

FSU-4.031 Faculty Grievance Procedure.

~~(1) Subject to the ultimate authority of the President under Rules FSU 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 Regulation 1.001(3)(j) , 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.~~