

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

DATE: June 19, 2008

REGULATION TITLE(S) AND NUMBER(S): 6C-5.910 Recruitment, Selection, Appointment, and Non-reappointment

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the obsolete Board of Regents rule regarding recruitment, selection, appointment and non-reappointment needs to be repealed.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.

5.910 Recruitment, Selection, Appointment, and Nonreappointment.

(1) The following provisions govern recruitment, selection, appointment, and Nonreappointment.

(a) Qualified applicants are those who meet the minimum qualifications contained in the SUS class specification and the additional competencies required for the specific position in the class unless appointments are with emergency, provisional, or trainee status. Each University shall determine the equivalent education, training, and experience for that contained in the SUS class specification as appropriate for a specific position.

(b) Any person who has been convicted of a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as described in Chapter 893, F.S., is disqualified from employment unless conditions outlined in Section 775.16, F.S. are met. Failure to disclose such conviction is cause for dismissal.

(c) Each university shall ensure the spoken English language competence of all prospective and current Faculty involved in classroom instruction, other than courses conducted primarily in a foreign language. For current Faculty, this competence shall be ascertained during the annual evaluation.

(2) Each University's offer of employment and appointment procedures shall be consistent with the following:

(a) The offer of employment for Faculty and A&P positions shall be conditioned on the return of written acceptance by a specified date.

(b) Each Faculty or A&P employee shall be issued an annual contract or documented appointment. Multi-year contracts, contingent upon funding, are permissible for Faculty and A&P employees.

(c) An offer of tenure is conditioned upon recommendation of the Chief Administrative Officer and approval by the Board.

(3) Each University's nonreappointment notice to nontenured or nonpermanent status Faculty and A&P that further employment will not be offered shall be consistent with the following:

(a) An appointment shall not create any right, interest or expectancy beyond the specific term set forth in the appointment.

(b) Employees appointed for less than one year, appointed with visiting status, or to a multi-year contract are not entitled to notice of nonreappointment.

(c) Employees are not entitled to notice of nonreappointment who are issued an annual contract stating that that employment will cease on the date indicated and no further notice of cessation of employment is required.

(4) Each University shall use the following appointment modifiers which define the conditions of an employee's appointment. Such appointment modifiers apply to the appointment of a qualified employee unless otherwise stated.

(a) Faculty Appointment Modifiers

1. Regular – A continuing appointment or an original temporary appointment which may be followed by a continuing appointment. The appointment modifier is not included in the title.

2. Acting – A limited time appointment to a position primarily assigned administrative duties.

3. Adjunct – An appointment paid from OPS. Adjunct appointments may not be for more than 50% of the time throughout an academic year or

full-time for more than twenty-six weeks of a fiscal year, unless approved by the Chief Administrative Officer. Such appointments are for temporary or part-time employment and the term of employment is only for the period specified in the offer.

4. Provisional — An appointment of a person who is not fully qualified, but who is expected to acquire such qualifications in a short period of time.

5. Visiting — An appointment of a person having professional qualifications, when either the person or the position is not expected to be available for more than a limited period of time.

6. Joint — An appointment when the person is regularly participating in the teaching and/or graduate supervision responsibilities of more than one academic department/unit.

7. Research — An appointment when the person is engaged primarily in research.

8. Clinical — An appointment in conjunction with a professional position in a hospital or other clinical environment.

9. Courtesy — An unpaid appointment which may include academic privileges such as voting in departmental affairs. Persons appointed with this status may or may not be otherwise affiliated with the University.

10. Honorary/Honoris Causa — An unpaid appointment of an individual having distinction and honor in his/her field, but who does not possess the normal requirements for the position.

11. Emeritus — An honorary title which may be conferred at retirement in recognition of distinguished service.

12. Affiliate — An appointment when a person participates in some functions of other academic departments/units.

13. Joint College — An appointment to a college/unit administered jointly by more than one university. Although appointed and employed by only one of the participating universities, each person so designated is considered an employee of the other participating universities for purposes of carrying out the teaching, research, and service responsibilities of the college/unit.

14. Phased Retirement — An appointment under the provisions of the Phased Retirement Program.

15. Multi-Year — An appointment which extends beyond one academic or fiscal year.

(b) A&P Appointment Modifiers

1. Regular — A continuing appointment or an original temporary appointment which may be followed by a continuing appointment. The appointment modifier is not included in the title.

2. Provisional — An appointment of a person not fully qualified, but who is expected to acquire such qualifications in a short period of time.

3. Acting — A limited time appointment that includes the assumption of additional or replacement duties.

4. Visiting — An appointment of a person having professional qualifications, when either the person or the position is not expected to be available for more than a limited period of time.

5. Emeritus — An honorary title which may be conferred at retirement in recognition of distinguished service.

6. Multi-Year — An appointment which extends beyond one academic or fiscal year.

(c) USPS Appointment Modifiers.

- ~~1. Regular — A continuing appointment after successful completion of the designated probationary period for the class.~~
- ~~2. Probationary — An appointment to a position in a class for the designated period, where the employee meets the minimum qualifications for the position. Continuous successful performance in a class with the appointment modifier of temporary may be counted toward completion of the required probationary period. The decision to count such time toward completion of the probationary period shall be made at the time the employee is initially appointed with probationary status.~~
- ~~3. Trainee — An appointment to a law enforcement position prior to receiving a Certificate of Compliance, except that the employee must, within 180 consecutive days following such appointment, be actively enrolled in the training program to obtain the certificate. Trainee status is also used when the employee has not passed a required examination but meets the minimum qualifications for the position; the employee is not fully qualified but is expected to acquire such qualification in a short period of time; or the appointment is under a cooperative education program, a vocational rehabilitation program, an approved university training program, or an apprenticeship program.~~
- ~~4. Temporary — An appointment to provide a nonpermanent assignment to a vacant position; to replace an employee on leave, temporarily promoted or reassigned; or to overlap one employee with another for training purposes.~~
- ~~5. Emergency — An appointment for no more than 3 months when a vacancy must be filled immediately due to an emergency. Such appointments may be made without regard to the employee's training and experience or other provisions of these rules.~~
- ~~6. Time-limited — An appointment to a position funded by contract and grant, auxiliaries, or local funds, as appropriate, for a particular project, enterprise, or specified period. Such designation must be made to the position at the time of recruitment. A time-limited position shall have the same rights as a position with a regular appointment modifier, except such position shall not have rights provided for layoff and recall.~~

Authority: Section 7(d), Art. IX, Fla. Const., History—New 1-24-96, 8-17-99.