

## **FSU Policy 2-5**

Title of Policy: Board Dismissal  
Responsible Executive: President  
Approving Official: Provost  
Effective Date: May 1, 2013  
Revision History: New May 1, 2013

### **Purpose:**

To identify the governing procedure and law for dismissal of members of the Florida State University Board of Trustees.

### **Policy Statement:**

Removal of members of the Florida State University Board of Trustees is governed solely and exclusively by the provisions of Article IV, Section 7 of the Florida Constitution and Part V, Chapter 112, Florida Statutes, Suspension, Removal, or Retirement of Public Officers.

In accord with the governing authorities cited above, any person with credible information of commission of any acts by a Florida State University Board of Trustee member constituting grounds for suspension from office by the Governor of the State of Florida on the basis of "malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony" should report such information to the Office of the Governor or the Florida Commission on Ethics. A finding of a violation of the Code of Ethics can result in, among other penalties, removal or suspension from office in accordance with section 112.317, Florida Statutes. Suspension or removal would be effected via a lawful order of the Governor of the State of Florida, the Ethics Commission, or the Florida Board of Governors.

The Florida Board of Governors has provided in its Regulation 1.001(2) (b) that the chair of the board of trustees shall notify the board member's appointing authority if any board member has an unexcused absence for three consecutive meetings. Said absences may be grounds for removal by the Board of Governors. Such circumstance shall also be reported to the Governor or to the Florida Board of Governors, as may be appropriate.

This Policy shall be reviewed and, as appropriate, revised by the President every seven years.

### **Legal Support and Justification:**

The boards of trustees and the individual trustee positions within the Florida State University System are created by Article IX, Section 7 of the Florida Constitution. Each member of a state university board of trustees is, therefore, a state officer and is governed by Article IV, Section 7 of the Florida Constitution providing for suspension of state officers by the Governor and final removal from office by the Florida Senate. Each trustee is then also subject to the implementing

legislation of that Constitutional section by the Florida Legislature. Such legislation makes specific provisions for suspension and removal of state officers from office. These governing laws provide for suspension from office of a state officer by the Governor for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony.

Samuel S Stokes 5/1/13 (signature of Approving Authority, date)