

NOTICE OF PROPOSED RULEMAKING

NAME OF AGENCY: University of Florida

RULE TITLE:

Academic Affairs; Appeal Procedures of University Senate Committee on Academic Freedom, Tenure, Professional Relations and Standards Committee

RULE NO.:

6C1-7.0441

Academic Affairs; Suspension, Terminate, 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

6C1-7.048

PURPOSE AND EFFECT: The amendments to rule 6C1-7.0441 clarify the existing procedures, allow for a 30-day limit for filing complaints or charges, and allow for an expedited process conducted by the Inquiry Panel in place of the hearing by the five-member Hearing Panel. The burden of proof is also clarified. Rule 6C1-7.048 clarifies the existing bases for disciplinary action consistent with University practice regarding all employees.

SUMMARY: Existing procedures in Rule 6C1-7.0441 are clarified to include a clarification of jurisdiction based on University practices generally applicable to faculty, a thirty-day limit for filing of charges, the Committee's duties with regard to witnesses and counsel, and retention of records. An expedited process involving a collegial review through the Inquiry Panel is made available to parties who agree to use it. The burden of proof in the proceedings is clarified. The burden shall be on the faculty member bringing a charge to support the charge by a preponderance of the evidence except that if the complainant challenges disciplinary action the burden of proof shall be on the University to establish the violation by a preponderance of the evidence. Rule 6C1-7.048 adds additional examples of just case for disciplinary action.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY:

6C1-7.0441: 240.227(1), F.S.

6C1-7.048: 240.227(1), 240.261, F.S.

LAW IMPLEMENTED:

6C1-7.0441: 240.227(5), F.S.

6C1-7.048: 240.132, 240.227(5), 240.261, F.S.

IF REQUESTED BY 5:00 P.M. WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: April 9, 2001 at 10:00 a.m.

PLACE: J. Wayne Reitz Union, Room 283

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mrs. Karon S. Grabel, Clerk of the University, 123 Tigert Hall, University of Florida, Gainesville, Florida 32611.

NAME OF PERSON ORIGINATING PROPOSED RULE: David R. Colburn, Provost

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:
David R. Colburn, Provost

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE GAINESVILLE SUN: February 2, 2001