



Separations of Employment Policy # 1710.280

INITIAL EFFECTIVE DATE:	LAST REVISION DATE:	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
July 2005	March 12, 2024	Division of Human Resources Employee & Labor Relations

POLICY STATEMENT

University employees are considered “at will.” Employment at will is presumed to be voluntary and indefinite for both the employee and the University. The employee-employer relationship may be terminated at any time with or without cause.

Separations from University employment may include the following:

Termination - Occurs when an employee is permanently separated from University employment with or without cause. Termination may be preceded by corrective action. Unsatisfactory performance or misconduct may warrant immediate dismissal.

Non-reappointment - termination of a non-tenured faculty member without cause.

Resignation - Occurs when an employee initiates a termination by notifying the immediate supervisor of his/her intention to resign.

Job Abandonment - Occurs when an employee is absent without approved leave for three (3) or more consecutive scheduled workdays. Such action represents an abandonment of position, and the employee will be automatically terminated. If the employee’s absence is for reasons beyond the control of the employee and the employee notifies the University as soon as practicable, the University will review the circumstances surrounding the absence on an individual basis to determine if it is to be considered abandonment of position.

Layoffs - For terminations of employment due to layoff of a non-bargaining unit employee please refer to the “Layoffs” Policy.

Notice for Non-Bargaining Unit Employees:

If the separation from employment is due to termination without cause, the employee shall be given a notice period of four (4) weeks after one year of employment, plus two (2) weeks for every year thereafter, up to a maximum of twelve (12) weeks.

Terminations based on discriminatory reasons are prohibited.

Employees will give two weeks written notice of resignation. A resignation may not be rescinded by the employee without concurrence by the University.

Applies to Non-Tenured Faculty:

Non-Tenured faculty members, except those described in (a), (b) and (c) below are entitled to the following written notice of non-reappointment.

- If the faculty member has less than three (3) years of continuous University service, a notice period of one semester;
- If the faculty member has three (3) or more years of continuous University service, a notice period of two semesters.

The notice provisions do not provide rights to:

- a) Summer appointments;
- b) Faculty members who are funded from contracts, grants and/ or sponsored research funds as they are governed by the terms and conditions of employment of their contract or grant; or
- c) Faculty members who are appointed as visitors or who are appointed to multi-year appointments.

Applies to Tenured Faculty Employees:

A tenured faculty employee may be terminated for just cause. Just cause is defined as incompetence or misconduct. Such faculty employee shall be given written notice at least six (6) months in advance of the effective date of such termination, except that in cases where the Provost or his/her representative determines that a faculty employee's actions adversely affect the functioning of the University or jeopardizes the safety or welfare of any employee, or student, the Provost or his/her representative may give less than six (6) months' notice.

Applies to all Employees and Non-Tenured Faculty:

- Upon notice of termination or non-reappointment without cause, the University shall decide at its sole option, whether to:
- Allow the employee to continue to work at the University during the notification period in the same position or in a different position;
- Place the employee on leave with pay during the notification period;
- Pay the amount due to the employee in salary during the notification period as a lump sum payment and cease employment of the employee immediately; or
- Take a course of action that is a combination of any of the above.

Florida International University, as a member of the State University System of Florida, is an Equal Opportunity, Equal Access Affirmative Action Employer. FIU prohibits discrimination based on race, color, national origin, sex, sexual orientation, gender identity, gender expression, pregnancy, religion, age, disability, marital status, veteran status, and



other protected categories. The University's commitment extends to its programs and activities, applicants, students, and employees.

SCOPE

This policy applies to all faculty and staff.

REASON FOR POLICY

To administer a uniform process for employee separations.

DEFINITIONS

TERM	DEFINITIONS
Employee	For purposes of this policy, "employee" means all University employees except law enforcement personnel employed by the University Public Safety Department (not including the Director of Public Safety) who have passed their probationary period, registered nurses and nurse practitioners employed by University Health Services (not including the Clinic Directors) who have passed their probationary period, and tenured faculty.

ROLES AND RESPONSIBILITIES

Faculty or staff resigning from their position should provide at least two weeks' written notice to their immediate supervisor. The supervisor should accept the resignation, in writing, and forward the resignation to Employee & Labor Relations immediately upon acceptance of the resignation to avoid overpayment to the employee.

Supervisors who decide to separate employees for reasons such as performance or layoffs must contact Employee & Labor Relations at 305-348-4186 before taking any actions.

Supervisors must contact Employee & Labor Relations immediately if their employee has not reported to work or has been in contact for more than three days.

RELATED RESOURCES

Exit Review Policy 1710.125
Layoffs Policy 1710.170



CONTACTS

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HISTORY

Initial Effective Date: July 2005

Review Dates (*review performed, no updates*): N/A

Revision Dates (*review performed, updates made to document*): April 2021 transferred this policy to new format with no changes to context. Additional information has been added for clarity on processes; March 12, 2024.