

## **CHAPTER 6C2R-4 FACULTY AND STAFF**

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### **6C2R-4.001 General Human Resource Policies.**

Equal Opportunity, Employment, Child Labor and Nepotism.

(1) Equal Opportunity. The Florida State University is committed to providing equal employment opportunity and nondiscrimination towards applicants and employees with respect to race, color, religion, age, disability, gender, marital status, national origin, and veteran status consistent with Federal and State law. This commitment applies in all areas employing students, and all University personnel. It is also relevant to those aspects of the University concerned with the choice of contractors, suppliers of goods and services, and to the use of University facilities. The determination of the best qualified individual for employment and promotion purposes is to be based on the individual's education, training, skills, and work experience. Discrimination against any individual because of race, color, religion, age, disability, marital status, national origin, or gender is expressly forbidden.

(2) Employment. This rule prescribes Human Resources policies for Florida State University Administrative and Professional employees (A&P), University Support Personnel System employees (USPS), and Other Personal Services (OPS) employees, unless otherwise exempted from these rules or

inconsistent with an applicable collective bargaining agreement. These rules shall have University wide application by authority granted to the Board of Trustees (Board) in Section 1001.74(19), F.S.

(a) Human Resources Programs.

1. The University President, as the Chief Administrative Officer for the University, shall be responsible and accountable for administering the human resources programs for the University. The word "University" includes the Board of Trustees and the word "Chief Administrative Officer" includes the President or lawful designee.

2. The Chief Administrative Officer shall establish and maintain all policies, procedures, and records which are necessary to substantiate compliance with all laws and rules relating to employment.

3. The University will administer a classification and compensation plan.

(b) University employees are those persons who are lawfully employed by the designated hiring authority, receive financial compensation to perform services for the University, and whose work is directed by the University. The term "employee" does not include volunteers or independent contractors. University employment consists of the following defined categories:

1. A&P: positions assigned administrative and management responsibilities or professional duties at the department/unit, or above. Employees in A&P positions designated in the Executive Service serve at the will of the Chief Administrative Officer, do not have tenure, and have no expectation of appointment beyond a 60 day notice period. Executive Service positions report directly to the Chief Administrative Officer or designee.

2. USPS: positions assigned professional, paraprofessional, administrative, clerical, secretarial, technical, skilled crafts, service, or maintenance duties.

3. OPS: at-will, temporary employment.

(3) Child Labor. The University must comply with the provisions of the Florida Child Labor Law, Chapter 450, F.S., Part I, in the appointment and employment of minors.

(4) Nepotism.

(a) Employment of related persons in a single organization unit or in work-related organizational units is permitted, provided that such employment of A&P or USPS employees will not involve a conflict of interest, including but not limited to participation by the related person in making recommendations or decisions specifically affecting the appointment, retention, tenure, work assignments, evaluation, promotion, demotion, or salary of the related person. The President or designee responsible for the unit in which the relative will work shall determine and document in writing, prior to employment of related persons, that a conflict of interest will not occur. Such documentation shall be forwarded to the Assistant Vice President of Human Resources or Designee for approval prior to appointment.

(b) "Related persons" are those related to each other in one of the following ways: husband; wife; parent; child; brother; sister; spouse of a child, brother, or sister; or parents, child, brother or sister of spouse.

(5) Non-Citizens. Before they can be considered for employment, non-citizens must possess sufficient

documentation which permits gainful employment in the United States as determined by the United States Immigration and Naturalization Service.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented 1001.74(5) FS. History--New 9-30-75, Formerly 6C2-4.01, Amended 9-24-98, 4-16-03.

**6C2R-4.0015 Attendance and Leave, Hours of Work Requirements.**

(1) The President or designee shall have the authority to determine the use of administrative or other leave for official closings or needs of the University as deemed appropriate.

(2) Faculty, A&P, and USPS employees are eligible for paid and unpaid leave and holidays. If determined to be eligible under the FMLA, OPS employees are eligible for unpaid leave.

(3) Each employee is expected to work the number of hours in the employee's established workweek unless on approved leave.

(4) The minimum workweek is 40 hours for full-time employees. Holiday pay and paid leave are not considered overtime and are paid at the employee's regular pay rate. Approved leave will be adjusted to ensure an employee's workweek does not exceed 40 hours.

(5) Compensatory leave shall consist of the following types and such unused leave shall be transferred or paid as follows:

(a) Overtime compensatory leave is provided in lieu of payment for overtime for non-exempt USPS employees at the rate of one and one half times the total hours worked beyond 40 in a workweek.

1. Unless accrued as overtime compensatory leave, overtime shall be paid no later than the end of the following pay period,

2. If an employee changes positions at the University, unused overtime compensatory leave may be transferred unless the USPS employee's non-exempt designation changes to exempt and such leave shall be paid at the employee's regular rate of pay.

(b) Straight-time compensatory leave is provided in lieu of payment for extra hours for USPS exempt employees for work beyond 40 hours in a workweek on an hour-for-hour basis. The University will transfer or pay for unused straight-time compensatory leave with the approval of the Chief Human Resources Officer or designee. Extra hours worked beyond 40 hours shall be paid on an hour-for-hour basis no later than the end of the following pay period unless accrued as straight-time compensatory leave.

(c) Straight-time compensatory leave is provided to USPS employees as follows:

1. Compensatory leave is provided on an hour-for-hour basis to compensate an employee for a University holiday when the employee observed the holiday and worked more hours than required during the workweek in which the holiday occurred, not to exceed a combined total of 40 hours worked.

2. Compensatory leave is provided on an hour-for-hour basis to compensate an employee for administrative leave for jury duty or court appearance provided in paragraphs (15)(a) and (b) below when the employee worked more hours than required during the workweek in which the jury duty or court appearance occurred.

3. Special compensatory leave is provided on an hour-for-hour basis to employees required to perform essential duties during an emergency University closing for the hours worked during the closing when the employee worked more hours than required during the workweek not to exceed a combined total of 40 hours worked.

4. Employees will be paid for a part or all accrued compensatory leave at any time, with approval of the Chief Human Resources Officer or designee. If the employee separates from the University, the employee shall be paid for all unused compensatory leave at the employee's regular rate of pay.

(d) Straight-time compensatory leave is provided to A&P employees when the employee physically worked on a holiday and worked more hours than required in the workweek with a maximum of 8 hours.

(6) An employee shall be paid proportionately for all holidays designated for University employees up to a maximum of eight (8) hours per holiday day.

(7) Leave shall be accrued while in pay status and shall be credited on the last day of that pay period or, in the case of separation, on the last day the employee is on the payroll.

(8) During approved unpaid leave, an employee may use accrued leave to continue the contributions to benefits and other expenses.

(9) Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of an approved leave period. While on paid leave, an employee may not be employed elsewhere unless the requirements for outside activity have been met.

(10) Sick leave accrual for full-time employees shall be as follows with proportionate accrual for less than full-time.

Hours Accrued Each Pay Period	
	Biweekly
A&P	4
Ex. Service	5
USPS	4

(a) Sick leave shall be accrued before use. There is no maximum on the amount of sick leave that can be accrued. Sick leave accrued prior to October 1, 1973, shall be used prior to any sick leave accrued after that date.

(b) Sick leave is authorized for the following purposes:

1. The employee's personal illness, injury, exposure to contagious disease, a disability where the employee is unable to perform assigned duties, or appointments with health care providers.

2. The illness, injury, appointments with health care providers, or death of a member of the employee's immediate family (spouse, grandparents, parents, brothers, sisters, children and grandchildren of both the employee and the employee's spouse).

(c) Notice of absence due to illness, injury, disability, or exposure to a contagious disease, shall be given on the first day of absence, except in the case of an extreme emergency.

(d) An individual who resigns from a State of Florida governmental entity and is thereafter employed by the University may transfer accrued unused and unpaid sick leave with department approval.(e) Upon separation from a leave accruing appointment with the University, an employee with 10 or more years of combined State of Florida and or University service shall be paid 1) for one-eighth of all unused sick leave accrued prior to October 1, 1973, and 2) for one-fourth of unused sick leave up to a total of 480 hours accrued after October 1, 1973, in accordance with Section 110.122, F.S. Upon reemployment by the University within 100 days of separation or upon recall by the University within one year after layoff, all unpaid sick leave shall be restored and any sick leave paid at time of separation shall be restored upon repayment. An employee with less than 10 years of combined State of Florida or University service shall not be paid for any unused sick leave. If an employee separates from University employment due to disability retirement, the employee shall not receive a payout of sick leave.

(11) Annual leave for full-time employees shall be as follows with proportionate accrual for less than full-time. *Academic year faculty employees (9-month) and Developmental Research School faculty employees (10-month)* shall not accrue annual leave.

	Biweekly	Year End Maximums	Maximum Transferable	Lifetime Maximum Payout
Faculty	6.769	352	352	352
A&P	6.769	352	352	352
Ex. Service	9.195	480	480	480
USPS (Months of Service)				
0 – 6	4	240	240	0
7 – 60	4	240	240	240
61 to 120	5	240	240	240
Over 120	6	240	240	240

(a) Annual leave shall be accrued prior to use unless annual leave is advanced by the Chief Human Resources Officer or designee.

(b) Employees may accrue annual leave in excess of the year-end maximum during a calendar year. Employees with accrued annual leave in excess of the year-end maximum as of the last pay period of the calendar year, shall have any excess converted to post October 1, 1973 sick leave on an hour-for-hour basis Employees may retain hours in excess of the year-end maximum with the approval of the Chief Human Resources Officer or designee.

(c) An individual who resigns from a State of Florida governmental entity and is thereafter employed by the University, may transfer accrued unused and unpaid annual leave with department approval .

(d) An employee who separates from employment with the University shall be paid for all unused annual leave hours up to the lifetime maximum payout allowed for the pay plan. Upon reemployment by the University within 100 days or upon recall by the University within one year after layoff, all unpaid annual leave may be restored and any annual leave paid at time of separation shall be restored upon

repayment. Upon entering into the Deferred Retirement Optional Program (DROP), employees may elect to be paid up to the lifetime maximum payout of their unused annual leave. An employee may earn more than one payout. However, the employee may not receive in the combined payouts an amount more than the Lifetime Maximum amount.

(e) Upon transfer from an annual leave-accruing position to a non leave-accruing position, the employee shall be paid for unused annual leave, unless the employee elects to retain all unused annual leave, for up to two years from separation date. Leave may not be used while an employee is appointed in a non-leave accruing position.

(12) Compulsory leave provisions shall be consistent with the following:

(a) Medical certification by an approved health care provider will be required.

(b) Notice shall be provided to the employee identifying duration of the leave, the conditions for return to the position, and whether such leave shall count toward FMLA entitlements.

(c) The employee may be allowed to use paid leave during compulsory leave to continue the contributions to benefits and other expenses.

(d) Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period and upon receipt of medical certification.

(e) Employees who fail to meet the conditions of the compulsory leave or who fail to obtain medical certification and are unable to perform duties may be offered part-time employment, placed on unpaid leave or have such leave extended, requested to resign, or be dismissed for inability to perform the duties of the position.

(13) Employees may be provided with up to twelve workweeks of Family and Medical Leave within a 12 month rolling calendar year measured backward in compliance with the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3) and the Final Regulations of the Family and Medical Leave Act of 1993 (29 CFR Part 825). As amended by Section 585 of the National Defense Authorization Act (Public Law 110-181), employees may be provided with up to twenty six (26) workweeks of FMLA. All employees are eligible including OPS employees who have worked at least 12 months (these need not have been consecutive) and who have worked at least 1250 hours in the 12 months prior to the leave. Faculty, A&P, and USPS employees may use paid leave for an FMLA event coinciding with their FMLA entitlement.

(14) Employees shall be provided with up to six months unpaid parental leave during which time the employee may use paid leave when the employee becomes a biological or adoptive parent. Parental leave shall begin no sooner than two weeks prior to the expected date of the child's arrival or upon the child's arrival unless otherwise approved by the Chief Human Resources Officer or designee.

(15) Employees are provided paid administrative leave as follows which shall not cause the full-time employee to exceed 40 hours during the workweek. Administrative leave is not accrued.

(a) Administrative leave for jury duty shall not exceed the number of hours in the employee's normal workday. If jury duty does not require absence for the entire workday, the employee shall return to work

immediately upon release by the court. If the jury duty does not coincide with the regular work schedule, the employee shall be granted administrative leave based on the total hours served on jury duty and such leave shall be granted on the next scheduled work shift. Any jury pay shall be retained by the employee.

(b) Administrative leave shall be provided to an employee summoned as a witness in a matter not involving personal interests. Administrative leave shall not be provided to an employee serving as an expert witness. Witness pay shall be retained by the employee.

(c) Administrative leave for athletic competition in Olympic events shall be provided in accordance with Section 110.118, F.S.

(d) Administrative leave up to two days shall be provided to an employee upon the death of an immediate family member (spouse, grandparents, parents, brothers, sisters, children and grandchildren of both the employee and the employee's spouse).

(e) Administrative leave shall be provided for official emergency closing of University facilities. Special Compensatory leave shall be provided to USPS employees required to perform essential services during the emergency closing. Only employees scheduled to work during the time of the emergency closing shall be provided administrative leave.

(f) With the approval of the University President or designee, administrative leave shall be provided for Florida Disaster Volunteers called to duty in accordance with Section 110.120, F.S.

(g) With the approval of the University President or designee, up to two days of administrative leave will be granted for civil disorder or disaster for an employee who is a member of a volunteer emergency response team called to duty.

(h) With the approval of the Chief Human Resources Officer or designee and the employee's supervisor, up to two hours of administrative leave will be granted for voting in public elections.

(i) With the approval of the Chief Human Resources Officer or designee, an employee under investigation will be placed on leave up to the length of the investigation when in the best interest of the University.

(j) The Chief Human Resources Officer or designee may place an employee on administrative leave between the notice of reduction in pay, suspension, or dismissal and the effective date of such action.

(k) The Chief Human Resources Officer or designee will place an employee on administrative leave when the employee's presence in the workplace may reasonably be suspected of resulting in damage to property or injury to the employee or others.

(l) An employee who has been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a service-connected disability and has been scheduled by the United States Department of Veteran Affairs to be reexamined or treated for the disability shall be granted administrative leave for such reexamination or treatment without loss of pay or benefits. The paid leave shall not exceed six (6) calendar days per year.

(16) Military leave and reemployment rights shall be provided to Faculty, A&P, and USPS employees consistent with Federal and State of Florida laws.

(17) Workers' Compensation benefits for an injury compensable under the Florida Workers' Compensation Law shall be provided consistent with the following:

(a) An employee shall remain in full pay status for a period up to a maximum of forty (40) hours without being required to use accrued leave credits. If, during that period, the employee receives Workers' Compensation benefits, then the employee shall reimburse the University the amount of the benefits. Such reimbursement shall not include payments for expenses related to medical, surgical, hospital, or nursing treatment or payments of disability losses.

(b) An employee may elect to use paid leave to supplement Workers' Compensation payments up to the employee's regular salary.

(c) The period of paid or unpaid job-related disability leave shall be in accordance with Chapter 440, F.S.

(d) An employee who was injured in the workplace, may be returned to alternate duty consistent with established University policies or procedures.

(e) At the end of the leave period if an employee is unable to return from leave to work full-time and perform the duties of the position, the Chief Human Resources Officer or designee may place the employee on unpaid leave or extend the leave status, request the employee's resignation, or terminate the employee from employment consistent with the provisions of subsection 6C2R-4.0015(11), F.A.C. Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005. Law Implemented 1001.74(5) FS. History--New 4-16-03.

(18) Each full-time USPS employee is entitled to one eight (8) hour personal holiday each year with proportionate accrual for less than full-time. Such personal holiday shall be credited to eligible employees on July 1 of each year to be taken by June 30 of the following year. An employee hired after July 1 will receive the personal holiday upon hire. If the personal holiday is not used by June 30, it will be forfeited. A&P employees are exempt under s.110.205(2)(d) and are not eligible for this benefit. Personal holidays may not be transferred to or from the University. Unused personal holidays may not be paid out upon separation from the University.

(19) Leave without pay (LWOP) may be used as necessary on a limited basis. Use of LWOP in more than two consecutive pay periods requires evaluation and approval by the department and Chief Human Resources Officer.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005. Law implemented 1001.74(5) F.S. History-New 4-16-03, Amended 11-20-09

#### **6C2R-4.011 Affirmative Action Program.**

(1) As a federal contractor, the University is required to take positive steps, also known as affirmative action, to avoid illegal discrimination against certain groups that have been the subject of discrimination

including women, racial and ethnic minorities, individuals with disabilities and certain veterans. The premise being that absent discrimination, the University's workforce will generally reflect the gender and racial/ethnic profiles of the qualified labor pool from which the University recruits. Various diagnostic analyses are required to discover potential problems and then positive programs to correct or eliminate those potential problems should be implemented. The diagnostic analyses and action-oriented programs are known collectively as an affirmative action program or an AAP.

(2) Administrative organization. The responsibility for implementing the affirmative action program of the University resides with the President. The program is and requires the understanding, cooperation, and commitment of all elements of the University community. Because of the unique requirements of an affirmative action program, the President has designated the Office of Diversity and Compliance to coordinate University efforts in this area and to ensure good faith efforts and on-going compliance.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented 1001.74(1)(d), (4), (5) New 9-30-75, Amended 11-29-07 Formerly 6C2-4.11.

#### **6C2R-4.012 Director of Diversity and Compliance/Chief Diversity Officer**

In order to keep the President more keenly aware of the problems, issues, laws, and latest developments in the area of equal opportunity, affirmative action, diversity and non-discrimination and in order to meet the responsibilities for planning, coordinating, and evaluating these programs of the University, the President appointed a Director of Diversity and Compliance/Chief Diversity Officer. The Director of Diversity and Compliance/Chief Diversity Officer reports to the Chief Human Resources Officer. Duties of the Director include:

(1) Serving as a resource person, on a regular basis, to the President, Vice Presidents, Executive Officers, and the various University and State University System committees and councils involved with equal opportunity, affirmative action, diversity and non-discrimination.

(2) Planning, recommending, developing, and/or coordinating the procedures to be used in the implementation of the University's affirmative action programs

(3) Reviewing periodically and reporting to the Board of Trustees, President Vice Presidents, and others as appropriate, on the progress made by the various University units regarding their goals and timetables and their elimination and/or revision of policies and practices which have had a disparate impact upon minority group members and women.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented 1001.74(1)(d), (4), (5) New 9-30-75, Amended 11-29-07 Formerly 6C2-4.11.

#### **6C2R-4.013 Non Discrimination Policy and Procedures.**

The Florida State University affirms its commitment to a policy of nondiscrimination on the basis of race, religion, color, age, sex, ~~or~~ national origin, disability, veteran's or marital status and establishes the following procedures to prevent such discrimination in accordance with due process within the University

community. In doing so, the University recognizes its obligation to strive actively to build a community in which opportunity is equalized and use its facilities and human resources to develop the skills and opportunities of the members of all the groups so they may play reasonable and productive roles in society. This policy is relevant to all aspects of the University, including the choice of contractors and suppliers of goods and services. An employee of Florida State University (FSU) who feels that he or she has been aggrieved may file a formal complaint detailing the time, the place, and the specific facts in support of the alleged discriminatory act. The University has designated the Office of Diversity and Compliance to review and investigate such complaints

(1) Kinds of discrimination prohibited.

(a) Disparity of treatment in employment, job placement, training, promotion, termination, salary or other economic benefits on the basis of race, religion, color, age, sex, ~~or~~ national origin, disability, veteran's or marital status.

(b) Limitation to access to residence, or to participation in educational, athletic, social, cultural, or other activities of the University because of race, religion, color, age, ~~or~~ national origin, disability, veteran's or marital status..

(c) Discrimination of the foregoing types on the basis of sex, unless based on bona fide requirements of distinctions in housing, restrooms, athletics, and other such areas.

(d) Harassment based on race, religion, color, age, sex, ~~or~~ national origin, disability, veteran's or marital status.

(e) Retaliation for filing complaints or protesting practices which are prohibited under this article.

(2) Scope of prohibitions.

(a) All educational, athletic, cultural, and social activities occurring on the Florida State University campus.

(b) University sponsored off-campus programs.

(c) Housing supplied or regulated by the University.

(d) Employment practices between the University and its employees.

(e) Choice of contractors and suppliers of goods and services.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented 1001.74(1)(d), (4), (5) New 9-30-75, Amended 11-29-07 Formerly 6C2-4.018, 6C2-4.11.

**6C2R-4.027 The Florida State University Procedures Relating to Faculty Appointments.**

(1) The initial responsibility for seeking candidates for authorized faculty positions lies at the departmental level. The field should be thoroughly surveyed to locate those candidates of proven moral character who demonstrate the best academic qualifications compatible with the level of the position. A recommendation for appointment should be made by the department head only after appropriate

consideration of the proposed appointment by department members, after consultation with the appropriate representatives of other departments, schools, colleges, or teaching programs to which the work proposed for the particular appointment is substantially related, and after consultation with the principal administrative officer concerned.

(2) When an agreement has been reached regarding the best applicant for the position, the recommendation for appointment is submitted to the Dean of the Faculties on the prescribed form and with the required supporting information by the principal administrative officer concerned. All understandings, limitations, promises, and the like pertaining to the proposed employment are to be recorded in writing on the standard form or attached to it. Acceptance of such appointment in writing constitutes a legal contract.

(3) The authorization of any position is subject to reconsideration whenever it becomes vacant. When a vacancy occurs or is anticipated the department chairman is expected to report the fact promptly to the principal administrative officer concerned who will ascertain from the Executive Vice President whether the vacancy may be filled, and if it is to be filled, to initiate search for the most highly qualified available candidate for the approved position. No commitment is to be made until the proposed appointment has been approved by the Executive Vice President.

(4) Forms and supporting materials for new academic appointments must be in the office of the Dean of the Faculties at least two weeks preceding the date the appointment is to become effective.

(5) When the faculty member first reports at the University, his department will request him to complete the necessary payroll form, if the completion has not been accomplished by mail. The forms include the authorization for withholding tax deductions, retirement information, group insurance authorizations, and the loyalty oath required by the State of Florida. State law requires that each new employee of the State be fingerprinted at the time payroll forms are completed.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 . Law Implemented 1001.74(5), 1012.94 FS., 6C-4.001(5), (8)(a), 6C-5.004(2)(b), (3)(a), 6C-5.001, F.A.C. History–New 9-30-75, Formerly 6C2-4.27.

#### **6C2R-4.028 Review Procedures for Denial of Promotion and Tenure and Non-renewal and Termination of Faculty Appointments.**

Faculty seeking a hearing on the non-renewal or termination of their contracts or on a denial of promotion or tenure can elect to have their cases heard in accordance with the Board of Regents' Rule of Procedure Governing Faculty Grievances, Rule 6C-5.008, F.A.C., or in accordance with the adjudicatory provisions of Chapter 120, F.S. If the faculty member elects a hearing under Rule 6C-5.008, F.A.C., then the faculty member must elect that remedy in writing to the President at the time the petition seeking such a hearing is filed. The election of a Rule 6C-5.008, F.A.C., proceeding waives any right the faculty member may have to proceed under Chapter 120, F.S., or to have his case heard pursuant to any other remedy.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 . Law Implemented,

240.227(5), 240.245 FS. History--New 9-30-75, Formerly 6C2-4.28.

**6C2R-4.029 Faculty Regulations.**

(1) Faculty Absences. A faculty member who is absent because of illness or for other legitimate reasons should notify his department chairman or academic dean as soon as possible in order that arrangements may be made for the meeting of classes and the performance of other scheduled activities.

(2) Office Hours. Every member of the teaching faculty is normally expected to post and honor specific hours each session in which he conducts classes. The statement of office hours should be placed in a conspicuous place.

(3) Faculty Working Toward Advanced Degree at the University. No faculty member above the rank of instructor may work toward an advanced degree at the University.

(4) Faculty Professional Relations Committee. The Faculty Professional Relations Committee is a constitutional body consisting of nine members elected for staggered three-year terms from and by members of the General Faculty. The Committee considers "all matters involving University policy and practice concerned with professional relations, professional ethics, conditions of employment and the welfare of the faculty."

The Committee reviews "all cases of the termination of tenured and nontenured faculty members and all academic freedom cases." The Committee "may make recommendations to the Faculty Senate as to the proper administrative officer."

(5) Faculty Welfare Committee. The Faculty Senate established on May 17, 1972, a Faculty Welfare Committee to consider (a) terms of faculty employment, (b) teaching loads, and (c) academic reorganization. The Welfare Committee concerns itself with policy; particular grievances are the provinces of the Faculty Grievance Committee.

The Faculty Welfare Committee consists of twelve members chosen by the Faculty Senate Steering Committee from the general faculty. Appointments are made to allow the broadest representation of the University faculty. Members serve three year terms with the terms overlapping to provide continuity for the committee activity.

(6) Class Attendance. The faculty member is expected to check attendance in all classes. He is expected to make some allowance for absence occasioned by illness, by trips for the University, or by authorized field trips. Any arrangement to make up work because of class absence is the responsibility of the student. The effect of absence upon grades is determined by the instructor; at the beginning of the term the faculty member explains his grading policy to the students. The Director of Student Health Services does not issue excuses to the students. The student is given a card indicating the time of admission and discharge from the University Hospital. A report will be given to the faculty member on request, indicating hour and date of treatment. No instructor has authority to permit a student to shift from one section of the course to another. Students must attend the section of the course to which assigned. No student may drop a course without the permission of his faculty adviser and his academic dean.

(7) Group Absences. Any faculty member desiring to arrange group absences from class shall submit a

list of the affected students through his department head to his academic dean for approval. It shall be the responsibility of the faculty member to provide each student with a note certifying his participation in the group trip, which may be submitted by the student to his instructors. It shall be the student's responsibility to arrange his absences with each of his instructors.

(8) Grades and Grading Practices. Once the final grade in a course has been reported by the instructor to the Registrar it cannot be changed except in cases of error in recording. A final grade may be changed only by permission of the department head, dean of the school, and Provost. The grade of "I", Incomplete, is used only in those exceptional cases when a student for reasons beyond his control has failed to complete a well defined portion of a course. In addition to reporting an "I" on the class grade sheet the instructor should also report on a special form entitled "Assignment of Incomplete Grade," the specific nature of the work to be completed by the student. If the "I" grade is not cleared within the student's next residence quarter, it becomes a final grade and is computed as work attempted in determining the student's academic status unless the instructor notifies the Registrar that the "I" is to be carried for an additional quarter. A student may not re-register for a course in which he has received an "I"; by so doing the "I" becomes "I.E." and cannot be repeated. A faculty member leaving the University with "grades" of "Incomplete" assigned has the responsibility of filing the special form, "Assignment of Incomplete Grades," with the departmental chairman. The Faculty Senate has approved a grade appeals system which affords the student the opportunity to appeal a grade which he feels was inequitably assigned in that a gross violation of the instructor's own specified grading standards occurred. The faculty member has the responsibility to explain to students in his or her classes at the beginning of each term the specified grading standards to be used along with a statement of the goals and objectives of the courses to be taught.

(9) Final Examinations. It is University policy that final examinations in all undergraduate courses are discretionary within any given department. All students enrolled in an undergraduate course having a final examination, including graduating seniors and graduate students, are required to take the examination at the time scheduled. It is also University policy that examination papers of students shall be kept in the departmental file of the faculty member giving the examination for one year after the exam is given. No examinations in lieu of a final examination may be given in an undergraduate course during the final week of classes in any quarter with a Final examination period.

(10) Grade Rosters. Grade Rosters are distributed to the instructor by the Registrar. Corrected copies of the rosters should be returned to the Registrar on the time specified on the rosters. Room location and number, meeting time, instructor, credit hours, S – U grades for course, and any other information pertaining to the course offering should be corrected or verified.

Grades should be carefully recorded on the final rosters in accordance with instructions provided. If a student is not included on a roster and is registered for the course, the student's name should be added after the last name. Grade rosters should be returned to the departmental offices in time for subsequent forwarding to the Registrar prior to the deadline for each term published in the University Catalog. Faculty members have the responsibility of reporting grades promptly, in accordance with announced deadlines, at

the end of each term. The Registrar has to receive grade rosters promptly in order to meet the University's responsibility to inform students of their grades without unreasonable delay.

(11) Faculty Committee on Student (Academic) Relations. The Committee on Student (Academic) Relations was set up by the Faculty Senate, May, 1972. The Committee hears appeals from students concerning decisions about their academic work which they believe to have been arrived at improperly or unprofessionally in departments and schools. The Committee is composed of five members elected for overlapping two-year terms from the voting membership of the Faculty Senate and two students, one undergraduate and one graduate, elected by the Student Senate. The Registrar serves as an ex officio member.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented 120.57, 110.051(2)(e), 240.227(5) FS. History–New 9-30-75, Formerly 6C2-4.29.

#### **6C2R-4.030 Policy Governing Graduate Faculty Membership.**

(1) Any member of the Instructional Faculty of the university may be considered for membership on the Graduate Faculty. Membership is determined on the basis of the individual's function and qualifications. Because of the functional character of the designation, appointments are not necessarily indicative of qualifications. It is quite possible, for example, for an individual fully qualified to direct doctoral dissertations not to be so designated for the simple reason that the doctorate is not offered in his field. On the other hand, no individual may be authorized to discharge functions for which he is not qualified. Thus on occasions, hopefully rare, it may be necessary to forego certain functions for lack of qualified personnel.

(2) Two categories of functional responsibility and authority exist on the Graduate Faculty: Master's Directive and Doctoral Directive. The minimum functional authority, attendant qualifications and procedures of appointment for each category are elaborated below:

(a) Master's Directive. Members of the Graduate Faculty with "Master's Directive Responsibility" are authorized to: teach graduate-level courses, serve as Major Professor for master's degree students, and serve on Supervisory Committees for doctoral Students, provided each such Committee includes at least three members with Doctoral Directive Responsibility. Subject to consideration of special circumstances, minimum qualifications are completion of a doctorate or his equivalent and proven ability to conduct scholarly research and publish in reputable media or to perform equivalent scholarly or creative work. Departments will determine qualifications and procedures for appointments, subject to the approval of the dean of the school or college. Names of new appointees will be sent to the Provost for Graduate Studies and Research for information.

(b) Doctoral Directive. Members of the Graduate Faculty with "Doctoral Directive Responsibility" are authorized to perform all functions appropriate to graduate education. Subject to consideration of special circumstances, the minimum qualifications for appointment are: attainment of recognized professional

stature in the discipline by virtue of substantial postdoctoral or equivalent scholarly or creative work and experience in the supervision of graduate students. Approval of recommendations for appointment are to be made by the dean of the school or college. Names of new appointees will be sent to the Provost for Graduate Studies and Research for information. Appointments to the Graduate Faculty in this category will be reviewed by the dean of the school or college if the individual has not directed a candidate for five consecutive years.

No graduate student may be appointed to the graduate faculty. Nor may a graduate student have primary teaching responsibilities in any graduate course except by specific approval of the Provost of the Division with a report of the appointment and its justification to the Provost for Graduate Studies and Research. Under no circumstances may a graduate student be appointed as a member of another graduate student's advisory and examining committee.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 . History–New 9-30-75, Formerly 6C2-4.30.

#### **6C2R-4.031 Faculty Grievance Procedure.**

(1) Subject to the ultimate authority of the President under Rules 6C2R-1.003 and 6C-5.008, F.A.C., the Committee on Grievances function is to resolve grievances brought to its attention by any faculty member; actions of the Committee on Grievances in no way precludes a faculty member from seeking redress through other channels. The Committee hears all grievances not under the jurisdiction of the Committee on Faculty Professional Relations. The Committee is made up of twelve members of the general faculty chosen in such a manner as to allow the broadest possible faculty representation. Members are appointed by the Faculty Senate Steering Committee, the appointments being for three year terms, with one third of the Committee membership being appointed or re-appointed each year.

(2) Procedure.

(a) Definitions.

1. Grievances – A grievance is defined as the dissatisfaction that occurs when a faculty member thinks or feels that any condition affecting him is unjust, inequitable, a hindrance to effective operation, or creates a problem, except that all termination cases and cases involving academic freedom will be heard by the FPR Committee.

2. Days – A day is defined as a working day during scheduled academic terms.

(b) Initiation of Complaint.

1. Who can file – Any faculty member having a grievance against any officer or representative of the University, a school or department, may make, sign and file with the Committee a complaint in writing.

2. Contents of Complaint. A complaint should contain:

a. The full name, position and department of the person making the complaint;

b. A clear and concise statement of the facts, including pertinent dates giving rise to the grievance;

c. A statement of any informal steps taken to resolve the grievance;

d. Whether or not proceedings have been commenced before any other University committee or any State or local agency, and the date when commenced.

3. Manner of Filing. The complaint shall be filed by the personal delivery or by registered mail, return receipt requested, to the chairperson of the Committee.

4. Amendments. A complaint, or any part of it, may be fairly and reasonably amended as a matter of right at any time before hearing and thereafter at the discretion of the hearing examiners.

(c) Investigation Procedure.

1. Upon receipt of a complaint, the chairperson of the Committee shall appoint, at his discretion, one or more of the members of the general faculty to investigate the complaint.

2. In the course of such investigation, the investigators shall make every reasonable effort to achieve a settlement of the dispute.

3. Upon completion of such investigation and if settlement between the parties is not reached, the investigators shall report to the chairperson as to whether or not, in his judgment, there is sufficient basis for holding a formal hearing.

(d) Initiation of Hearing.

1. Upon the receipt of the investigator's report the Committee shall decide whether or not a formal hearing shall be conducted.

2. No Committee member who has participated in the investigation or in any conciliation attempt shall join these deliberations of the Committee, nor participate in the hearing except as a witness.

3. If the Committee decides to hold a formal hearing, the chairperson shall thereupon appoint a hearing board of committee members, normally three, to hear the complaint, and shall cause to be issued and served to the respondent, in the name of the Committee, a copy of the complaint as it may have been amended together with a written notice of hearing.

4. If the Committee decides not to hold a formal hearing, the secretary of the Committee shall so notify the individual who filed the claim; such notification shall include a brief statement of the reasons for the Committee decision.

5. In the event that new evidence is discovered, the complainant may petition the Committee to reopen consideration of his complaint.

(e) Answer.

1. Time of Filing. If a formal hearing is ordered, the respondent may file a written verified answer within ten days from the service of the complaint and notice of hearing.

2. Place and Manner of Filing. The answer must be filed at the office of the chairperson of the Committee. The filing shall be by personal delivery or by registered mail, return receipt requested.

3. Form of Answer. The answer shall contain a general or specific denial of each and every allegation of the complaint contested by the respondent, or a denial of knowledge or information sufficient to form a belief, and a statement of any matter constituting a defense.

4. Amendment of Answer. The answer or any part of it may be amended as a matter of right at any time before the first hearing and thereafter at the discretion of the hearing examiners.

5. Service of Answer. The Committee shall, within ten days after the date of the filing of an answer or amended answer, but in any case not less than three days before the date set for hearing, serve a copy of the answer or amended answer on the complainant.

6. Failure to File Answer. The hearing examiners may proceed, notwithstanding any failure of the respondent to file an answer within the time provided, to hold a hearing, and make its findings of fact and recommendation upon the testimony taken at the hearing.

(f) Hearings and Rehearings.

1. Public Hearings. The hearings shall be public unless the complaining party requests a closed hearing.

2. Opening Statement. Each party shall be given an opportunity to make an opening statement.

3. Powers of Hearing Examiners. The hearing examiners may call and examine witnesses, direct the production of papers or other documents, and introduce documentary or other evidence. The hearing examiners shall have full authority to control the procedure of the hearings to admit or exclude testimony or objections.

4. Majority Rule. All rulings and determinations of the hearing examiners shall be by majority rule.

5. Rules of Evidence. The hearing examiners shall not be bound by the rules of evidence applicable in courts of record in the State of Florida, but all hearings shall be conducted with regard to fundamental fairness to all parties.

6. Rights of Parties. All parties to a hearing may call, examine and cross-examine witnesses and introduce papers, documents or other evidence into the record of the proceedings, subject to the ruling of the hearing examiners. Normally the hearings will be recorded.

7. Oath. All testimony at the hearing shall be under oath or affirmation.

(g) Report of Findings.

1. Written Report and Recommendation. At the conclusion of the hearing and upon due consideration of the evidence, the hearing examiners shall submit to the Committee a written report setting forth their findings of fact and a recommendation for action, along with a copy of the complaint and answer, as amended.

2. Review by the Committee. Upon receipt of the hearing examiners' written report, the Committee shall promptly review the findings and recommendation of the hearing examiners. After such review the Committee shall file in its office and in the office of the President for action, its decision and recommendations, and shall immediately send to each party a copy of the decision and recommendations.

(h) Amending Procedures. These procedures may be amended at any time by the Committee, subject to the requirements of the Florida Board of Regents Rule 6C-5.008, F.A.C. Any amendments must be published and distributed before becoming effective, and may not be applied to the prejudice of any party.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented

120.57, 240.227(5) FS., 6C-5.010(2)(a), F.A.C. History–New 9-30-75, Amended 7-21-77, Formerly 6C2-4.31.

**6C2R-4.033 Faculty Evaluations.**

(1) Purpose, Scope and Sources of Evaluation.

(a) Each faculty member, tenured and non-tenured, shall be evaluated at least once annually on the basis of his or her individual total performance in fulfilling responsibilities to the University. The basic purpose of the evaluation is faculty improvement in the functions of teaching, research, service, and any other duties that may be assigned, with the resulting enhancement of learning, cultural advancement and the production of new knowledge. This evaluation shall precede and be considered in recommendations and final decisions on tenure, promotions, salary increments, and retention or termination.

(b) When first employed, each faculty member shall be apprised, through his or her contract, of what is expected of him or her, generally, in terms of teaching, research and other creative activities, and service, and specifically if there are specific requirements and/or duties involved. If and when these expectations change during the period of service of the faculty member, that faculty member shall be apprised of the change in written form.

(c) The performance of each faculty member shall be evaluated in accordance with the policy of the Board of Regents expressed in Board of Regents Rule 6C-5.005, F.A.C., Florida State University procedures for implementation of Board of Regents policy, school and departmental criteria and procedures on annual evaluation of faculty.

(d) The evaluation of each faculty member with respect to teaching, research or creative activity and service shall be the responsibility of each departmental chairman (or equivalent) in accordance with SUS Rules. The following minimum procedures shall be employed by the departmental chairman (or equivalent) in arriving at the faculty evaluation:

Evidence of Performance – Implementing SUS policy, the departmental chairman (or equivalent) shall request each member of the faculty to submit to him annually, evidence of his performance in teaching, research or creative activities, and service (and other University duties where appropriate), together with any interpretive comments or supporting data which the faculty member deems appropriate in evaluating his or her performance.

When appropriate, each faculty member shall submit annually to the departmental chairman (or equivalent) the results of the administration of SIRS student evaluation instrument or any equivalent tool subsequently adopted by the University. In conjunction with this submission, the faculty member may also present such other evidence of teaching effectiveness as deemed to be appropriate in the circumstances. Such evidence may include alternative evaluations by students, faculty or administrators. The departmental chairman (or equivalent) may also devise alternative means of assessing teaching effectiveness.

(e) If a faculty member is on leave of absence for all or part of one or more academic years, the last evaluation preceding the commencement of the leave of absence shall suffice in meeting the annual

evaluation requirement. For purposes of salary determination, promotion or tenure, and at the option of the faculty member, the departmental chairman (or equivalent) may review such relevant information as the faculty member wishes to present concerning teaching, research or service during the period of his leave. Such performance shall be evaluated in the manner prescribed above.

(2) Reporting Procedures.

(a) A written summary of the evaluation of the faculty member will be prepared annually and discussed with the faculty member concerned. A Faculty Evaluation Summary Form based upon the Board of Regents Rules shall be used. This Faculty Evaluation Summary shall be prepared annually as of June 15 of each year on each member of the faculty. The faculty shall be those defined by the Florida State University Constitution.

(b) The evaluator will normally be the departmental chairman (or equivalent). In those schools and colleges designated by the Executive Vice President, the evaluator will be the Dean. Each evaluator shall be familiar with Rule 6C-5.005, F.A.C., of the Board of Regents Rules for a definition of procedure and data to be used in the annual evaluation of the faculty. The Faculty Evaluation Summary will be reviewed by the appropriate administrative officer which will normally be the Dean of the College or School in which the faculty member holds his faculty position. When the Dean of a School or College is designated the evaluator, the Faculty Evaluation Summary will be reviewed by the Division Provost.

(c) Personnel holding joint appointments in other areas, departments or divisions shall be evaluated using the same form but such summary shall be marked concurrent. Each departmental chairman (or equivalent) shall evaluate the faculty member only with respect to his principal duties within that unit. Such concurrent summaries shall be forwarded to the Dean of the School or College in which the faculty member holds a faculty position. This procedure is to insure that each person holding a faculty position is evaluated annually and that all factors are considered in such an evaluation.

(d) Departmental chairman (or equivalent) shall be evaluated by their respective Deans and such Faculty Evaluation Summary reviewed by the Division Provost.

(e) A special report may be required in cases where the Dean disagrees with his departmental chairman (or equivalent) as outlined below. In the event of the termination of a faculty member, whether it be voluntary or involuntary, at a date other than May or June, a special report will be prepared. A special report may also be required when directed by the President, Executive Vice President, or the Dean of the Faculties.

(f) After completion of the Faculty Evaluation Summary by the departmental chairman (or equivalent) such summary will be discussed with the faculty member concerned by the evaluator. The faculty member may attach to the summary any statement he desires. In addition, in the case of an unsatisfactory evaluation, the departmental chairman (or equivalent) shall fully document the unsatisfactory performance prior to discussion with the faculty member. The departmental chairman (or equivalent) will propose in written form to the faculty member specific recommendations to assist the faculty member in achieving at least a satisfactory rating. The recommendation should be implemented within an academic year. Examples

of recommendations could include: study at another university or even study on the campus of FSU (course titles and particular professors should be specified); provision to work with or to observe the work of an outstanding professor; participation in departmental staff development programs, etc. After discussion is completed and attachments made (if any), the faculty member will indicate that the evaluation has been reviewed by signing the Summary and indicating the number of pages attached to it.

(g) Upon the completion of the discussion with the faculty member, the Faculty Evaluation Summary will be forwarded to the Dean. If the Dean agrees with it, he shall so indicate by affixing his signature. In the event he disagrees, the Dean may discuss his area of disagreement with the preparer of the summary at which time two courses of action are available to the Dean:

1. The Dean may submit his own Evaluation Summary, or

2. The Chairman (or equivalent) may revise the original summary. Departmental chairmen (or equivalent) are encouraged to discuss the Faculty Evaluation Summary with their respective deans prior to discussion with the faculty member being evaluated. When a Special Faculty Evaluation Summary is prepared, the original Faculty Evaluation Summary must be attached to the special summary.

(3) Disposition of Summary.

(a) When the overall performance of a faculty member is satisfactory or better and the Summary has been reviewed by the Dean (or Division Provost where the Dean is the evaluator), the Faculty Evaluation Summary will be filed in the faculty member's departmental personnel file together with any attachments. The contents of the faculty evaluation file shall be confidential and shall not be disclosed except to the faculty member evaluated and those whose duties require access.

(b) When the overall performance is less than satisfactory, the Faculty Evaluation Summary shall be forwarded to the President of the University via the Division Provost and the Dean of the Faculties with appropriate recommendation as to action to be taken as outlined in the Board of Regents Rules.

(4) Provision for Appeal.

(a) In the event that a faculty member is dissatisfied with the Faculty Evaluation Summary, this procedure allows the faculty member to register his or her disagreement in writing. In addition, review may be sought through normal administrative channels.

(b) If the faculty member is not satisfied with the summary prepared by the departmental chairman or equivalent, he may present his or her request for review in writing to the Dean within ten (10) days after being informed of the chairman's evaluation. Unless a request for review is in writing, the faculty member will have no right to insist on time limits, but nothing should preclude a Dean from acting on all complaints. The Dean, like the departmental chairman (or equivalent), should have complete freedom of action in seeking to settle or resolve differences concerning evaluation summaries and presumably his efforts will be largely conciliatory. The Dean shall within ten (10) days of receipt of the written request for review meet with the faculty member to discuss the request, and the Dean shall within fifteen (15) days of receipt of the written request reach his decision.

(c) If the faculty member is not satisfied with the Dean's decision, he may request in writing a review

from the Division Provost within ten (10) days after the Dean's decision. The Division Provost shall within ten (10) days of receipt of the written grievance meet with the member to discuss his request. The Division Provost shall within twenty (20) days of the receipt of the written request reach his decision.

(d) The appeal of the decision of a Division Provost may be made to the chief academic officer via the Dean of the Faculties. Such a report for review should be made in writing within ten (10) days after the Provost's decision. The chief academic officer shall within ten (10) days of the receipt of the written grievance meet with the faculty member to discuss his request. The chief academic officer shall within twenty (20) days of the receipt of the written request reach his decision.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 . Law Implemented 240.227(1), 240.245 FS. History--New 9-30-75, Formerly 6C2-4.33.

#### **6C2R-4.0335 Suspension and Dismissal of Faculty; Peer Hearing.**

(1) Applicability. The provisions of this rule shall apply as follows:

(a) To all cases in which the University has under consideration action to suspend with or without pay, reduce the compensation or rank of, or terminate the annual appointment of a tenured faculty member for disciplinary reasons;

(b) To all cases in which the University has under consideration action to immediately suspend or to terminate the appointment of a non-tenured faculty member prior to the expiration of the non-tenured faculty member's current employment contract for disciplinary reasons;

(c) Only when invoked, as provided hereinbelow, by the faculty member against whom the disciplinary consideration is directed, by his/her attorney or, with the express consent of the faculty member, by another qualified representative(s).

(d) The failure of the University to invoke or abide by any procedures contained in this rule shall not be grievable under the collective bargaining agreement between the Board of Regents and the United Faculty of Florida (BOR/UFF Agreement), but may be filed with the Grievance Committee of the Faculty Senate.

(2) Purpose.

(a) The purpose of this rule is to provide a method by which both the University and the faculty member who is subject to disciplinary consideration, of the type to which this rule applies, can have the benefits of faculty peer group participation in the disciplinary process prior to the disciplinary action.

(b) This rule is intended to implement and utilize a peer hearing process recognized by the FSU Constitution. See paragraph 6C2R-1.004(3)(d), F.A.C.

(3) Information Gathering. When information, which could result in disciplinary action of the type to which the rule applies, is brought to the attention of the Vice President for Academic Affairs (Vice President), he/she shall take those actions within his/her lawful authority to collect, or cause to be collected, additional information relevant to the matter. Normally this will include reasonable efforts to communicate

directly with the subject faculty member.

(4) Notice of Pending Decision. When the Vice President deems that there is sufficient information available on which to decide whether to initiate the disciplinary process, he/she shall advise, in writing, the faculty member against whom the disciplinary consideration is directed (subject faculty member):

(a) That such a decision is pending;

(b) The nature of the alleged acts or omissions giving rise to the matter. This shall be stated in sufficient detail to inform the subject faculty member of the specific circumstances, as they are known at the time this notice is issued, which have given rise to the pending decision. This portion of the notice shall be supplemented as additional material information becomes known to the Vice President.

(c) That the subject faculty member is entitled to invoke the peer hearing process prescribed in this rule;

(d) The steps the subject faculty member must take to timely invoke the process; and

(e) That the University's failure to invoke or abide by any procedures contained in this rule shall not be grievable under the BOR/UFF Agreement.

(5) Invoking the Process. Within seven (7) work days of being so advised, the subject faculty member shall inform the Vice President in writing of the subject faculty member's election to invoke or not invoke the peer hearing process.

(6) Waiving the Process. If the subject faculty member does not timely invoke the peer hearing process, the Vice President shall determine, based upon the information available to him/her, whether to initiate the applicable disciplinary process.

(7) Peer Hearing Panel. When the peer hearing process is invoked, the Vice President shall promptly inform the Chairperson of the Faculty Grievance Committee (Grievance Chairperson). The Grievance Chairperson shall establish, from among the members of the Committee, in accord with the procedures of that Committee, a peer hearing panel of three (3) including a Panel Chairperson.

(8) Peer Hearing Process. When the peer hearing panel has been designated, the Panel Chairperson, upon consultation with the Vice President, shall decide upon a date, time, and place for conducting a peer hearing. Adequate time for preparation shall be provided and to that end, the Panel Chairperson may consult as needed with the Office of the University Attorney, the subject faculty member, and the faculty member's designated representative(s).

(9) Peer Hearing Preparation.

(a) In preparation for the peer hearing, the subject faculty member and the designated representative(s) thereof may examine and receive copies of all written materials which the University's legal representative(s) intends to present at the peer hearing, provided that if the materials are of the kind protected by Section 240.253, F.S., the University procures the signed permission of the protected faculty member prior to submission of the limited access materials to the other party. By invoking in writing the peer hearing process, the subject faculty member shall have consented in writing to the disclosure, to the peer hearing participants for purposes of the peer hearing process, of evaluatory materials subject to

Section 240.253, F.S., pertaining to the subject faculty member;

(b) The subject faculty member and the designated representative(s) shall be entitled to the names of all persons whom the University's legal representative(s) intends to call upon to provide information in the course of the peer hearing; and

(c) The University's legal representative(s) may examine and receive copies of all written materials which the subject faculty member or representative(s) intends to present at the peer hearing and shall be entitled to the names of all persons whom the subject faculty member or representative(s) intends to call upon to provide information in the course of the peer hearing.

(10) Peer Hearing Procedures. The peer hearing shall be conducted as follows:

(a) The Panel Chairperson shall preside and shall conduct the proceeding in the manner directed at eliciting sufficient information on which to base a reasoned decision.

(b) The peer hearing panel shall be present at all times and shall participate as hereinafter prescribed. Others entitled to be present and to participate as hereinafter prescribed are representatives of the Office of the University Attorney, the subject faculty member, and the subject faculty member's designated representative(s). The Vice President may attend as an observer all or any part of the proceedings, except the panel deliberations.

(c) The Panel Chairperson shall call the proceeding to order, make introductory or preliminary remarks as appropriate, and resolve preliminary matters as needed. Thereupon, he/she shall call on the University's legal representative(s) to give a presentation of the relevant information tending to show that there are grounds to initiate the applicable disciplinary process. The University's legal representative(s) shall be a member of the legal staff of the Office of the University Attorney.

(d) When the University's legal representative(s) has concluded his presentation, the Panel Chairperson shall invite the subject faculty member or his/her designated representative(s) to give a responsive presentation. The faculty member or his/her designated representative(s) shall have no obligation to make a presentation.

(e) The respective presentations may include:

1. The submission of written material and physical evidence.
2. The appearance of witnesses who can provide information having a rational bearing on the matters in question.

3. Proffers of additional information which can be made available to the peer panel or which will allegedly be available in connection with a subsequent disciplinary proceeding.

4. Discussions and arguments, which may be made in a closing summation, addressing the reliability, weight, interpretation, and applicability of the information presented, the standards of conduct reasonably expected of University faculty or any other matter having a rational bearing on the pending decision.

(f) All information may be presented of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs and shall be evaluated on that basis by the peer panel. The Panel Chairperson may limit the presentation of information which is unduly repetitious or does not have a rational bearing on

the pending decision.

(g) The proceeding is not adjudicatory in nature, and no cross-examination nor other practice common to administrative or judicial adjudication hearings shall be permitted. The University's legal representative(s) and the subject faculty member or his/her representative(s) may request the Panel Chairperson to propound questions on their behalf. The Chairperson shall propound the questions unless he/she deems them to be repetitious, cumulative, or not pertinent.

(h) The Panel Chairperson may, at any time, ask questions of any participant in the proceeding and shall liberally recognize the members of the peer panel for the same purpose. The peer panel, in the discretion of the Panel Chairperson, may invite individuals to appear and present information and may request the submission of written materials. The Panel Chairperson, in his/her discretion, may continue the proceeding from time to time for the purpose of enabling the panel to receive additional information. The University's legal representative(s), the subject faculty member or his/her designated representative(s), and the members of the peer panel may each request such continuances. Such continuances may include the opportunity for either party to present additional witnesses or documents for the purpose of addressing information already made a part of the other party's presentation.

(i) The Panel Chairperson shall arrange for the proceedings, except for panel deliberations, to be recorded for the University's use by mechanical or stenographic means. The subject faculty member also may, at his/her own expense, arrange for the proceeding to be recorded by mechanical or stenographic means. The subject faculty member may receive a transcript of the University's recordation upon payment of the costs of transcription and reproduction. Neither the recordings nor transcripts shall be admissible in any subsequent proceeding, of whatever nature, brought pursuant to the BOR/UFF Agreement.

(j) In consideration of the limitations on access to evaluatory materials as established by Section 240.253, F.S., the proceeding shall be closed to the public unless the subject faculty member, or his/her designated representative(s), requests that the proceeding be open. This request shall be made to the Panel Chairperson in writing prior to the commencement of the proceeding. In this regard, the entire proceeding, except for peer panel deliberations, shall be either open or closed.

(k) When the panel is satisfied that the proceeding has produced sufficient information on which to base reasoned deliberations and advice to the Vice President, or that the proceeding will produce no further significant information, the panel chairperson shall conclude and adjourn the proceeding.

(11) Peer Panel Deliberations. Upon the adjournment of the proceeding, or as soon thereafter as they can reasonably assemble, the members of peer panel shall meet at a time and place designated by the Panel Chairperson to engage in deliberations. Only the peer panel, including the Panel Chairperson, shall be permitted to be present or to participate in the deliberations. The peer panel shall base its deliberations on the information reflected in the record of the proceeding. If, in the course of deliberation, the peer panel wishes to obtain additional information, the Panel Chairperson may reopen the proceeding for this purpose and may impose limitations on the participants as needed to confine the reopened proceeding to the matters of interest to the peer panel. Subject to such limitations, the subject faculty member or his/her

representative(s) and the University's legal representative(s) shall be entitled to fully participate in the reopened proceeding.

(12) Peer Panel Issues. The peer panel shall not attempt to make findings of fact or reach conclusions of law as these terms are used in administrative or judicial adjudicatory hearings. The peer panel shall provide advice and comments to the Vice President with respect to the following points:

(a) Whether the alleged acts or omissions of the subject faculty member evince conduct by the subject faculty member which would warrant disciplinary action.

(b) Whether there is available to the University sufficient information of a reasonably reliable character to provide a basis for the commencement of the applicable disciplinary process, wherein genuine issues of law and fact can be raised and determined.

(c) The type of disciplinary action, if any, deemed appropriate.

(d) The peer panel may also offer its advice and comments regarding aggravating and mitigating circumstances, including whether or to what extent these circumstances should be taken into account.

(13) Peer Panel Report. Within ten (10) work days of the conclusion of deliberations, the Panel Chairperson shall prepare and submit to the Vice President a written report reflecting the views of the peer panel on these points. The Panel Chairperson shall permit there to be attached to the report additional written statements by the individual members of the panel, including the Chairperson, reflecting minority, dissenting, or individual points of view. A copy of the report, including attachments, shall be provided to the subject faculty member and to the University's legal representative(s) who shall each have ten (10) work days to submit written comments to the Vice President.

(14) Consideration of Report. The Vice President shall take the peer panel report, including attached additional written statements and the comments on the report, into consideration in deciding whether to initiate the applicable disciplinary process.

(a) Nothing herein shall prevent the Vice President from also consulting with or seeking the advice of the University President, the Office of the University Attorney, and other appropriate officials.

(b) If the Vice President determines that disciplinary action should be taken, he/she shall cause the applicable disciplinary process to be commenced, and, if not, he/she shall give the subject faculty member notice that disciplinary action will not be taken.

(15) Special Provisions; Immediate Dismissal. The following additional provisions apply only when the disciplinary action under consideration is immediate dismissal.

(a) In cases involving immediate dismissal, the directions of the University President shall be followed. In all other cases, the Vice President shall determine the type of intended disciplinary action and shall cause the applicable disciplinary process to commence.

(b) If the peer panel report deems immediate dismissal appropriate, the Vice President shall forthwith transmit a copy of the report to the University President and shall consult with him. If the University President concurs with the panel report and deems immediate dismissal appropriate, the Vice President shall cause the commencement of the applicable disciplinary process to that end. If the University President

does not deem immediate dismissal appropriate, the Vice President shall determine, pursuant to paragraph (14)(b), hereof, what disciplinary action other than immediate dismissal should be taken and shall proceed accordingly.

(c) If the Vice President determines that immediate dismissal is warranted, notwithstanding contrary advice in the peer panel report, he shall transmit a copy of the report to the University President and shall consult with him. If the President concurs with the Vice President, he shall state the reasons for such concurrence in writing. A copy of the written reasons shall be provided to the subject faculty member or designated representative(s), the Vice President, the University's legal representative(s), and the hearing panel. These persons shall have ten (10) work days to submit written comments to the President. After the conclusion of the comment period, if the President continues to concur that immediate dismissal is warranted, the Vice President shall proceed accordingly.

(16) Immediate Suspension; Notice and Predetermination (Non-Unit Position). This subsection (16) shall not apply to subject faculty members holding appointments to positions within the general faculty bargaining unit. Where grounds exist to immediately suspend a member of the faculty, the President shall give the faculty member actual notice of the action by the most prompt, convenient means available. The notice shall include a statement of the grounds for the action to the extent known or understood at the time of the notice, and shall inform the faculty member of his/her opportunity to appear personally and be heard before the President or representative(s). This opportunity:

(a) Shall occur at or prior to the time that the suspension takes effect, when circumstances permit. For example, the faculty member may be invited to meet with the President immediately or at the time that the faculty member would be next due at his/her University work station. In cases where the faculty member is physically in the custody of the law enforcement or mental health authorities, or where the faculty member is similarly constrained with respect to freedom of movement or ability to rationally discuss the matter, the opportunity shall be provided as soon as the circumstances permit it to be arranged; and

(b) Shall allow the faculty member to address and discuss the issue of whether the immediate suspension pending further action is warranted by the circumstances. The President may limit the discussion to this issue.

(c) If the President imposes immediate suspension, he/she shall, within two (2) work days following the effective date of suspension, cause a written notice of the suspension, including a statement of the reasons, to be served upon the subject faculty member.

(17) Immediate Suspension; Peer Participation (Non-Unit Positions). This subsection (17) shall not apply to subject faculty members holding appointments to positions within the general faculty bargaining unit except as stated in subsection (18) of this rule. When a faculty member is placed on immediate suspension, in accordance with the provisions of the FSU Constitution, the University shall expedite its consideration of appropriate further action. For purposes hereof, immediate suspension refers to those cases wherein a subject faculty member is relieved of professional responsibilities with pay while the possibility of disciplinary action is under review.

(a) If the University is considering action to which this rule otherwise applies, the Vice President shall transmit the written notice prescribed in subsection (4) with the addition of a provision advising the faculty member that the peer hearing may include the issue of whether the faculty member shall be permitted to return to work status pending further proceedings.

(b) If the faculty member invokes the peer hearing process and indicates in writing that he/she wishes the peer panel to address the additional issue, the Panel Chairperson shall exercise his/her discretion as to scheduling and continuing sessions of the peer hearing so that the issue of whether the faculty member should be permitted to return to work status pending further proceedings is addressed by the peer panel as promptly as essential fairness allows. With respect to this issue, the peer panel may engage in preliminary or interim deliberations and report its views and advice to the Vice President as it deems appropriate throughout the peer hearing process.

(c) When the Vice President receives the written report expressing the views and advice of the peer panel on the issue of returning the subject faculty member to work status pending completion of pending proceedings, the Vice President shall forthwith transmit the report to the University President and shall consult with him on the issue. If the President does not follow the advice of the peer panel, he shall state his reasons in writing. A copy of the written reasons shall be provided to the subject faculty member or designated representative(s), the Vice President, the University's legal representative(s), and to the Panel Chairperson.

(18) Leaving Pending Investigation; Peer Participation (In-Unit Positions). This subsection (17) shall apply only to subject faculty members holding appointments to positions within the general faculty bargaining unit and to Non-Unit Positions if a person holding such appointment has been placed on leave pending investigation. The placing of a subject faculty member on leave pending investigation pursuant to Article 16.4 of the BOR/UFF Agreement requires the concurrence of the University President. If a subject faculty member who is placed on such leave invokes the peer hearing process provided in this rule:

(a) The period of time needed to complete the peer hearing process provided in this rule shall be part of the investigation stage of the applicable disciplinary process and the subject faculty member shall remain on leave pending investigation until such time as:

1. Disciplinary action is taken pursuant to Article 16 of the BOR/UFF Agreement; or,
2. The University gives written notice that no disciplinary action will be taken; or,
3. The University President permits the subject faculty member to return to work status; and,

(b) The issue of whether the subject faculty member shall be permitted to return to work status shall be included in the peer hearing process in the manner provided in subsection (17) of this rule for consideration of the issue of permitting a non-unit faculty member who is under immediate suspension to return to work status.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 . Law Implemented 240.132, 240.209(3)(e), 240.227(5), 240.253, 240.261 FS. History—New 11-13-86.

#### **6C2R-4.034 Faculty Tenure and Promotion.**

(1) The University Constitution, Rule 6C2R-1.004, F.A.C., contains the general University requirements and procedures for faculty tenure.

(2) University-wide procedures.

(a) When first employed, each faculty member shall be apprised of what is expected of him or her, generally, in terms of teaching, research and other creative activities, and service, and specifically if there are specific requirements and/or other duties involved. If and when these expectations change during the period of service of a faculty member, that faculty member shall be apprised of the change.

1. Promotion to the rank of assistant professor shall be based on recognition of demonstrated competency in teaching, service, and promise of scholarly development. Promotion shall be considered automatic upon completion of the doctorate, but full documentation for promotion of faculty member receiving doctorate shall be submitted with other promotion folders.

2. Promotion to rank of associate professor shall be based on recognition of demonstrated effectiveness in teaching, service, definite scholarly or creative accomplishments, and recognized standing in the discipline and profession.

3. Promotion to the rank of professor shall be based on recognition of superior teaching, service, scholarly or creative accomplishments of high quality, and recognized standing in the discipline and profession as attested to by three letters from competent scholars outside the University.

4. Although the period of time in a given rank is normally five years, demonstrated merit, not years of service, shall be the guiding factor. Promotion shall not be automatic, nor may it be regarded as guaranteed upon completion of a given term of service. Early promotion is possible where there is sufficient justification.

(b) Procedure.

1. Each department or its equivalent program or area (hereafter in this statement, "department" will be used to convey "department, program, or area"), each school or college and each division shall have a written statement of criteria and procedure for promotion and tenure, which shall be compatible with Florida Statutes, Board of Regents Policy, the University Constitution, and the University statement of criteria and procedure for promotion and tenure. These statements shall be available to all faculty.

2. Each department shall have a faculty promotion and tenure committee charged with the responsibility of receiving all folders of prospective candidates in that department and of recommending action to the chairman (or equivalent head). Once a folder has been finally reviewed by the departmental committee no material may be added to or deleted from the folder unless otherwise provided for by the guidelines of this document. The chairman shall submit the folders of all recommended candidates to the dean with a report of departmental committee recommendations and his recommendations on all submitted folders of all candidates. Each school or college shall have a faculty promotion and tenure committee charged with the responsibility of receiving and reviewing all folders reviewed by departmental committees

and of recommending action to the dean. The dean shall submit all folders to the Provost of the division with a report of the school or college committee's recommendations and his recommendations. Each division shall have a faculty promotion and tenure committee charged with the responsibility of receiving and reviewing all folders reviewed by school or college committees and of recommending action to the Provost. The Provost shall submit all folders to the Executive Vice President with a report of the divisional committee's recommendations and his recommendations. The University shall have a faculty promotion and tenure committee charged with the responsibility of receiving and reviewing all folders reviewed by divisional committees and of recommending action to the Executive Vice President. The Executive Vice President shall submit all folders to the President with a report of the University committee's recommendations and his recommendations.

3. Each level committee shall review the candidates in terms of the written statements of criteria and procedure for promotion and tenure. Any deviation must be clearly noted and fully justified.

4. Each faculty member shall be informed of his prospective candidacy, have an opportunity to assist in preparing his folder and add any relevant information within the listing under subparagraph (b)5. prior to review by the departmental committee and be informed of the advancement or rejection at each level of review.

5. Each candidate's folder shall contain the following information in the order indicated:

a. Statement of action by each committee and each administrative officer that review the folder with a record of actual committee votes including negative, affirmative, and abstaining.

b. Detailed professional vita.

c. Letter from chairman summarizing candidate's teaching, scholarly or creative activity, and service in terms of the departmental statement of criteria and of the candidate's assigned duties. Any deviation must be clearly noted and fully justified.

d. Statement of assigned duties and of courses taught in preceding two years.

e. Evidence on teaching, scholarly and creative activity, and service.

(i) Evidence on teaching; by students' SIRS supplemented by other instruments, if available and/or required by department; by faculty colleagues; by chairman; and by candidate.

(ii) Evidence on scholarly and creative activity; by faculty colleagues; by chairman; and by candidate.

(iii) Evidence on service; by faculty colleagues; by chairman and/or other appropriate administrators; and by candidate.

f. Copies of annual evaluation of the candidate for the preceding two years.

g. For promotion to professor, three letters requested by department chairman from scholars holding the rank of professor outside the University. In general, these are not to include letters from the candidate's major professor or former personal colleagues in graduate school or other institutions unless the letter contains an unbiased assessment based on knowledge of current work.

h. Additional items for tenure.

(i) Statement indicating results of secret ballot taken at a meeting of the departmental tenured faculty

showing the number of faculty members eligible to vote, number for, number against, and number abstaining.

(ii) Three letters requested by department chairman at least two of which must be from colleagues at the University.

6. A promotion and tenure committee at any level may withhold a recommendation if in its judgment there has been noncompliance with established procedure or the folder does not contain required information and material or does not contain adequate information. If the withhold is done by the departmental committee or by the next higher committee, the chairman and the prospective candidate shall have five days to comply with established procedure or add requested material and documentation prior to final recommendation of the committee. A statement of committee action and all resultant changes in the folder must be recorded under sub-subparagraph (b)5.a. Upon completion of review and recommendation, the promotion and tenure committee at each level should inform the appropriate official of any inadequacies in procedure and in the composition and documentation of the folders.

(c) Appeals.

1. A member of the faculty may nominate himself for promotion and, if eligible, for tenure, and request consideration of the departmental promotion and tenure committee, thus becoming a candidate.

2. A candidate may appeal a negative recommendation at any level to the next-higher-level committee.

(d) Time frame for promotion and tenure recommendations.

1. Departmental, school or college, and divisional committees' work should be so timed that all recommendations with accompanying folders are submitted by the provosts to the Executive Vice President by January 15. The University Promotion and Tenure Committee shall submit its recommendations to the Executive Vice President by March 1.

2. All candidates shall be informed of final action on promotion and of recommendation to the Board of Regents on tenure by date set by Board of Regents for inclusion on June Board of Regents agenda.

(e) Suggested guidelines for preparation of folder of candidate for promotion or tenure.

1. Teaching.

a. The following general information related to teaching is suggested for inclusion in the candidate's folder:

(i) A listing of courses taught, contact hours and enrollment each quarter for last two years.

(ii) A statement as to the proportion of time the candidate is assigned to teaching.

(iii) The value, in percentage assigned to student, faculty and/or administrative evaluations of teaching.

(iv) A copy of any departmental instrument developed for student, peer, or committee evaluation of the candidate. If copies of such forms are not included, the information provided will be discounted.

(v) Placement and success of graduate students, if applicable.

b. The following specific information and standards will be used to evaluate teaching:

(i) Course materials and Methodology; include only statements related to the development of innovative course materials and new programs. (Programs will be interpreted in the broad sense to include

media, methodology, etc.)

(ii) Special teaching responsibilities and related assignments; teaching workshops or seminars; honors courses; adult education courses; in-service courses, DIS, supervised research and supervised teaching; membership on master's or doctoral committees; number of master's or doctoral recipients for which candidate has served as major professor or co-major professor.

(iii) Out of class student contact; academic advising – number of students and hours assigned to advising; and a statement as to candidate's accessibility to students.

(iv) Awards or other public recognition; departmental teaching awards; University teaching awards (such as Standard Oil Foundation Award); council for instruction award; and others (please specify).

(v) Student evaluations; SIRS or other University-wide instrument; and departmental instrument.

(vi) Peer evaluations, including only data which is reasonably objective such as information gleaned from visitations and video tapes.

(vii) Evaluations by administrative supervisors.

(viii) Statement by the candidate, at the discretion of candidate.

c. The committee will not consider:

(i) Informal oral communication by students or peers.

(ii) An endorsement not accompanied by material susceptible to independent evaluation.

(iii) Lecture notes.

2. Scholarship. For the purposes of assessing scholarship three kinds of data are appropriate: publications, creative productions in the arts, or performances of critical importance to the candidate's area of expertise. The promotion folders should include full publication data on each work listed and be accompanied by a departmental evaluation of the candidate's scholarship. The candidate should also include information he or she feels pertinent to evaluation.

a. Published books, 100 pages, except in poetry, according to AAUP.

(i) Scholarly books: limited monograph of 75 to 100 pages; textbooks; edited and/or translated books; bibliographical books; books of readings or casebooks; any of the above co-authored or with multiauthors, in descending order.

(ii) Publisher; University, scholarly, commercial, international and national reputation; vanity or subsidy presses, differentiating those subsidy presses whose publications are referred; and in-house organs.

(iii) Details of publication: Is the book out or does the individual have a contract? Contract signifies that the work has been accepted for publication and will be published, to differentiate from the contract often used by commercial houses indicating desire to consider publication rather than guarantee of publication; book reviews, or if not available, referee's report; influence of work as indicated by frequency of citation in published works of other investigators and writers, reprinting, translation in foreign language, or similar criteria; research effort required; and number of copies printed.

b. Articles in journals: prestige of journal and circulation; originality and scope of article, length and breadth as exhibited by variety of subfields in which research or development is manifest; research effort

required; is the journal refereed; co-authored works; and multiauthored works.

c. Articles in published works: festschriften; anthologies; proceedings of conferences or symposia; technical reports; original articles of semipopular nature, having as their purpose the dissemination of technical or scientific information; book reviews, newspaper articles/reviews listed separately; encyclopedia articles; and abstracts.

d. Related scholarship: papers read at national or international professional meetings; papers read at regional professional meetings; discussant or chairman roles at conferences and symposia; invited lectures; editorship, service on Board of Editors, and editorial positions on boards of regional, national and international journals; professional awards for scholarship; grants from the FSU Research Council; role as referee of manuscript, journals, and grant proposals, consultant to a federal agency, university, or national foundation or foreign university or government agency; visiting appointment reflecting scholarship or post-doctoral research program; funded research – Government, University, International, Regional, etc.; consultation resulting in scholarly publication.

e. Idiosyncratic criteria where applicable, as in Art, Dance, Music, Theatre, etc.

### 3. Service.

a. Recognized service: membership on departmental/college/university committees essential to operation of the respective units; administrative duties for the department/college/university, even on a temporary (1 quarter – 1 year) basis; activity in professional (local, regional, national) groups beyond simple dues-paying membership (role as officer, committee member, etc.); nonfunded professional advisory service to community, civic, governmental, religious, or social groups (periodic consultant, speaker, workshop leader); representative of department/college/university at professional meeting; testimony on professional matters to legislative bodies; advisor for a student organization.

b. Basics: service should incorporate contributions which are not considered teaching and scholarship but which enrich one's teaching and scholarly work; service can range from assisting individual students to working with national organizations; faculty at the junior level are expected to offer service more at the local and/or regional level – senior faculty, at both those and the national level; no department should recognize service only in the area of committee work as opportunities for such service vary among departments; service should be evaluated so that weight is given leadership, time, effort, and breadth of service.

### (3) Divisional Criteria and Procedures:

(a) Division II. No recommendation should be made or withheld solely on the basis of time in rank, race or sex. Special attention should be given to the unique service role of the professional school faculty member in the community. For example, he is frequently called upon to provide linkages between the practitioner and the academic community and to serve governmental agencies and the community in continuing education. This aspect should be strongly considered in assigning weights to teaching, research, and service and in the statement of assigned duties.

(b) Division III. Part 1 – Structure of the Division-Level Faculty Evaluation Committee: The Division-

Level faculty evaluation committee (hereafter referred to as “the committee”) shall be elected from members of the Division. Each department or school within the Division (hereafter referred to as “unit”) will have one or more members as representatives to the committee. Each unit will elect its representative(s) for a term of three years. The terms will be staggered so that no more than one third of the committee will be new for any given year. The number of representatives per unit on the committee will be proportional to the size of the unit according to the following formula: units with 15 or less line-item faculty and/or faculty in tenure or tenure-earning positions will have one representative; units with 16 to 25 line-item faculty and/or faculty in tenured to tenure earning positions will have two members on the committee; units with 26 or more line-item faculty and/or faculty in tenured or tenure-earning positions will have three members. This will produce a committee of about 16 members. A person elected to the committee who is being considered for promotion or tenure shall not sit on the committee from the time his credentials are submitted for evaluation until his case is decided at the Division level. During that period, his unit shall name a substitute as its representative to the committee. The Task Force has no recommendation as to whether or not the Institute for Social Research shall have a representative on the committee. The faculty in the Institute for Social Research may not be counted by both the Department of which they are members and the Institute for purposes of apportionment of committee representation. Representatives to the committee shall be elected from line-item faculty and/or faculty in tenured or tenure-earning positions.

#### Part 2 – Procedures for Evaluation.

a. Criteria – The performance of each faculty member shall be evaluated in each of the following areas appropriate to the terms of employment:

1. Teaching – Teaching involves the presentation of knowledge, information and ideas by many methods including lecture, discussion, assignment and recitation, demonstration, laboratory exercise, practical experience, direct consultation with students, supervision of interns, etc. The utilization and effectiveness of each of these methods, when appropriate, shall be considered.

2. Research and Other Creative Activities – Contribution to the discovery of new knowledge, development of new educational techniques and other forms of creative activity shall be considered and evaluated. Evidence of research and other creative activity shall include, but not be limited to: published books; articles, papers, and book reviews, in professional journals, magazines, or newspapers; encyclopedia articles; symposia or conference proceedings; papers presented at meetings of professional societies; research grants; research proposals; and current research and creative activity that has not yet resulted in publication, display, or performance. Research activities shall also include, service as editor or member of an editorial board, or referee of manuscripts for scholarly or professional journals. Visiting appointments reflecting scholarship or post-doctoral research efforts shall be considered.

3. Service – Service shall include, but not be limited to, service on departmental, college and University committees, councils and senates; service in appropriate professional organizations, involvement in the organization and expedition of meetings, symposia, conferences, workshops;

participation in professional conferences, radio and television programs; talks to civic clubs and other citizens groups; service to local, state and national governmental boards, agencies and commissions. Only those activities which are related to a person's field of expertise or the mission of the University shall be evaluated.

4. Other University Duties – Whenever duties other than those usually classified as teaching, research or other creative activity, or service are assigned to a faculty member – such as academic administration, academic advising and career counseling – the effective performance shall be evaluated as hereinafter prescribed.

b. Responsibility for Evaluation and Weighting of Criteria – The basic evaluation of each faculty member with respect to teaching, research or creative activity and service shall be the responsibility of each academic unit. The following minimum procedures shall be employed by the academic unit in arriving at the final faculty evaluation:

1. Evidence of Performance – The academic unit shall request each member of the faculty to submit evidence of his or her performance in teaching, research or creative activities, and service (and other University duties where appropriate), together with any interpretive comments or supporting data which the faculty members deem appropriate in evaluating his or her performance. Reference is made to the statement on procedure and criteria developed by the 1971-1972 Faculty Advisory Committee on Promotion and Tenure for a detailed statement of the type of evidence to be forwarded to the Division Committee for Evaluation.

Where appropriate, each faculty member shall submit to the academic unit the results of an evaluation instrument of teaching adopted by the University and some other evidence of teaching effectiveness as deemed to be appropriate in the circumstances. Such evidence may include alternative evaluations by students, faculty or administrators.

c. The results of the individual faculty member's annual review shall be forwarded with the above mentioned materials and such annual evaluation must be considered by the Division-level faculty evaluation committee in making decisions concerning promotion and tenure. In evaluating the competencies of a faculty member, primary assessment shall be in terms of his performance of the assigned duties and responsibilities, and such evaluation shall be given adequate consideration for the purpose of salary adjustments, promotions, re-employment and tenure. A faculty member who is assigned full-time teaching duties as provided by law shall be rewarded with salary adjustments, promotions, re-employment or tenure for meritorious teaching and other scholarly activities related thereto.

Flexible criteria for rewarding faculty members consistent with the institution's educational goals and objectives shall be established, which criteria shall include quality teaching as a major factor in determining salary adjustments, promotions, re-employment or tenure.

d. Leave of Absence and Evaluation – If a faculty member is on leave of absence for all or part of one or more academic years, the last evaluation preceding the commencement of the leave of absence shall suffice in meeting the annual evaluation requirement. For purposes of salary determination, promotion or

tenure, and at the option of the faculty member, the academic unit may review such relevant information as the faculty member wishes to present concerning teaching, research or service during the period of his leave. Such performance shall be evaluated in the manner proscribed above.

(c) Division IV.

1. Criteria: The following shall be taken into consideration in interpreting the above proviso.

a. Appropriate instruments and procedures may be developed by schools and colleges, or by their respective departments, for the purpose of assessing or evaluating any of the foregoing criteria. Instruments and procedures may vary from department to department, as may the relative weighting given to various sources of evaluative data.

b. The interpretation of these criteria may vary from department to department according to the needs of differing programs. Insofar as possible, the Divisional Promotion and Tenure Committee shall take into account different needs of programs when evaluating the performance of individual faculty.

c. Specifically, creative activity such as performance, production, and exhibition, shall be considered equivalent to research in those programs emphasizing creative activity, and shall be given similar weight in deciding questions of promotion and tenure. Where appropriate, departments and schools may develop criteria and standards for reporting and evaluating creative activity.

2. Procedures:

a. The Divisional Promotion and Tenure Committee shall consist of eleven members: four from Music, two from Communication, and one each from Art, Art Education/Constructive Design, Dance, Interior Design and Theatre. Decisions shall be by majority vote of the members. The Acting Provost shall chair the Committee, but shall not vote unless regularly elected as a departmental or school representative.

b. The Divisional Committee shall receive nominations from the College of Communication, the Department of Dance, the School of Music, the School of Theatre, and the Promotion and Tenure Committee of the School of Visual Arts (consisting of one representative each from the Department of Art, Department of Art Education/Constructive Design and the Interior Design Program). Internal procedures for arriving at these nominations shall be at the discretion of the respective schools and departments. Deans or Chairman may submit separate nominations at their discretion.

c. Each member of the Committee shall rate each candidate for promotion or tenure on a scale of 1-10 points. Summed ratings of committee members shall serve as a basis for a preliminary rank-order of candidates.

d. After publication of the preliminary rank-orders, the Committee shall proceed to a discussion of the merits of each case. Following the discussion of each nominee, a vote shall be taken on whether to recommend the candidate for promotion or tenure. The results of this vote shall be reported to the University-wide Promotion and Tenure Committee.

e. Following the case-by-case discussion and vote, each member of the committee shall rank-order all applicants within a given academic rank, and the sum of these ranks shall be used as the basis for a final rank-order of those recommended for promotion.

f. The results of the Committee's action shall be transmitted as soon as possible to the Chairmen and Deans, and a reasonable opportunity allowed for these administrators to appeal decisions of the Committee, either with respect to promote/no-promote action, or with respect to relative rank-ordering of candidates within the department or school. In instances where the committee, after such appeal, reaffirms its original decision, the Dean or Chairman may file a written objection to the Committee's action, which will be forwarded to the University Promotion and Tenure Committee along with the Divisional Committee's recommendations.

g. The Acting Provost will not file recommendations separate from those of the Divisional Promotion and Tenure Committee.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented 240.227(19) FS. History--New 9-30-75, Formerly 6C2-4.34.

#### **6C2R-4.035 Department, School and College Criteria and Procedures.**

(1) Initiating the review. Program leaders shall examine the files of all faculty members having primary responsibilities to their programs in order to identify those faculty members eligible to become candidates for promotion or tenure. Those faculty members who are eligible to become candidates shall be presented with a written notice of their eligibility and specific procedures to be followed if they wish to become candidates for promotion or tenure. Eligible faculty members are responsible for preparing their own folders in the format indicated and submitting them to the appropriate program review committee by no later than October 24. Individuals having responsibilities in more than one program must submit their folders to the program review committee of their secondary programs by no later than October 18.

(2) Responsibilities of the program review committee. It is the responsibility of the person chairing the secondary program committee to pass the recommendations of the committee and the candidate's folder to the candidate's primary program committee by no later than October 24. By the same date this person will be responsible for delivering a copy of the Secondary Program Committee's recommendation to the candidate. Should this recommendation be negative, the candidate must at the same time be informed in writing of the privilege and procedures of appeal. The primary program review committees shall review all folders and shall forward these folders and the committee recommendations to the Program Leader by no later than October 31. Accompanying each recommendation must be an accounting of the vote taken. A copy of the recommendation of the committee must be delivered to the candidate by the person chairing the committee by the same date. In cases of a negative recommendation candidates must at the same time be informed in writing of the privilege and procedures of appeal.

(3) Responsibilities of the Program Leader. The Program Leader shall review the folder of each candidate, the recommendations of the program review committee, and appeals from the candidates when called for. The recommendation of the Program Leader and the folder of each candidate must be passed on to the Division Director by no later than November 7. A copy of the recommendation of the Program

Leader must be delivered to the candidate by the same date. Should this recommendation be negative, the candidate must at the same time be informed in writing of the privilege and procedures of appeal. While Program Leaders are in possession of the candidate's folders they shall be responsible for including additional necessary documents to each. In each tenure consideration the Program Leader must add a letter to the candidate's folder indicating the results of a secret ballot vote of all tenured faculty in the program. This letter must indicate the number of faculty eligible to vote, the number for, the number against, and the number abstaining. In addition to this letter, the program Leader must add two completed Board of Regents tenure forms to the folder of each candidate. In both promotion and tenure considerations the Program Leader must add a letter to the folder of each candidate summarizing the candidate's performance as it relates to specific characteristics of the program and the assignments of the candidate. Any discrepancy between this statement and statements made by the candidate must be clearly noted and justified.

(4) Responsibilities of the Division Director. The Division Director shall review the folder of each candidate, the recommendation of the Program Review Committee and the Program Leader, and appeals from the candidates when called for. The recommendation of the Division Director and the candidate's folder must be passed on to the Promotion and Tenure Committee of the College by no later than November 15. A copy of the Division Director's recommendation must be delivered to the candidate by the same date. Should this recommendation be negative, the candidate must be informed in writing of the privilege and procedures of appeal.

(5) Responsibilities of the College Promotion and Tenure Committee. The Promotion and Tenure Committee of the College shall review the folder of each candidate, the recommendations of the program review committee, the Program Leader and the Division Director, and appeals from the candidate when called for. The recommendation of the committee and the candidate's folder must be passed on to the Dean by no later than November 29. Accompanying each recommendation must be an accounting of the vote taken. A copy of the recommendation of the committee must be delivered to the candidate by the person chairing the committee by the same date. In cases of negative recommendation candidates must at the same time be informed in writing of the privilege and procedures of appeal.

(6) Responsibilities of the Dean. The Dean shall review the folder of each candidate; the recommendations of the program review committee, the Program Leader, the Division Director and the College Promotion and Tenure Committee; and appeals from the candidate when called for. The recommendation of the Dean and the candidate's folder must be passed on the Provost by no later than December 4. A copy of the Dean's recommendation must be delivered to the candidate by the same date. Should this recommendation be negative, the candidate must be informed in writing of the privilege and procedures of appeal. While the Dean is in possession of the candidate's folders, he shall be responsible for adding one additional necessary document to each folder and arranging the included documents in the order requested by the Provost. The document to be added by the Dean is a statement of the action taken by each committee and each administrative officer that reviewed the folder. This statement must include an accounting of all votes, for, against, and abstaining.

(7) Appeals procedures. Any candidate for promotion or tenure who receives a negative recommendation from a program review committee, the Program Leader, or the Division Director may appeal the negative recommendation to the College Promotion and Tenure Committee. The appeal should be submitted in writing to the person chairing this committee within three (3) days after the candidate received the recommendation. Copies of the appeal should be sent to the appropriate program review committee, Program Leader, and Division Director. Should the candidate wish to meet with the College Promotion and Tenure Committee, this should be requested in the letter of appeal and the request shall be granted for a hearing. The candidate may have the appropriate Program Leader and/or Division Director present at the hearing if that is desired. Any candidate for promotion or tenure who receives a negative recommendation from the College Promotion and Tenure Committee may appeal to the Dean of the College. Such an appeal must be in writing and received by the Dean within three (3) days after having received the recommendation of the Committee. All requests for a meeting with the Dean shall be granted.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 . Law Implemented 240.227(19) FS. History—New 9-30-75, Formerly 6C2-4.35.

**6C2R-4.0395 College of Law Phased Retirement Program.**

(1) Eligibility. College of Law faculty who have accrued at least ten years of creditable service in the Florida or Teachers Retirement System or Optional Retirement Program and who are tenured are eligible to participate in the College of Law Phased Retirement Program. A College of Law faculty member at any age after accruing ten years of creditable service may retire from the University and participate in this Program during a six year period ending June 30, 1997. Thereafter, if phased retirement continues to be permitted by the Florida Retirement System, eligibility shall expire not later than one year after the employee's 62nd birthday. Employees who choose to participate must provide written notice during an academic year that they will retire with an effective date to be agreed upon by the employee and the University.

(2) Program Provisions.

(a) All participants must retire and thereby relinquish all rights to tenure.

(b) Upon retirement, the participant will receive payment for any unused annual leave or sick leave to which the participant is entitled.

(c) Participants shall be offered reemployment as a College of Law Service Associate Professor or College of Law Service Professor under an Other Personal Services (OPS) contract by the University for 780 hours in any academic year (.50 FTE), one semester at full pay or two semesters at one-half pay, at a salary proportional to the salary prior to retirement, including an amount comparable to the pre-retirement employer contribution for health and life insurance during the period of reemployment.

(d) The period of reemployment obligation shall extend over five consecutive years, beginning with the academic year next following the date of retirement. If a participant chooses to decline employment for an academic year, the participant shall request a leave of absence without pay for the period of time

involved with reasonable notice to the University. The period of reemployment, however, shall not be extended beyond that described above.

(e) The assignment shall begin with the academic year next following the date of retirement and shall be scheduled within one semester of the academic year, unless the participant and the University agree to reemployment for the entire academic year at 0.50 FTE. Participants who are on the Florida Retirement System or Optional Retirement Program must remain off the State payroll for one calendar month following the effective date of retirement in order to validate their retirement, and may be reemployed by the State University System for only 780 hours in the first year after retirement.

(f) Participants shall be credited with five days of paid leave at the beginning of each full-time semester appointment. The leave may be accumulated but shall not be reimbursed as unused leave at the termination of the five-year reemployment period. The leave shall be used in increments of not less than one-half day (4 hours) when the participant is unable to perform assigned duties as a result of illness or injury to the participant or a member of the participant's immediate family which shall include only the spouse, mother, father, brother, sister, natural, adopted, or step child, or other relative living in the participant's household.

(g) Participants shall receive all across-the-board salary adjustments available to employees in established positions in an amount proportional to their part-time appointment. They shall be eligible for discretionary salary increases on the same basis as such other employees.

(h) Participants shall retain all rights, privileges, and benefits of employment as provided by law, rules, and University policies. During the period of reemployment, participants are to be treated as tenured faculty members for the purposes of Rule 6C-5.125, F.A.C., Layoff. The participant is entitled to an allocable portion of funds normally made available to faculty for research assistants if he or she is maintaining an active research program, and for travel, books and photocopying services.

(i) Office assignments within the College of Law shall be made at the discretion of the Dean. In all likelihood the participant will have to vacate his or her office to provide space for a new faculty member; however, office space will be made available to the participant when he or she has teaching responsibilities.

(j) While under policy of the Faculty Senate participants are to be given the same opportunities to participate in faculty activities as regular non-tenured faculty members have, a participant would not be required to attend faculty meetings or serve on University committees but would be entitled to vote as a regular faculty member on any issues in which non-tenured faculty members are eligible to vote.

(k) The decision to participate in the College of Law Phased Retirement Program is irrevocable.

(l) At the conclusion of the five year period of reemployment and upon the permanent retirement of the faculty member from the College of Law Phased Retirement Program, the faculty member, at the discretion of the Dean, may be reemployed as an adjunct employee on a year-to-year basis as permitted by Board of Regents rules.

(m) Recommendation for Emeritus Status shall not be considered for faculty members until retirement from the College of Law Phased Retirement Program.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented 121.091(9)(b)5., 240.227(1), (5), 240.227(19) FS. History–New 10-10-91.

#### **6C2R-4.062 Research Institutes, Centers and Facilities.**

##### (1) Definitions.

(a) Research Institutes are connected with two or more departments (involving one or more schools or colleges). Both the establishment of the institute and the appointment of its director must be approved by the Board of Regents. Institutes may function as an umbrella for one or more research centers. Institutes are reasonably permanent, formally organized units. Institutes may not grant degrees.

(b) Research Centers do not require Board of Regents approval. Their immediate administration may be by an individual or group of individuals. Centers are more flexible, and probably more temporary, than are institutes. Centers, like institutes, may not grant degrees. Research centers referred to here are separate from centers which would be classified as intradepartmental or intrainstitute.

(c) Facilities are entities in which the major emphasis is upon a single or a series of experimental techniques, research instrument, etc., which are likely to be utilized across departmental lines. Normally the facility will have a director who coordinates utilization of the resources of the facility. Facilities referred to here are separate from facilities which would be classified as intradepartmental or intrainstitute.

##### (2) Establishment of Organizations.

(a) A formal application will be made for the establishment of all three types of organizations. Such applications will set forth the aims of the proposed new organization and the means for functioning. Commitments of faculty effort and proposed sources of funding will be described. Applications will be submitted to the appropriate department chairman. After approval by appropriate departments, deans of schools or colleges, and provosts concerned, the application will be forwarded to the Provost for Graduate Studies and Research who in consultation with the Executive Vice President will normally forward it to the Graduate Research Council for recommendation. Final approval will be obtained as follows:

(b) In the case of centers and facilities, final approval is granted the Executive Vice President. In the case of institutes, the application is forwarded from the vice presidential level for approval by the Board of Regents. In general, there are three possible grounds for the establishment of new organizations. These grounds are as follows:

1. To encourage interdisciplinary research which bridges gaps left by departmental research;
2. To undertake a larger or broader research mission than can be administered feasibly by the department(s) concerned;
3. To provide better utilization of facilities and resources.

(c) In general, no new organization should be established simply on the basis of the availability of federal funding. No new organization should be established around a single “key” word likely to be of only temporary high priority in federal funding. While some researchers feel impelled to do research on

important social problems, others do not. In any event, a research or service focus must be clearly kept distinct from a political focus. There should be within the faculty a core of excellence already existing before the planning of an interdisciplinary research organization. This is a corollary of the need to avoid establishment simply because funds are available.

(3) Administration of Organizations.

(a) The higher level of administration for new organizations should be as follows:

1. Most institutes and centers should operate under a provost or dean of an appropriate school or college. If the facility, institute or center cuts across school and college lines, either a group of deans should be responsible, or a committee drawn from the appropriate colleges, or the organization placed under the supervision of a central University office such as the Provost for Graduate Studies and Research or the Executive Vice President.

2. Each institute, center, or facility which cuts across departmental lines should be supervised in some way by a board or advisory committee appointed by the appropriate level administrator and selected from nominees of the departments most affected by the research organization.

(b) The director of an institute, center, or facility will be appointed by the appropriate level administrator for a specified term from nominees provided by the governing board or supervisory committee of the research organization.

(4) Evaluation of Organizations.

In addition to the continuous kind of evaluation that is assumed to take place by the administrators of organizations, and by the final approval authority which established each organization, it is desired that evaluation become more formal than in the past. The Graduate Research Council and outside consultants could be called upon in many instances. When such formal evaluations show that an organization is no longer serving its original purpose, the authority for closing down an organization rests with the final approval authority which established the organization.

(5) Faculty Appointments.

While a research organization may take the initiative in recruitment of new faculty, and may provide some of the funds for faculty salaries, appointment of new faculty members is through departments only. Such persons must take an active part in their home departments only. Such persons must take an active part in their home departments so that other members of the department, especially the chairman, are well acquainted with their performance.

While nothing in this policy forbids the employment of research personnel on a staff basis for work in research organizations, it must be observed that faculty positions temporarily paid for by research funds must be backed up by regular faculty line positions.

(6) Renaming of Organizations.

In order to achieve and maintain the uniformity in meaning of the above definitions of organizations, any existing organization designations which conflict with these definitions should be corrected to conform with these definitions. The highest level of administration now responsible for such organizations will have

the responsibility for reviewing names of existing organizations and for initiating any necessary corrective action.

(7) Research Projects Involving Human Subjects.

The responsibility for administration of University policies to assure the welfare of human research subjects is assigned to the Provost, Graduate Studies and Research. University policy is mandated by the Board of Regents and the U.S. Department of Health, Education and Welfare. In this effort, the Provost, Graduate Studies and Research is assisted by a university-wide committee composed of representatives of the various schools and colleges. University policy requires prior approval of research protocols involving human subjects. Faculty members are requested to contact the Office of Graduate Studies and Research for detailed information and procedural guidelines.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented 240.227(1), (21), 240.242, 240.299 FS. History--New 9-30-75, Formerly 6C2-4.62.

**6C2R-4.063 University Sponsored Educational Materials.**

(1) Scope of Statement of Policy.

(a) This statement of policy shall apply only to the ownership and use of University-sponsored educational materials, as defined in paragraph (2)(a), and extends to University personnel, including faculty, staff, and students, as defined in paragraph (2)(c).

(b) Unless specifically excluded by other Sections of this statement, the types of educational materials to which this policy is designed to apply include, but are not limited to, the following:

1. Video and audio recordings;
2. Films, filmstrips, charts, transparencies, slides, and other visual aids and accompanying sound recordings;
3. Study guides, tests, scripts, manuals, syllabi, bibliographies, periodicals, books, or similar printed or audio materials;
4. Computer programs and programmed instructional materials;
5. Live audio and video transmissions open (broadcast) or closed (cable);
6. Musical compositions and works of art to include drawings, plastic works of scientific or technical character, photographs, prints, and pictorial illustrations;
7. Other print and non-print materials subject to Federal copyright.

(c) This policy statement does not apply to the following types of materials:

1. Articles submitted to or published by scholarly and professional journals;
2. Class notes produced in connection with regularly scheduled courses of instruction;
3. Scholarly and professional books, texts, works of art, musical compositions and the like unless the author or producer was assisted by a support agency of the University as specified under sub-subparagraph (2)(a)1.a. or unless the author or producer was both specifically commissioned in writing and assisted in

whole or in part as provided under sub-subparagraph(2)(a)1.b.;

4. Sponsored grants or contracts may contain specific provisions regarding ownership, copyright, or royalty income privileges related to materials generated under the contract. These conditions are binding on the University and the author or producer. If the extramural agency does not stipulate how royalty income is to be distributed within the University then the provision of this policy shall prevail.

(2) Definitions.

(a) University-sponsored Educational Materials.

1. Educational Materials are University-sponsored.

a. If the author or producer has employed in his developmental work, without personal charge to himself, the equipment, materials or staff services of the Computer Center, WFSU-FM, WFSU-TV, the Photo Laboratory or the Division of Instructional Research and Service, or any other new agency, or combinations of above mentioned existent agencies, and/or new agencies, established or supported by the University primarily to assist in developing and producing educational materials; or

b. If the author or producer has been both commissioned in writing by the University, or one of its colleges, schools, departments, or by other subdivisions, to develop the materials and, in their production has received assistance in the form of released time or from University funds, including grants and contract funds administered by the University.

(b) Costs (Production Costs).

The word costs or the phrase production costs, as related to the production of University-sponsored educational materials, will include the following categories:

1. Direct costs.

Those salaries and materials specifically identified with the production of such materials. [(2) (a)1.a., 1.b.] Direct costs are computed by those supporting agencies involved with the design, preparation, production, editing, duplication, and distribution of educational materials.

2. Indirect costs (Overhead).

Costs for space, utilities, amortization of equipment, etc., which are generally referred to as overhead. The current University indirect cost rate will be applied for recovery of indirect costs relating to the production of University-sponsored educational materials.

(c) University Personnel.

Part-time and full-time members of the faculty, administrative and professional staff, career staff, undergraduate and graduate students, postdoctoral students, and fellows of the University.

(d) Author or Producer.

An individual, a group, a department, or other unit of the University involved in the production of educational materials.

(3) Control of the Content and the Presentation of University-Sponsored Educational Materials.

(a) Subject to the provisions of this policy, the author or producer has the right to and the responsibility for control of the content of University-sponsored educational materials.

(b) Subject to the provisions of this policy, the author or producer has the right to make other versions of the content of the materials for presentation in other media.

(4) Use of University-Sponsored Educational Materials.

(a) Internal Use.

1. Internal use within the University requires approval of the author or producer responsible for the materials, and the academic department, school, college, or agency incurs costs in making materials available for internal use, the supplying entity may require such costs to be reimbursed by the user unit.

2. As long as the author or producer of University-sponsored educational materials remains a member of the staff of the University, he or she has the right to revise any or all materials because of obsolescence; provided that the University shall not be obligated to provide further resources for the development of any such revisions unless the revisions are requested by the University or agreed upon jointly by the University and the author or producer. Should the extent of the required revision exceed the resources of University supporting agencies involved, materials may be withdrawn by agreement of the author or producer and the University. Questions regarding revisions or the withdrawal of materials will be referred to the Provost for Graduate Studies and Research, and shall be governed by the procedures outlined in subparagraph (7)(b)2.

3. If the University-sponsored educational materials are used internally without revision for a period of two years, the University shall request the author or producer and the appropriate University supporting agency or agencies to consider revising the materials or to determine whether they shall continue to be used.

4. The author or producer has the right to make personal and professional use of the materials within the University. Scheduling and arrangements to cover the costs for such personal requests will be made with the University supporting services involved with the original production of the educational materials.

5. If the author or producer terminates employment with the University, the University retains the right to continued internal use of the University-sponsored educational materials in accordance with this policy unless special conditions for subsequent internal use have been arrived at by joint written agreement of the author or producer and the University.

6. The author or producer has the right to use the University-sponsored educational materials at no cost to the University after termination of his or her employment with the University subject to the provisions of this policy.

(b) External Use.

1. Licensing or sale of publication of University-sponsored educational materials for external use shall be preceded by a written agreement between the University and the author or producer specifying the conditions of use, including provisions concerning the right of the author to revise the materials or to withdraw them from use, and the distribution of net royalty income in accordance with sub-subparagraph (5)(b)2.d.

2. Use by other institutions in the State University System shall be royalty free.

(5) Compensation for the Production and Use of University-sponsored Educational Materials.

(a) Compensation for Production Activity.

1. With the exception of payments made on an overload basis subparagraph (5)(a)3., the University shall not make any payment to the author or producer of University-sponsored educational materials other than the compensation regularly received.

2. The regular assignment of the author or producer may be adjusted to take into account the extra time required to develop, or produce, or revise the University-sponsored educational materials.

3. In accordance with the established policy which enables the Division of Continuing Education to pay for services on an overload basis, the author or producer may receive payment for the development of materials. Such additive compensation will be provided for in a written agreement between the Division of Continuing Education and the author or producer.

(b) Distribution of Royalties.

1. The University shall license the external use of University-sponsored materials only after it enters into a written agreement among the Board of Regents, the University, and the author or producer specifying the distribution of net royalty income, in accordance with (5)(b)2.d.

2. Such an agreement will be subject to the following guidelines:

a. The University's original production costs as defined in subparagraphs (2)(b)1. and 2., shall be recovered by the University prior to the distribution on any royalties.

b. Expenses related to the production and distribution of additional copies of educational materials will be recovered from each sale or rental on the same basis as the original production costs.

c. Royalties may be included in the sale or rental price subject to any limitation imposed by outside contracting or granting agencies.

d. Fifty percent of any resultant net royalty income (royalty income after production costs and distribution costs as defined in (2)(b) derived from the external use of University-sponsored educational materials will go to the University, and fifty percent to the author or producer.

e. Twenty-five percent of the University share shall be allocated to SRAD. The remaining royalties that accrue to the University shall be returned to the school, college and/or supporting agency to finance further the development of educational materials or for other educational purposes. Distribution shall be as negotiated among the Provost for Graduate Studies and Research and the chief administrator of the department, school, college or agency involved.

(6) Ownership and Copyright. Ownership of University-sponsored educational materials shall be vested in the University, subject to the conditions set forth in this statement of policy. Copyright of University-sponsored educational materials resides with the State of Florida. The author or producer shall cooperate with the University in obtaining copyright.

(a) Copyright Statement.

Property rights in copyrightable material may be secured for a published work by initially publishing the work in printed or otherwise processed form bearing or displaying a proper copyright notice. Notice contains a display of the word copyright, the abbreviation COPR, or the symbol "C" enclosed in a circle,

followed by year of publication and the name of the copyright owner. The “C” in the circle is preferred because it gives the work certain international copyright protection. Formal registration in the U.S. Copyright Office constitutes further evidence of copyright. The publication of a work without proper notice may forfeit copyright protection.

(b) Credit Statements on University-Sponsored Educational Materials.

1. University-sponsored educational materials should bear the name of the author or producer, The Florida State University, the date when produced, and a copyright notice. Guidance on the appropriate copyright notice should be obtained from the Provost for Graduate Studies and Research.

2. The author or producer has the right of withdrawal of personal credit.

(7) Procedures and Administration.

(a) Administration of Policy.

1. The Provost for Graduate Studies and Research shall represent the University in negotiating all agreements with authors or producers and initially in other matters covered by this policy. In drafting any agreement, he shall also consult with the heads of the author’s or producer’s unit and the heads of the production or supporting agencies. Where copyright coverage should be obtained on University-sponsored materials, the Provost for Graduate Studies and Research will initiate the copyright notice and application for copyright.

2. The President of the University shall appoint a University Committee on Copyrights consisting of three members, all knowledgeable in the field of instructional systems and materials and including representation from the faculty. The Provost for Graduate Studies and Research shall be an additional non-voting member of the Copyright Committee. The Committee shall consider all requests for reviews and reports submitted to it promptly and shall make the determinations required within a reasonable time. All University personnel involved in the development and production of materials covered by this policy shall be entitled to appear before the Committee and present evidence with respect to the determinations made by the Committee. The Committee’s determinations shall be made in writing and shall contain a statement of its findings and reasons for the decision.

(b) Procedures for Interpretation of Policy.

1. Determining the nature of educational materials. All materials which may belong to the University under the provisions of this policy shall be reported promptly in writing by the author-producer concerned through the appropriate department head and dean to the Provost for Graduate Studies and Research. Any faculty or staff member having questions as to whether certain materials, either in preparation or under planning for preparation, will be considered University property should initiate an inquiry to the Provost for Graduate Studies and Research. This inquiry shall constitute a full and complete disclosure of the subject matter and the identity of all persons participating in the development and production of the educational materials. The Provost for Graduate Studies and Research shall promptly advise the author or producer as to whether the material should be considered University-sponsored within the meaning of this policy. Such advisory opinions are subject to final clarification when production of the materials is completed. When the

work has been completed, the author or producer should submit questions regarding rights in the work to the University Committee on Copyrights for review or recommendation. Recommendation by the Committee on Copyrights may be reviewed by the Research Council and the decision of the Research Council will be final subject to the provisions of paragraph (7)(b)2.

## 2. Reconciling Disputes.

Any differences between the author or producer on the one hand and the Provost for Graduate Studies and Research or the University Committee on Copyrights on the other hand, shall be submitted to the Research Council. The Research Council shall have full access to any pertinent records over which University personnel, including the author or producer, or the University has jurisdiction. The determination of the Research Council shall be communicated to the President of the University who may review the determination or refer the matter to the Board of Regents for final determination with his recommendation.

### (8) Protection and Liability.

#### (a) Protection.

The University Committee on Copyrights, where authorized by the Board of Regents, shall investigate allegations of unauthorized use or copyright infringement of University-sponsored educational materials and shall recommend appropriate action. If such action is started by the University all costs of such action shall be borne by the University. All proceeds in excess of such costs shall be shared as noted in paragraph (5)(b).

#### (b) Liability.

Before any use is made of University-sponsored educational materials, the author or producer shall hold the University harmless and certify in writing to the Office of the Provost for Graduate Studies and Research that to the best of his knowledge the materials do not infringe on any existing copyright or other legal right. When other alleged violations of personal or property rights by the University, or by the author or producer of University-sponsored educational materials, the University may assume responsibility for the defense of any action and the satisfaction of any judgments rendered against the University, or the author or producer. However, the Provost for Graduate Studies and Research acting for the University, may request or require the author or producer to indemnify and hold harmless the University for all costs to which it has been subjected when the action for personal or property rights is based upon matters which should have been known or with reasonable care should have been discovered by the author or producer. Any judgment rendered against the University or the author or producer shall be satisfied first from net royalties received by the University and the author or producer.

### (9) Radio Program Submissions for Distribution.

(a) For programs or segments to be aired on WFSU-FM prior to or simultaneously by National Public Radio (NPR) or other program distributors transmissions, individual producers are encouraged to submit the material for nationwide distribution. For such production the producer may receive the royalty fee paid by the program distributor as compensation for his or her efforts. Any additional costs above those normally incurred by WFSU-FM to air a program on the station will be reimbursed to the station by the

producer from the fee received. No additional station time may be used to revise programs to meet distribution specifications.

(b) If WFSU-FM does not desire to air the produced material, a producer may, with the advance approval of the Director of Radio, use his or her personal time for production and shall reimburse the station for use of equipment and materials.

(c) The Director of Radio must be informed in advance of such program production efforts and has the discretion to decide the amount of the reimbursements to the station on a case-by-case basis after consultation with the producer. Disagreements concerning the amount of reimbursements will be resolved by the Vice President for Public Affairs.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 . Law Implemented 240.227(1), 240.229 FS. History--New 9-30-75, Formerly 6C2-4.63, Amended 6-16-86.

#### **6C2R-4.064 Sick Leave Pool.**

(1) Scope. This rule establishes a plan allowing participating, employees in a sick leave earning position regardless of Full Time Equivalent (FTE) to have sick leave available for use upon the depletion of their personally accrued sick, annual, personal holiday, and compensatory leave, in accordance with Section 110.121, F.S.

(2) Administration of the Pool.

(a) There may be one or more Sick Leave Pools established within The Florida State University, the number to be determined by the President. The President shall also determine which employees will be eligible to participate in each pool established.

(b) There shall be an administrator designated by the President or designee and a committee appointed by the President or designee who shall be jointly responsible for the operation of the Sick Leave Pool.

(c) The administrator shall:

1. Meet on a regular basis with the sick leave committee and review the sick leave accounts of all participating employees;

2. Maintain in a concise and orderly fashion accurate and reliable written records regarding all functions of the Sick Leave Pool.;

3. Administer the transfer of Sick Leave Pool membership for an employee moving from a position with a State of Florida agency or University to the Florida State University.

4. Investigate alleged abuse of the Sick Leave Pool.

(d) The Sick Leave Pool committee shall:

1. Meet on a regular basis with the administrator;

2. Establish internal operating procedures including but not limited to enrollment of participating employees and application for use of Sick Leave Pool. hours.

(e) The organizational records of the Sick Leave Pool are personnel records and are open for inspection

in accordance with the Public Records law.

(3) Membership and Participation.

(a) In order to be eligible for membership in the Sick Leave Pool, a person must, meet one of the following criteria, either 1. or 2. :

1. Be an University employee:

a.in a sick leave earning position regardless of FTE and

b. Have completed one year of continuous employment with the University prior to participation in the Sick Leave Pool;and

c. Have a minimum of 72 hours of sick leave accumulated at the time of the application to participate in the Sick Leave Pool.

d. Have an average sick leave usage of less than 9 days per year.

2. Be a University employee transferring without a break in service from another State of Florida or University where the employee was a Sick Leave Pool member and have 8 hours of sick leave for donation to the Sick Leave Pool.

(b) In addition to satisfying the requirements of paragraph (a) above, an employee desiring to participate in the Sick Leave Pool. must complete and submit an application form to the Sick Leave Pool Administrator. This form, titled Sick Leave Pool Membership Application may be obtained from the administrator of the Sick Leave Pool.

(c) Participation in the Sick Leave Pool. is at all times voluntary and a participating employee may withdraw from the pool at any time by written notice to the Sick Leave Pool Administrator. Written notice may be provided by filing the form titled Sick Leave Pool Termination Form. The form may be obtained from and filed with the Sick Leave Pool Administrator. Upon withdrawal from the pool, an employee shall cease to be entitled to use the sick leave hours from the pool and shall not be eligible to withdraw those he/she contributed to the pool. The administrator shall immediately amend the roster of participating employees to reflect the employee's withdrawal.

(d). Any sick leave contributed to the Sick Leave Pool by a participating employee shall be forfeited upon contribution to the Sick Leave Pool.

(e) Membership in the Sick Leave Pool shall be forfeited upon separation from the University. Note: If the employee returns to the Univeristy and wishes to participate in the Sick Leave Pool again, membership requirements must be met such as those for new enrollments.

(f) A member of the Sick Leave Pool. may be expelled from the Sick Leave Pool by a majority vote of the Sick Leave Pool committee after a determination by the administrator that such member has abused the use of the Sick Leave Pool.. The administrator shall immediately amend the roster of participating employees to reflect the employee's expulsion from membership. In addition, the employee may be subject to such other disciplinary action in accordance with the University's procedure for taking disciplinary actions.

(g) If warranted by the circumstances, and upon a majority vote of the committee, an employee who

misused the Sick Leave Pool hours granted shall be required to repay all or part of the sick leave hours withdrawn from the pool by that employee. Hours shall be repaid to the pool immediately if there is enough sick leave in the employee's personal balance to cover the total owed to the pool. If the employee's personal sick leave balance is not sufficient to repay the pool, the remainder of the hours owed will be paid each pay period as they are accrued by the employee until all hours owed have been repaid. If the employee separates from FSU before complete repayment of the hours to the Sick Leave Pool, there will be a financial obligation on the part of the employee to repay the value of the remaining hours.

(4) Maintenance of the Sick Leave Pool.

(a) When establishing a Sick Leave Pool, a deposit balance of 720 hours must be met in order for the pool to be activated for use by the eligible participating employees.

(b) Each participating employee will contribute eight (8) hours of sick leave upon approval of membership by the committee. Any Sick Leave Pooled under this rule shall be removed from the personally accumulated sick leave balance of the employee contributing such leave.

(c) The pool will be considered depleted when less than 240 hours remain on deposit.

1. Whenever the pool is depleted, each participating employee, with prior notification, shall automatically contribute an additional eight (8) hours of sick leave to the pool.

2. If the participating employee's individual sick leave balance is less than eight (8) hours at the time the pool is depleted, employee shall contribute all hours accumulated, and shall contribute the remainder as soon as employee has accrued additional sick leave hours. The employee shall not be allowed to accrue sick leave hours until the amount owed to the pool has been contributed.

3. If a participating employee, for more than four (4) pay periods, fails to have a sufficient balance of accrued sick leave when requested to contribute eight (8) hours to the pool, the reasons for the use of sick leave hours by the employee shall be investigated by the Administrator for a determination as to whether the employee's membership in the pool should be cancelled. The decision to cancel an employee's membership shall be by majority vote of the committee.

(d) Hours contributed to the pool shall be placed in a single account for use by all members. No contributions for the benefit of a specific individual, illness, or position will be accepted.

(e) A participating employee shall be allowed to "donate" to the pool up to 40 hours of unused or unpaid sick leave from the employee's individual sick leave balance at the time of retirement or separation from the University.

(5) Use of Sick Leave from the Pool.

(a) Any sick leave in the pool shall only be used by a participating employee for the employee's personal illness, accident, or injury. The following occurrences or situations shall not be considered personal illness, accident, or injury for the purpose of this rule, and shall not entitle participating employees to draw from the Sick Leave Pool

1. Cosmetic surgery, unless such cosmetic surgery results in serious complications or was necessitated by an illness, accident, or injury not excluded under this subsection;

2. Intentionally self-inflicted injuries, such as resulting from a suicide attempt;

3. Illness, accident, or injury to a member of the employee's family.

4. Any employee postponing or delaying obtaining medical attention (to correct an existing medical problem) in order to make him/her eligible for benefits from the FSU Sick Leave Pool, shall be declared ineligible for such benefits.

(b) Sick leave accumulated in the pool shall not be used by a participating employee until all of employee's ~~his~~-personally accrued sick, annual, personal holiday and compensatory leave has been used.

Note: Sick Leave Pool hours when granted would be at the FTE for which the employee is appointed.

(c) An employee who is on leave without pay for reason other than personal illness, accident, or injury shall not be eligible to receive sick leave from the pool.

(d) Sick leave from the pool shall be requested by filing with the Sick Leave Pool Administrator the form entitled Sick Leave Pool Physician's Report and Request to Use Hours, Upon using 480 Sick Leave Pool hours in a 12 month period, an employee may not be granted any additional sick leave from the-Sick Leave Pool for 12 months from the expiration of the last hour granted from the Sick Leave Pool.

(e) During a personal illness, accident, or injury covered by Workers' Compensation, an eligible employee may elect to use sick leave from the pool in an amount necessary to receive salary payments that will increase the Workers' Compensation payments to the total salary being received prior to the occurrence of the illness, accident, or injury. In no case shall the employee's salary and Workers' Compensation benefits exceed the amount of the employee's regular salary payments. Under the following conditions, sick leave from the pool may be used as provided above during an illness, accident or injury covered by Workers' Compensation:

1. All other criteria in this rule for the use of sick leave from the pool must be met;

2. The employee must not be receiving full pay from the University.

(f) Medical certification of the accident, illness, or injury for which the use of sick leave from the pool is requested must accompany the request.

(g) Abuse of the use of sick leave from the pool shall include, but not be limited to, the following:

1. Misrepresentation of an illness, accident, or injury, or the circumstances surrounding it, in order to receive leave to which the employee is not entitled under the provisions of this rule.

2. Submission by an employee of medical certification which is from other than a qualified medical practitioner or which misrepresents the nature of the employee's illness.

(h) A participating employee who withdraws sick leave hours from the pool shall not be required to replace those hours, except as a regular contributing member of the pool, unless required to do so because it has been determined that that employee abused the use of sick leave from the pool.

(i) Extended consecutive use of the Sick Leave Pool by an individual will require committee review ~~an~~ ~~an~~for approval of the individual's continued use of the leave.

(j) A participating employee may draw a lifetime maximum of 960 hours of sick leave from the pool during their employment at The Florida State University.

(6) Discontinuation of the Sick Leave Pool.

(a) The President of The Florida State University or his designee may at any time, in accordance with Chapter 120, F.S., repeal this rule for the purpose of discontinuing the Sick Leave Pool.

(b) Unless otherwise provided by rule, all hours remaining in the Sick Leave Pool at the time it is discontinued will be divided equally between the remaining active members.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented 110.121 FS. History–New 5-20-86, Amended 9-24-98, 11-20-09

#### **6C2R-4.065 Employee Recognition Program.**

(1) The Florida State University Employee Recognition Program provides for recognition of eligible employees.

(2) The University is authorized to expend State funds for recognition and awards to employees in compliance with this rule. Any award will be contingent upon the availability of funds. Nothing in this rule is intended to govern the expenditure of private funds to which the University may have access.

(3) The awards provided for herein shall acknowledge employee achievement in the following two components:

(a) Superior Accomplishment – Exemplary performance by faculty members, or Administrative and Professional (A&P) or USPS employees, that is deemed to have significantly contributed to their respective field, thereby reflecting positively on the caliber of the University. Such recognized accomplishments may be either tangible ones promoting savings or revenue generation or intangible ones promoting other desired improvements without a fixed monetary benefit.

(b) Service – Sustained satisfactory service with the University by faculty members, A&P or USPS employees.

1. Eligible employees may be recognized for service upon retirement.

2. Eligible employees may also be recognized upon achieving increments of five continuous years of satisfactory service at the employing university.

(4) Superior Accomplishment:

(a) Awards for superior accomplishment may be presented to eligible employees on an individual basis or collectively for outstanding group performance.

(b) No cash award granted under the superior accomplishment component shall exceed a net of \$1,000. Savings Bonds or other items in lieu of cash may be awarded, provided the cost of such item does not exceed a net of \$1,000.

(c) The University may award certificates, pins, plaques, letters of commendation, or other appropriate tokens of recognition for superior accomplishment, provided that the cost of the token does not exceed \$50.

(5) Service Award:

(a) The University may recognize retiring employees whose service has been satisfactory. Awards for

retirees may take the form of suitable framed certificates, pins, or other tokens of recognition and appreciation, provided such awards do not cost in excess of \$50 each.

(b) The University may recognize employees who have attained continuous satisfactory service in increments of five years. Awards for satisfactory service may take the form of suitable framed certificates, pins, or other tokens of recognition, provided such awards do not cost in excess of \$50 each.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 . Law Implemented 240.2111 FS. History–New 3-20-88, Amended 9-24-98.

#### **6C2R-4.066 Personnel Exchange.**

(1) There shall be established a personnel exchange program by which university employees who are instructional and research faculty and comparable administrative and professional staff may be exchanged with like personnel of other universities, governments or private industry.

(2) Any university exchanged shall maintain university salary and benefits during the term of the exchange and the personnel received in exchange shall be paid by the sending institution.

(3) Any employee exchange shall be approved by the president or designee where it will benefit the university and any such approval shall not exceed one year and must be renewed after one year if extended.

(4) Any employee exchange may be terminated by the president or designee if it is determined that the return of the exchanged employee is in the best interests of the university.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 . Law Implemented 240.227(11) FS. History–New 9-24-98.

#### **6C2R-4.070 Guidelines for Disciplinary Action.**

(1) Scope. This rule applies to all University Support Personnel System (USPS) employees of the University with regular status and Administrative and Professional (A&P) employees. The provisions of this rule are subject to applicable provisions of collective bargaining agreements. The disciplining of an employee is considered to be a very serious action that is undertaken with care, objectivity and full consideration for the rights and interest of both the employee and the University. Discipline shall be administered in a judicious manner that assures equitable treatment for all employees included in the University Support Personnel System and A&P Pay Plan.

(2) Progressive and Cumulative Discipline. Disciplinary actions described by this rule are based on the concepts of progressive and cumulative discipline. Progressive discipline is based on the idea that employees have been informed of the performance and behavior expected of them. As offenses occur appropriate discipline will be administered in a progressive manner. Penalties shall be appropriate to the circumstances of the offense. In prescribing disciplinary actions it is recognized that some offenses are so serious that suspension or dismissal may be warranted on the first occurrence even though the employee has no prior record of having been disciplined. All offenses can have a cumulative effect and offenses need not be identical to impose a penalty more severe than prescribed for a similar offense.

(3) Delegated Authority. The appropriate disciplinary action may be taken only by a supervisor who has been delegated authority from the University President. The level of delegation varies with the severity of the particular disciplinary action and is identified in the following table.

Disciplinary Action	Authority Delegated to the
Oral Reprimand	Immediate Supervisor
Written Reprimand	Immediate Supervisor with approval of next higher level Supervisor
Demotion and/or Reduction in Pay	Vice President or Designee
Suspension	Vice President or Designee
Dismissal	Vice President or Designee

(4) Types of Disciplinary Action. The type of disciplinary action taken will depend upon the gravity of the employee's offense and the type of disciplinary action that has been taken in the past for similar offenses. Except in extraordinary situations, prior to the dismissal or suspension without pay of a regular employee, the University shall give the employee written notice as required in the University's Predetermination Procedures (7/98). The disciplinary proceedings shall proceed as set out in the University's Predetermination Procedures which are hereby adopted by reference. The following types of disciplinary actions may be imposed.

(a) Oral Reprimand. This is the least severe disciplinary action. The purpose of this action is to bring a problem to the attention of an employee. Where practical, the reprimand will be delivered in private and the supervisor will clearly state that the employee is receiving an oral reprimand. The supervisor will indicate the nature of the improper behavior, cite the work standard governing the situation and explain precisely what corrective action is expected. The employee shall also be informed that future similar behavior may result in more serious disciplinary action consistent with the guidelines herein. Two copies of a completed Oral Reprimand Record will document the meeting with the original filed in the employee's official personnel file and a copy given to the employee. The Oral Reprimand Record shall include the date, time and location at which the oral reprimand was delivered and indicate the nature of the reprimand.

(b) Written reprimand. This type of disciplinary action is issued for a more serious offense than one that warrants an oral reprimand. The purpose of a written reprimand is to help an employee recognize errors made and to correct them. The contents of the written reprimand will be concise and to the point. It will specifically state that the employee is receiving an official written reprimand, cite the specific performance or conduct standard that was violated, briefly note the specific incident prompting the discipline, indicate the corrective action expected and state that future violations may result in more severe disciplinary action consistent with the guidelines herein. The written reprimand shall be signed by the immediate supervisor and approved by the next higher level supervisor, with a signature line for the employee to acknowledge receipt. The completed written reprimand will be delivered to the employee in private, where practical. A copy of the completed reprimand shall be filed in the employee's official personnel file and a copy given to the employee.

(c) Demotion and/or Reduction in Base Pay. The disciplining authority shall consult with the appropriate Vice President and Human Resources prior to taking this type of action. The employee shall be provided written notice by personal delivery or certified mail, return receipt requested, prior to the action being taken with notification of the employee's appeal or negotiated contract provision rights and this notice shall become a part of the employee's official personnel record.

(d) Suspension and Dismissal. These actions are the most severe form of disciplinary action that may result from the commission of one offense or as the result of cumulative offenses. The disciplining authority shall consult with the appropriate Vice President and Human Resources prior to initiating these actions.

(5) Extraordinary Situations. When the retention of an employee is likely to result in damage to property or injury to any individual or would be detrimental to the best interest of the University, such employee will be suspended without pay or dismissed immediately, provided that written notice of such action is furnished to the employee. These procedures shall be invoked only when an extraordinary situation exists and shall comply with the provisions of the University's Predetermination Procedures.

(6) Abuse of Alcohol. When an employee drinks alcohol to the extent that it affects work performance the employee is a problem drinker. The employee shall be treated in accordance with the State Policy on Alcoholism as adopted by the Administration Commission, (7-17-73) which is hereby adopted by reference.

(7) Disciplinary Action. Included below are standards for the administration of disciplinary actions for various types of offenses. The disciplinary actions for the listed offenses have been established to assure that employees who commit offenses receive similar treatment in like circumstances. The suspension of an exempt employee shall be for no less than one workweek, unless required for a major safety violation. Within each level of occurrence a range may be provided to allow the supervisor flexibility in selecting appropriate discipline in order to take into consideration mitigating or aggravating circumstances.

(a) Absence Without Authorized Leave. This includes:

1. Failure to obtain approval prior to any absence from work, except in the case of a proven emergency where the employee must be absent prior to receiving approval from the proper authority, or failure to notify or call in on the first day of an absence.

2. Obtaining leave based upon a misrepresentation or falsification.

a. First occurrence: written reprimand to dismissal.

b. Second occurrence: suspension to dismissal.

c. Third occurrence: dismissal.

An employee who is absent without approved leave for three or more consecutive workdays shall be considered to have abandoned the position.

(b) Assault or Fighting. Physically assaulting or fighting with another person.

1. First occurrence: written reprimand to dismissal.

2. Second occurrence: suspension to dismissal.

3. Third occurrence: dismissal.

(c) Conduct Unbecoming a Public Employee. Conduct whether on or off the job, that adversely affects the employee's ability to continue to perform his or her current job, or that adversely affects the agency's ability to carry out its assigned mission.

1. First occurrence: written reprimand to dismissal.

2. Second occurrence: suspension to dismissal.

3. Third occurrence: dismissal.

(d) Conviction of a Crime. The conviction of an employee for a crime where such conviction adversely affects the employee's ability to perform his or her job, or adversely affects the agency's ability to carry out its assigned mission.

1. First occurrence: written reprimand to dismissal.

2. Second occurrence: suspension to dismissal.

3. Third occurrence: dismissal.

(e) Drinking on the Job or Reporting to Work Under the Influence of Alcohol.

1. Drinking any alcoholic beverage on the job is prohibited.

a. First occurrence: suspension to dismissal.

b. Second occurrence: dismissal.

2. Reporting to work under the influence of alcohol is prohibited.

a. First occurrence: written reprimand to suspension.

b. Second occurrence: suspension to dismissal.

c. Third occurrence: dismissal.

3. The State Policy on Alcoholism adopted by the Administration Commission (7-17-73) provides that when the drinking of an employee affects the employee's work performance the employee is a problem drinker. The problem drinker, once identified, will be counseled and encouraged to secure appropriate medical or other professional help. The problem drinker shall not be dismissed until after he or she has had an opportunity to seek treatment. Discipline shall be administered if the problem drinker:

a. Refuses to recognize his or her condition and fails to seek help; or

b. Fails to complete the program of treatment; or

c. Treatment is unsuccessful.

4. If public relations or working conditions are obviously and adversely affected by the problem drinker's behavior, the employee's removal from the job will be accomplished by placing the employee on compulsory disability leave.

(f) Reporting to Work Under the Influence of Illegal Drugs or Illegal Use of Drugs (Controlled Substances).

1. The illegal use of drugs on the job is prohibited.

a. First occurrence: suspension to dismissal.

b. Second occurrence: dismissal.

2. Reporting to work under the influence of any illegal drug or testing positive on a drug test is prohibited.

- a. First occurrence: written reprimand to suspension.
- b. Second occurrence: suspension to dismissal.
- c. Third occurrence: dismissal.

(g) Possession, Sale, Distribution of Alcoholic Beverages or Illegal Drugs (Controlled Substances). The possession, sale or distribution of alcoholic beverages or illegal drugs on state property or on the job is prohibited.

1. First occurrence: suspension to dismissal.
2. Second occurrence: dismissal.

(h) Excessive Absences. An attendance record of recurring absences, even though all or a majority of the absences were necessary and excused. This also includes a pattern of absences by the employees, such as but not limited to, consistent absences on the day preceding or following the employee's regular days off or absence on the same day of each month.

1. First occurrence: oral to written reprimand.
2. Second occurrence: written reprimand to suspension.
3. Third occurrence: suspension to dismissal.
4. Fourth occurrence: dismissal.

(i) Tardiness. The failure to follow established work schedules. Includes reporting late at the beginning of the work schedule, leaving early or returning late from lunch or breaks, or leaving work early at the end of the work schedule, all without approval.

1. First occurrence: oral reprimand.
2. Second occurrence: written reprimand.
3. Third occurrence: suspension.
4. Fourth occurrence: dismissal.

(j) Falsification of Records. Includes misrepresentation, falsification or omission of any fact, whether verbal or written, on such records as, but not limited to: time, attendance and leave; employment status; employment application; travel vouchers; and work and production.

1. First occurrence: written reprimand to dismissal.
2. Second occurrence: suspension to dismissal.
3. Third occurrence: dismissal.

(k) Horseplay. Actions whether intended or unintended to be mischievous or prankish which disrupt or have the effect of disrupting the work of the participants or other employees or have the potential for personal injury to other employees or oneself.

1. First occurrence: oral reprimand.
2. Second occurrence: written reprimand.
3. Third occurrence: suspension.

4. Fourth occurrence: dismissal.

(l) Improper or Careless Use or Operation of State Property or Equipment. The improper or careless use of state property or equipment including abuse or misuse. This includes failure to observe the established speed limit while driving a state vehicle.

1. First occurrence: written reprimand.

2. Second occurrence: suspension.

3. Third occurrence: dismissal.

(m) Unsatisfactory Work Performance Including Continuing Inefficiency, Inability to Perform Assigned Duties and/or Substandard Performance of Assigned Duties. The failure to satisfactorily meet the minimum performance standards that specifically relate to the employee's duties and responsibilities. An employee's failure to meet established work standards may be addressed through the performance evaluation process and/or the use of progressive discipline.

1. First occurrence: oral to written reprimand.

2. Second occurrence: written reprimand to suspension.

3. Third occurrence: suspension to dismissal.

4. Fourth occurrence: dismissal.

In the case of Inability to Perform Assigned Duties due to medical reasons, the University will proceed with termination notwithstanding the above schedule of progressive discipline.

(n) Insubordination. A deliberate and inexcusable refusal to obey a reasonable order that relates to an employee's job function. An unwillingness to submit to authority. Includes both an expressed refusal to obey a proper order and a deliberate failure to carry out an order.

1. First occurrence: written reprimand to dismissal.

2. Second occurrence: suspension to dismissal.

3. Third occurrence: dismissal.

(o) Leaving Work Area or Duty Assignment Without Authorization. Absence from the work area or duty assignment during a work period without permission of the appropriate supervisor. Includes leaving a work area for lunch or a break, or at the end of a work schedule without proper relief where such relief or permission is a specific requirement.

1. First occurrence: written reprimand.

2. Second occurrence: suspension.

3. Third occurrence: dismissal.

(p) Loafing. Continued and deliberate idleness during work periods that results in the employee's failure to perform assigned tasks. This includes, but is not limited to, deliberately wasting time, engaging in idle talk or gossip or conducting personal business during work periods.

1. First occurrence: oral reprimand.

2. Second occurrence: written reprimand.

3. Third occurrence: suspension.

4. Fourth occurrence: dismissal.

(q) Negligence. Carelessness in omission of, or inattention to the performance of assigned duties and responsibilities. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence or discretion.

1. First occurrence: written reprimand to dismissal.

2. Second occurrence: suspension to dismissal.

3. Third occurrence: dismissal.

(r) Sabotage. Participation in an act of destruction or attempted destruction of state property or equipment, or an act or attempted act that obstructs or has the potential to obstruct productivity, or normal functions or operations of the department or the University.

1. First occurrence: suspension to dismissal.

2. Second occurrence: dismissal.

(s) Sexual Harassment. Violation of The Florida State University Policy on Sexual Harassment, Rule 6C2R-6.013, F.A.C.

1. First occurrence: written reprimand to dismissal.

2. Second occurrence: suspension to dismissal.

3. Third occurrence: dismissal.

(t) Sleeping on Duty. The failure of an employee to remain awake while on duty during working periods.

1. First occurrence: written reprimand.

2. Second occurrence: suspension.

3. Third occurrence: dismissal.

(u) Strike or Concerted Activity. Instigating or supporting in any manner a strike. A strike is defined as: The concerted failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted submission of resignations by employees; the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer for the purpose of inducing, influencing, condoning or coercing a change in the terms and conditions of employment or the rights, privileges or obligations of public employment; participating in a deliberate and concerted course of conduct that adversely affects the services of the public employer; the concerted failure of employees to report for work after the expiration of a collective bargaining agreement; and picketing in furtherance of a work stoppage. The term "strike" shall also mean any overt preparation including but not limited to: the establishment of strike funds with regard to the above listed activities.

First occurrence: dismissal.

(v) Threatening or Abusive Language. The use of language that is threatening or abusive, whether directed towards a supervisor, another employee or any other person. Includes any offensive language whether or not directed toward anyone in particular regardless of intent.

1. First occurrence: written reprimand to dismissal.
2. Second occurrence: suspension to dismissal.
3. Third occurrence: dismissal.

(w) Unauthorized Solicitation. The unauthorized solicitation by employee of another employee including the distribution of material while either employee is on duty.

1. First occurrence: written reprimand.
2. Second occurrence: suspension.
3. Third occurrence: dismissal.

(x) Unauthorized Taking of Property. The unauthorized taking of any property of the State or another person.

1. First occurrence: suspension to dismissal.
2. Second occurrence: dismissal.

(y) Unauthorized Use of State Property, Equipment or Personnel. The use of any state property, equipment or personnel for any purpose other than official state business.

1. First occurrence: written reprimand to dismissal.
2. Second occurrence: suspension to dismissal.
3. Third occurrence: dismissal.

(z) Violation of Safety Practices. The failure to follow established safety practices. This includes the performance of unsafe acts or failure to wear or use safety equipment including but not limited to safety belts.

1. First occurrence: oral reprimand to suspension.
2. Second occurrence: suspension to dismissal.
3. Third occurrence: dismissal.

(aa) Violation of a Provision of Law or University Rule or Policy. The violation of the provisions of law or agency rules or policies. This may include but is not limited to: failure to obtain approval for outside employment; misuse of position; giving or accepting a bribe; discrimination in employment or illegal campaigning.

First occurrence: oral reprimand to dismissal.

(bb) Failure to Follow Instructions. An employee's failure to follow oral or written instructions from supervisory personnel.

1. First occurrence: oral to written reprimand.
2. Second occurrence: written reprimand to suspension.
3. Third occurrence: suspension to dismissal.
4. Fourth occurrence: dismissal.

(cc) Disruptive Conduct. Behavior that interferes with the employee's work performance or the work performance of others. This may include, but is not limited to: loud, boisterous language; creating a disturbance; throwing objects; slamming doors, or other activities which would have a detrimental effect on

the work environment.

1. First occurrence: oral to written reprimand.
2. Second occurrence: written reprimand to suspension.
3. Third occurrence: suspension to dismissal.
4. Fourth occurrence: dismissal.

(8) Appeal and Grievance Rights. USPS employees with regular status and A&P employees may appeal or grieve any disciplinary action taken against them in accordance with this rule, or any applicable collective bargaining agreement. An employee who resigns from employment shall not have any rights of appeal. Both USPS employees and A&P employees may use the USPS and A&P Complaint Procedure in accordance with the USPS and A&P Complaint Procedure (7/98) and Form (7/98) which is hereby adopted by reference.

(9) USPS and A&P Arbitration Appeal Procedure.

USPS employees who have earned regular status in their current classification and A&P employees shall have the right to appeal to an arbitrator any suspension without pay, dismissal, layoff, demotion, job abandonment, transfer (greater than 50 miles), or reduction in pay, provided that the employee has not signed a statement indicating the action was voluntary. An employee whose position is classified to a lower class shall have the right to appeal only the reduction in pay, if any, which has occurred as a result of the demotion appointment.

(a) Request for Processing.

1. If an employee requests an arbitration, the employee shall, within 14 calendar days after the receipt of notice of the employment action from the University, file with the Director of Human Resources or designee a completed Arbitration Request Form-2003 which is hereby incorporated by reference.

2. Failure to file an Arbitration Request Form within the time limits prescribed shall be deemed a waiver of the right to arbitration. In the event of a question regarding timeliness, the date of first receipt by Human Resources shall be determinative.

3. After the Request for Arbitration has been received, the Director of Human Resources or designee will determine whether the request has been filed in accordance with the provisions of this section and shall notify the employee or his/her representative and immediate supervisor of this determination.

4. The Director of Human Resources or designee shall select an arbitrator on a rotational basis from an odd-numbered panel of at least three arbitrators maintained by Human Resources and shall notify the employee or his/her representative of the arbitrator selected. If the parties do not agree on the arbitrator selected, the selection shall be made by alternatively striking names from the panel. The right of first strike shall be determined by a coin toss. The employee will receive notice of the identity of the arbitrator selected and may request disqualification of the arbitrator based on cause within five calendar days of receipt of the notice. Cause is present when the arbitrator was chosen through corruption, fraud, or other undue means.

5. When an action is both appealable under this rule and grievable under a collective bargaining

agreement, the employee shall have the option of using either procedure. The filing of the Arbitration Request Form constitutes a waiver of any rights to review of the matter under an applicable collective bargaining agreement, Chapter 120, F.S., or any other review procedures. If the employee seeks a review of a matter in an alternative forum after requesting arbitration under this rule or fails to appear at the scheduled arbitration hearing, the University shall have no obligation to proceed further.

(b) Fees and Expenses.

1. All fees and expenses for the arbitrator will be paid by the University. However, when an employee is represented by an employee organization, the arbitrator's fees and expenses shall be paid by the party who fails to prevail in the arbitration or evenly split if the award sustains the appeal in part and denies it in part.

2. The party desiring a transcript of the arbitration proceedings shall provide written notice to the other party of its intention to have a transcript of the arbitration made at least one week prior to the date of the arbitration and shall be responsible for scheduling a reporter to record the proceedings. The party desiring the transcript shall be responsible for the appearance fee of the reporter and the cost of obtaining an original transcript. The requesting party shall provide the other party a photocopy of the transcript received from the reporter and deliver the photocopy to the other party within five calendar days after receiving the copy of the transcript from the reporter.

(c) The employee may self represent or be represented. If the employee elects to be represented, the employee must deliver or send to the Director of Human Resources or designee within five working days after filing a Request for Arbitration, a written statement indicating the name, address, telephone number and qualifications of the representative and confirming that the employee as well as the representative will be present during the arbitration hearing, and that the employee agrees to this representation.

(d) If the aggrieved employee participates during working hours in the arbitration, the employee's compensation will not be affected by the time spent at the arbitration hearing. The employee must notify the immediate supervisor seven days in advance of his/her anticipated absence. An employee will not be permitted to prepare the case during working hours.

(e) Hearing.

1. The arbitrator shall hold the hearing in Tallahassee, Florida, unless otherwise agreed by the parties. The hearing shall commence within 30 working days of the arbitrator's acceptance of selection, or as soon thereafter as practicable. Arbitration proceedings shall be conducted in accordance with this rule, supplemented by the current Labor Arbitration Rules published by the American Arbitration Association which are hereby incorporated by reference.

2. The arbitrator may subpoena witnesses and compel the production of documents pertinent to the appeal. All requests for subpoenas must be made to the arbitrator no later than 10 working days prior to the arbitration date and each party is responsible for providing its own witnesses and documents which it wishes to present. The party requesting a subpoena or the production of documents from the arbitrator shall promptly provide the other party a copy of the request.

3. Within 60 calendar days, the arbitrator shall issue to the University and the employee a written order which may affirm, reverse, or alter the decision of the University.

4. The employee and the University agree that the decision of the arbitrator shall be final and binding on both parties. No judicial review of the arbitration order is available except as provided by Chapter 682, F.S.

(f) Jurisdiction of Arbitrator.

1. The arbitrator shall neither add to, subtract from, modify, or alter the provisions of these rules, University rules and policies or procedures, or an applicable collective bargaining agreement. Arbitration shall be confined solely to the application and/or interpretation of those provisions and limited to the matters in the Request for Arbitration Form submitted for arbitration. No statements of opinion or conclusions not essential to the determination of the matters submitted shall be permitted. The arbitrator shall not review managerial decisions, nor substitute his judgment for that of management, other than to ensure that such actions are in accordance with the applicable procedures under review. In the case of suspension without pay, dismissal, and reduction in pay taken as a disciplinary action, the arbitrator shall determine whether there is just cause for such action.

2. The burden of proof shall be on the employee in layoff, demotion, reduction in pay and transfer actions when not taken as a disciplinary action, and in job abandonment. The burden of proof shall be on the employer in suspension without pay, dismissal, demotion, and reductions in pay when taken as disciplinary actions.

3. The arbitrator's order and award may reinstate an employee, with or without back pay. The back pay award shall not exceed the amount of pay the employee would otherwise have earned at the employee's regular rate of pay and shall not be retroactive to a date earlier than the date of the occurrence of the event giving rise to the action at issue and in no event more than fourteen (14) calendar days prior to initiation of the arbitration request. In no situation will the award exceed the actual loss to the employee or provide attorney fees to either party.

4. Punitive damages are not permitted.

5. The arbitrator may reduce a dismissal to a suspension for such time as the arbitrator may fix, or reduce the period of suspension, which order shall be binding on the University and employee concerned subject to the jurisdiction of the arbitrator.

6. The arbitrator may reduce a dismissal to a suspension for such time as the arbitrator may fix or reduce the period of suspension which order shall be binding on the University and employee concerned subject to the jurisdiction of the arbitrator.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented 1001.74(5) FS. History–New 6-16-87, Amended 9-24-98, 6-15-99, 4-16-03, 11-29-07

(1) The Florida State University College of Medicine provides educationally oriented clinical practice settings and opportunities, through which faculty members provide health care and treatment to patients, including patients at independent hospitals, other institutions, and various clinical sites as an integral part of their academic activities and employment as faculty. Such faculty practice activities are designed to assure clinical practice opportunities and experiences that are essential in the training of students and postgraduate health professionals and that will enhance skills and knowledge of faculty members who must teach and train medical and other health professional students. Participation in such faculty practice activities by members of the faculty of the College of Medicine is vital to the educational mission, the maintenance of skills in the treatment and diagnosis of disease, and the maintenance of patient management skills, clinical expertise, and medical judgment, and is a necessary and essential part of their employment as faculty. Because these faculty practice activities generate income from a cross section of patients served by faculty members, the College of Medicine is authorized to regulate fees generated from faculty practice, and to develop and maintain a faculty practice plan for the orderly collection and distribution of such fees. The College is authorized to form corporate entities to achieve the objectives of the faculty practice plan. The faculty practice plan, when developed, and subsequent changes therein, must be approved by the Dean of the College of Medicine and the President of the university prior to approval of the Board of Trustees. The faculty practice plan must be consistent with, and supportive of, the objectives of the College of Medicine and the university.

(2) The faculty practice plan shall include and/or provide for:

- (a) A written document that describes the university's policies and procedures pertaining to faculty practice activities and the resulting professional fees.
- (b) Articles of incorporation and bylaws.
- (c) A separate bank account into which all faculty practice fees are to be deposited, which shall be held and administered by the faculty practice plan on behalf, and under the control, of the university.
- (d) An operating budget, prepared at least annually and recommended by the dean of the College of Medicine and university president to the Board of Trustees for review and oversight.
- (e) An annual audit and management letter that shall be forwarded to the Board of Trustees for review and oversight.
- (f) The faculty practice plan shall not be involved in the delivery of medical services, including, but not limited to, the maintenance of any medical facilities.
- (g) The faculty practice plan shall not employ medical doctors or other health care professionals, and shall not determine, control, or evaluate any medical procedures or standards for any medical doctor or for any other health care professional or facility.
- (h) The review of all agreements by The Florida State University Office of General Counsel.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented: 1001.74(2)(k), FS. History: New 12-1-2005, Amended 2-3-2007

**6C2R-4.072, Self-insurance Program**

(1) The Florida State University College of Medicine Self-Insurance Program is established for the purpose of providing comprehensive general liability protection, including professional liability protection, for The Florida State University Board of Trustees and other persons and entities as provided by law and as authorized by The Florida State University Board of Trustees or the Self-Insurance Program Council. The Self-Insurance Programs shall be funded by contributions paid by or on behalf of protected persons and entities. There shall be no funds appropriated to the Self-Insurance Program. The assets of the Self-Insurance Program shall be deposited outside the State Treasury and shall be the property of the Board of Governors. The assets of the Self-Insurance Program shall be used only to pay the administrative expenses of the Self-Insurance Program and any claim, judgment, or claims bill arising out of the activities for which the Self-Insurance Program was created.

(2) The Self-Insurance Program may not sue or be sued. The claims files of the Self-Insurance Program are privileged and confidential, exempt from the provisions of Section 119.07(1), Florida Statutes, and are only for the use of the Program in fulfilling its claims, underwriting and risk management duties.

(3) The Self-Insurance Program shall be administered by The Florida State University College of Medicine Self-Insurance Program Council. The Council shall consist of the following officers of FSU: Dean of the College of Medicine, who shall serve as Chair; Associate Dean for Academic Affairs of the College of Medicine; Director of Community Clinical Relations of the College of Medicine; the FSU General Counsel or designee; and such other persons as from time to time may be appointed to the Council by the Dean of the College of Medicine.

(4) The powers and duties of the Self-Insurance Council shall be:

(a) To administer the Self-Insurance Program in accordance with the laws of Florida and all applicable rules and regulations;

(b) To develop and implement a financial expenditure policy that recognizes the unique mission, duties, obligations and fiscal responsibilities of the Self-Insurance Program. The Council's financial responsibility policies shall ensure fiscal responsibility and accountability and, to the maximum extent possible, be consistent with recognized practices of the insurance industry;

(c) To propose and submit an annual budget for the Self-Insurance Program to the University Board of Trustees;

(d) To develop and implement a Memorandum of Protection that shall constitute the Self-Insurance Program's coverage document. The Memorandum of Protection shall contain the insuring agreements, exclusions, and other conditions applicable to persons and entities protected and shall be part of this regulation by reference. The Council may extend by resolution the protections described in the Memorandum of Protection to persons and entities as authorized by statute and establish the levels of liability protections extended to such persons and entities;

(e) To contract with an independent casualty actuary to establish funding requirements necessary to maintain the fiscal integrity of the Self-Insurance Program.

(f) To appoint the Self-Insurance Program Director who shall carry out the policies and directives of the Council;

(g) Receive from the university such administrative and logistical support as the Council may reasonably request and to reimburse the University for the cost of such support;

(h) To contract with professional consultants, including attorneys-at-law, to represent the persons and entities protected by the Self-Insurance Program and to perform services that further the interests of the Self-Insurance Program;

(i) To establish committees and designate persons as necessary to assist in the performance of its duties, and authorize such committees or persons to act for and on behalf of the Council. In addition to any other committees it may elect to establish, the Council shall establish as a standing committee or committees to conduct investigations and the settlement and defense of claims and actions against protected entities and individuals and to identify risk factors which cause or contribute to such claims and suits, and develop and implement risk management programs to reduce or eliminate those risk factors. The Council and such committee or committees shall conduct reviews pursuant to the provisions of Section 766.106, Florida Statutes, and shall be deemed a medical review committee or committees as defined in Section 766.101, Florida Statutes;

(j) To participate in internal, local, regional, national and/or international risk management and loss prevention research programs and to develop risk management and loss prevention programs for use by both protected and non-protected entities under such terms, conditions and reimbursement rates as the Councils may deem appropriate.

(k) To purchase excess insurance on behalf of persons and entities protected by the Self-Insurance Program for claims which exceed the level of protection provided by the Self-Insurance Program, including claims bills to award compensation in amounts which exceed the protection provided by the Self-Insurance Program or by commercial insurance; to assist entities not described in Section 768.28, Florida Statutes, which are authorized and approved as allowed by Florida laws to be protected by the Self-Insurance Program, in the procurement of insurance for losses which exceed the levels of protection provided by the Self-Insurance Program as established by the Council, but the Council is not authorized to purchase such insurance with Self-Insurance Program assets; and

(l) To participate in other self-insuring mechanisms such as Risk Retention Groups or group captive insurance companies, independently or in association with other compatible entities, subject to the approval of the University Board of Trustees.

(m) To establish an investment policy consistent with section 215.47 Florida Statutes and to maintain an investment account that shall optimize income for the support of the Self-Insurance Program and its participants. The Council may direct that investment income that is in excess of that income necessary to ensure the long-term solvency of the Self-Insurance Program as established by a casualty actuary be used to defray the annual contributions paid into the Program by the entities and persons protected by Program.

(n) To submit to the University Board of Trustees for its review an annual post-audit of the Self-Insurance Program's financial accounts conducted by an independent certified public accountant. The annual audit report shall include a management letter and shall be submitted to the Board of Trustees for review. Upon request of the University Board of Trustees, the Self-Insurance Program Council or its independent auditor shall provide any detail or supplemental data relative to the operations of the Self-Insurance Program.

(o) Contract with other Self-Insurance Program Councils for the provision of liability protection and other services.

Specific Authority BOG Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented: 1004.24, 768.28, 766.101, 766.106, FS. History- New 12-1-2005