

FSU 4.0335 Suspension and Dismissal of Faculty; Peer Panel.

(1) Purpose

The purpose of this regulation is to ~~is to provide a prompt and equitable procedure for the peer hearing required by the University Constitution enacted as a university regulation in FSU-1.004(6)(b)3.~~

~~(2) Such disciplinary action shall be taken only for just cause which is defined as (a) Incompetence, or (b) Misconduct; as may be further defined by the disciplinary regulation or policies of the university applicable to faculty. It applies only when properly invoked, as provided herein below, 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).~~

~~(3) Peer Panel. In cases in which the University has under consideration disciplinary action to suspend, demote, or terminate the appointment of a tenured faculty member, or to terminate the appointment of an untenured tenure track faculty member prior to the expiration of the faculty member's current employment contract, the faculty member shall be provided with the opportunity for a review by an appropriate faculty committee as described in paragraph (e) below (hereinafter referred to as the "Peer Panel" or the "Panel") prior to issuance of the Notice of Discipline.~~

~~(a) The process provided hereby consists of the opportunity to submit written materials to the Peer Panel, whose members shall individually and independently consider the evidence and submit separate recommendations reflecting their individual points of view to the President or representative.~~

~~(b) This process shall not waive the right of a faculty member to file a grievance in accordance with the CBA, or any other adjudicatory due process proceeding following the issuance of a final Notice of Discipline, however, the failure of the University to invoke or abide by any procedures contained in this regulation shall not be grievable under the collective bargaining agreement.~~

~~(c) Alternatives. As an alternative to the peer review panel, the faculty member may elect to meet with the President or representative, in addition to submitting a written statement to the President or representative as. Such election must be made in writing and delivered to the Office~~

of the President or representative within ten (10) calendar days of receipt of the notice of intent to suspend, demote, or terminate.

~~(d) The faculty member's failure to timely request the peer panel or, in the alternative, to follow through with a timely meeting with the President or representative, will constitute a waiver by the faculty member of further proceedings under this regulation. Failure of the faculty member to submit a timely written statement to the Peer Panel will constitute a waiver of the opportunity to submit a written statement. In that event, the Panel will offer its opinions based on the written material submitted by the President or representative.~~

~~(e) Peer Panel. Upon the timely request for a peer panel, the President or representative will immediately inform the Chairperson of the Faculty Senate Grievance Committee (hereinafter referred to as the "Chairperson"), who will within ten (10) calendar days of being informed establish, from among the members of that Committee, three (3) faculty members who will participate individually and independently as the Peer Panel. The Chairperson will notify the President or representative, the UFF Grievance Chair, and the faculty member of the establishment of the Peer Panel.~~

~~(f) Submission of Information. Upon establishment of the Panel, the President or representative will submit to the Chairperson written materials to be considered by the Panel, including the notice of the proposed action and the reasons therefore, with a copy to the faculty member and the UFF Grievance Chair. Within ten (10) calendar days thereafter, the faculty member may provide to the Chairperson, with a copy to the President or representative and the UFF Grievance Chair, a written statement or response to the President or representative's notice and reasons, and any additional written documentation to be considered by the Panel. The Chairperson will transmit copies of the foregoing information and/or documentation to the Panel immediately upon receipt thereof. The Peer Panel may seek additional information from either party as it deems necessary. The UFF Grievance Chair shall be provided with copies of any such additional information.~~

~~(g) Recommendations. The members of the Panel will individually evaluate and consider the notice of the proposed action and the reasons therefore and any additional documentation submitted by the President or representative and the faculty member and, within ten (10) calendar days of the deadline for submissions specified in (f) above, will submit to the President or representative individual written and signed~~

~~recommendations, with copies thereof to the faculty member and the UFF Grievance Chair. The recommendation shall express the Panel members' individual opinions as to whether disciplinary action is warranted for the alleged offense and, if so, the penalty deemed appropriate under the circumstances.~~

~~(h) Consideration of Recommendations. The President or representative will review the Panel recommendations and take them into consideration in deciding whether the University should initiate discipline and issue the Notice of Discipline. If the President or representative does not issue a notice of disciplinary action, the notice of proposed disciplinary action shall not be retained in the faculty member's evaluation file.~~

~~(i) Status of Records. By invoking in writing the Peer Panel process, the faculty member will have consented to the disclosure to the Panel, for purposes of its process, evaluative information. Records maintained for the purposes of any such investigation of misconduct, including but not limited to a complaint against a faculty member and all information obtained pursuant to the investigation of such complaint, shall be confidential until the investigation ceases to be active or until the University provides written notice to the faculty member that the University has either concluded the investigation with a finding not to proceed with disciplinary action; concluded the investigation with a finding to proceed with disciplinary action; or issued a Notice of Intent Letter.~~

~~Specific Authority BOG Regulation 1.001(3)(j), (5)(b), BOG Reg. Procedure July 21, 2005 History New 11-13-86., Amended 10-25-13~~