required notice period.~~

~~Specific Authority 240.227(1) FS. Law Implemented 240.209(3)(f), 240.227(5) FS. History -- New 4-17-97.~~