

CHAPTER FSU-1 ORGANIZATION, POWERS, DUTIES AND FUNCTIONS

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FSU-1.004 University Constitution.

(1) Article I, Administrative Officers.

(a) Section A – The President.

The President, appointed by the Board of Regents shall be the Chief Administrative Officer of the University and shall exercise general supervision over all its activities.

(b) Section B – Other Administrative Officers.

There shall be such other administrative officers as the President may designate. They shall have such duties as the President may assign to them. In the case of the absence, incapacitating illness, or death of the President, the Vice President for Academic Affairs shall assume all the authority and responsibility of the President until formal provisions are made by the Board of Regents . In the absence of both the President and the Vice President for Academic Affairs, the Dean of the Faculties shall have all the authority and responsibility until formal provisions are made by the Board of Regents.

(2) Article II, Councils and Committees.

The President shall establish such councils and committees as deemed necessary and shall specify their duties and responsibilities.

(3) Article III, The General Faculty.

(a) Section A – Membership.

The General Faculty shall consist of those persons holding the academic rank of Instructor, Assistant Professor, Associate Professor, or Professor in one of the colleges, schools, or other academic units of the University, and of those members of the Professional Staff to whom the President assigns an academic rank.

(b) Section B – Jurisdiction. The General Faculty shall:

1. Receive reports and announcements from officers of the University and from the Faculty Senate, and
2. Formulate its opinion upon any subject of interest to the University and make recommendations thereon to the appropriate body or officer for final consideration.

(c) Section C – Meetings. The General Faculty shall meet:

1. In regular session in the fall of each academic year to receive the annual report of the President, and

2. In special session called by the President either on his or her own initiative or on resolution of the Faculty Senate, or on written request of at least ten percent of the members of the General Faculty.

(4) Article IV, Faculty Senate.

(a) Section A – Membership.

1. Elected faculty members.

a. Each college or school shall be entitled to representation in the Faculty Senate according to the following formula:

$$\frac{\text{number of eligible faculty members in college or school}}{100} = \frac{\text{total number of eligible faculty members in the University}}{\text{total number of eligible faculty members in the University}}$$

Each College or School shall be entitled to at least one representative.

b. The library staff shall be entitled to one elected representative.

c. Only full-time Instructors, Assistant Professors, Associate Professors, and Professors shall be eligible for representation in and election to the Faculty Senate, except that University Service Professors, University Service Associate Professors, and University Service Assistant Professors are also eligible for representation in and election to the Faculty Senate. If an eligible faculty member has duties in more than one college or school, he or she shall be counted in that college or school in which the major portion of his or her salary is budgeted or time is assigned. Developmental Research School faculty shall be entitled to one elected representative; members of the Developmental Research School faculty shall not be counted as College of Education faculty in determining the number of that College's representatives or be eligible to vote in the College of Education elections of Faculty Senators.

d.(I) Each unit shall elect its representatives for two-year terms, which shall begin with the regular April meeting of the Senate of the election year, according to a procedure which its eligible faculty members shall determine. Prior to February 1 of each year, the Dean of the Faculties shall submit to the Secretary of the Senate a list of the eligible faculty members in each college or school.

(II) Each unit may elect, according to a procedure which its eligible faculty members shall determine, an

alternate representative or representatives to serve whenever illness, professional travel, or other obligations make it impossible for the designated Senator or Senators to be present. A faculty member thus representing a unit shall have the full privileges of Senate membership.

e. The Secretary of the Senate shall on February 15 of each year determine the total number of representatives apportioned to each college or school and the number to be elected that year and shall notify the appropriate dean.

2. The Faculty Senate shall elect its presiding officer from its membership to serve for a one-year term. He or she shall be designated President of the Senate and shall serve as the chairperson of the Steering Committee. In case the person elected President of the Senate is already a member of the Steering Committee, the Senate shall elect a Senator to fill his or her unexpired term on that committee. The following shall be ex-officio members of the Senate: the President of the University, the Vice Presidents, the Dean of the Faculties, the Dean of Graduate Studies, the Dean of Undergraduate Studies, the dean of each college or school, the University Registrar, the Director of Libraries, and the President of the Student Body. Ex-officio members shall have the privilege of the floor but may not vote.

(b) Section B – Jurisdiction. The Faculty Senate shall be the basic legislative body of the University.

1. It shall formulate measures for the maintenance of a comprehensive educational policy and for the maximum utilization of the intellectual resources of the University.

2. It shall determine and define University-wide policies on academic matters, including Liberal Studies policy, admission, grading standards, and the requirements within which the several degrees may be granted.

3. As the elected body of the General Faculty, the Senate may also formulate its opinion upon any subject of interest to the University and adopt resolutions thereon. Resolutions treating those areas of authority legally reserved to the President of the University and the Board of Regents will be advisory.

4. The President of the University shall have the power to veto any action of the Senate. The veto shall be communicated in writing to the Secretary of the Senate and Chairperson of the Steering Committee with reasons therefor within sixty days. By a two-thirds vote the Senate may appeal to the Board of Regents any action so vetoed.

5. Upon the resignation, retirement, or death of the President and upon a request by the Board of Regents, the Faculty Senate will designate individuals to be available for membership on any committee requested by the Board of Regents for the purpose of consultation in the selection of a nominee for President.

(c) Section C – Standing and Special Committees.

1. A Steering Committee shall consist of seven persons elected for staggered two-year terms from the

voting membership of the Faculty Senate. In consultation with the President of the University, it shall determine the agenda for each meeting. It shall provide for the reporting to the Faculty Senate by administrative officers, by chairpersons of standing and special committees, and by individuals.

2. The Faculty Senate may establish standing and special committees necessary for its work.

(d) Section D – Meetings.

1. The Faculty Senate shall meet in regular session each month during the academic year and may meet in special session during the summer.

2. Special meetings may be held at any time in accordance with rules specified in the Bylaws.

3. All meetings of the Senate shall be open to members of the General Faculty.

4. The right to address the Faculty Senate shall be granted to any member of the General Faculty in accordance with rules specified in the Bylaws.

(e) Section E – Procedure.

The Faculty Senate shall develop its own rules of procedure. Minutes shall be kept by the Secretary of the Senate and shall be distributed to all members of the General Faculty, to all administrative officers, and to all members of the Professional Staff.

(5) Article V, The Colleges and Schools.

(a) Subject to the University-wide regulations of the Faculty Senate and the authority of the President of the University, the faculty of each college or school shall determine its internal policies such as specific admission requirements, requirements for majors, requirements for graduation, and the nature, content, and scheduling of its courses.

(b) The faculty of each college or school shall keep on file with the Secretary of the Senate a current set of bylaws governing its internal operations, including procedures for the election of its representatives to the Faculty Senate and for the approval of its candidates for degrees.

(6) Article VI, The Faculty Members of Colleges or Schools.

(a) Section A – Appointment.

1. Vice Presidents, the Dean of the Faculties, the deans of the colleges and schools, and other such administrative personnel shall be appointed by the President of the University. An advisory committee appointed by the President shall consult with the President in the process of selection of nominees for such positions.

2. Associate and Assistant Deans of colleges and schools shall be recommended by the appropriate dean to the Vice President for Academic Affairs. The President of the University or a designee shall make these

appointments.

3. Professors, Associate Professors, Assistant Professors, and Instructors in the colleges and schools shall be nominated by the department chairperson, or equivalent, approved and recommended by the dean and the Vice President for Academic Affairs, and appointed by the President of the University.

4. Each original appointment shall be confirmed by the President of the University, or his or her designee, in a contract letter.

5. Supplementary appointments to the Graduate Faculty may be given members of the General Faculty on nomination of the department chairperson, or equivalent, and approval of the appropriate dean and the Dean of Graduate Studies with the advice and consent of the Graduate Policy Committee.

6. Appointments to the faculty for limited periods of time, clearly stated in writing at the time of appointment, shall be designated as specified in the State University System Classification System. These appointments shall not count toward eligibility for tenure unless otherwise stipulated.

(b) Section B – Tenure, Nonreappointment, Termination, and Suspension.

1. The Tenure Process. The procedure to be followed when a faculty member becomes eligible for consideration for the status of permanent member shall be as follows:

a. Nomination for tenure shall originate with the appropriate department or unit which shall have an elected faculty committee, of whom a majority of the members shall be tenured faculty, which shall initiate the nomination by a favorable vote on the candidate; the department chairperson, or equivalent, shall inform the candidate in writing of the committee decision to recommend or not to recommend, together with his or her recommendation.

b. The department chairperson or unit officer shall transmit the committee recommendation together with his or her recommendation to the appropriate committee of the college or school and to the dean, and shall transmit the opinion of the tenured members of the department or unit which has been obtained in a secret ballot after a meeting of the tenured faculty for that purpose.

c. A college or school committee of elected tenured faculty shall consider the candidate for recommendation to a University committee of elected tenured faculty and vote to recommend or not to recommend the candidate; the candidate shall be informed in writing of the committee's decision by the chairperson of the committee.

d. A University committee on tenure, comprised of elected tenured faculty and with at least one representative from each college or school, shall receive the recommendation from the college or school committee and shall consider it for the recommendation to the Vice President for Academic Affairs and the

President of the University; the Dean of the Faculties shall serve as ex-officio chairperson, without voting privileges, of the University committee and shall transmit to the Vice President and the President the committee's decision to recommend or not to recommend the candidate and shall also inform the candidate in writing of the decision.

e. The Vice President for Academic Affairs and the President of the University shall decide to recommend or not to recommend the candidate to the Board of Regents for tenure, and the President shall notify the faculty member immediately in writing of the final decision to recommend or not to recommend.

f. In step "d" above, the dean of the appropriate college or school in each case shall present to the University committee his or her decision to recommend or not to recommend the candidate; in step "d," the dean of the appropriate college or school shall also report this decision to the Vice President for Academic Affairs and the President of the University.

g. In steps "a," "b," and "c" above, the faculty candidate who is not recommended by a committee at any stage of the deliberations may appeal that negative decision to the next committee by so requesting in writing within a period of ten (10) working days after receiving notification of the decision; in "d," the candidate may appeal a negative decision to the Vice President for Academic Affairs and the President by so requesting in writing within a period of ten (10) working days after receiving notification of the decision. Unless a faculty candidate makes an appeal of a negative decision by a committee, the candidate's folder will not be forwarded to the next committee; in stating an appeal, the candidate may address in writing the rationale for the committee's decision.

h. In steps "b" and "c" above, a college or school may use an additional committee between the department or equivalent committee and the college or school committee if the faculty of said college or school has voted for such usage in its bylaws.

2. Annual Reappointment of Tenured Faculty Members. Tenured members of the faculties of colleges, schools, and other academic units shall enjoy the assurance of annual recommendations for reappointment.

3. Termination, Nonreappointment, and Suspension.

a. Termination and Nonreappointment of Tenured Faculty Members for Cause. Annual recommendation for reappointment of permanent members of the faculty shall be withheld only for serious cause (incompetence or misconduct) and on the basis of written and specific charges made by the dean of the college or school, the Vice President for Academic Affairs, or by the President of the University. A copy of such charges shall be furnished to the faculty member concerned. In answer to such charges the faculty member shall have, at his or her request, a hearing before an appropriate faculty committee. At this hearing, the faculty

member shall be allowed at his or her own expense the benefit of counsel of his or her choice.

b. Nonreappointment of Nontenured Faculty. Upon the advice of a department chairperson, a departmental/ college/ school advisory committee, the dean of the respective college or school, and the Vice President for Academic Affairs, the President of the University may give written notice of nonreappointment of a nontenured faculty member. Notice of nonreappointment, or of intention not to reappoint, shall be given in writing in accordance with the following standards: (a) for employees in their first two years of employment, one full semester prior to the date of termination; (b) for employees with two or more years of continuous service, one full year prior to date of termination.

c. Immediate Suspension of Tenured or Nontenured Faculty.

(I) In flagrant offenses the President of the University may suspend a member of the faculty with pay from performance of his or her duties. Within two days, excluding weekends and official holidays, following such suspension, the President or his or her representative shall cause a written notice, including a statement of reasons, to be served upon the employee.

(II) If immediate dismissal is thereby sought, a copy of written and specific charges shall be furnished to the faculty member concerned. In answer to such charges, the faculty member shall have, at his or her request, a hearing before an appropriate faculty committee. At this hearing the faculty member shall be allowed at his or her own expense the benefit of counsel of his or her choice. After provision of notice and an opportunity for the accused faculty member to have a hearing before an appropriate faculty committee, the President may initiate immediate dismissal.

(III) If immediate dismissal is not sought, the faculty member shall have, at his or her request, a hearing on the suspension before an appropriate faculty committee.

(IV) The hearing committee, after deliberation, shall report its findings to the President. If the hearing committee concludes that adequate cause for dismissal has not been established by the evidence in the record, the President may either accept or reject that finding. If the President rejects the report, he or she will state his or her reasons for doing so in writing to the hearing committee and to the faculty member and provide an opportunity for response before taking any further action. If the hearing committee concludes that adequate cause for a dismissal has been established but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons. If dismissal or other severe sanction is recommended, the President may take such action as he or she deems fit.

4. Crediting of Time Toward Tenure.

a. Any member of the faculties of colleges and schools holding the rank of Professor shall be eligible for

the status of tenured member at the end of the fifth year in a tenure-earning position, to be effective at the beginning of his or her sixth year as a faculty member. A Professor may be given tenure at the beginning of his or her second year as a faculty member provided he or she has had four years of service credited, at time of appointment, from another tenure-earning position elsewhere and has been recommended by the President of the University and approved by the Board of Regents.

b. Any member of the faculties of colleges and schools holding the rank of Associate Professor shall be eligible for the status of tenured member at the end of the fifth year in a tenure-earning position, to be effective at the beginning of the sixth year as a faculty member. An Associate Professor may be given tenure at the beginning of his or her third year as a faculty member provided he or she received credit, at time of appointment, for three years spent in a tenure-earning position elsewhere and has been recommended by the President of the University and approved by the Board of Regents.

c. A faculty member appointed to the rank of Assistant Professor may receive credit at the time of appointment for up to two, but no more than two, years spent in a tenure-earning position elsewhere.

5. A decision whether to nominate a faculty member for tenure shall normally be made during the fifth year of continuous service in a tenure-earning position, or, at the option of the employee and with the concurrence of the appropriate administrative officials, during the sixth such year in a tenure-earning position.

6. Definition of Continuous Employment. Employment during any two semesters or trimesters or during three quarters of any twelve-month period shall be considered a year of continuous employment. Continuous employment for the purpose of tenure eligibility consideration for part-time service shall normally mean employment during at least one semester of any twelve-month period. Part-time service of an employee employed at least one full semester in any twelve-month period shall be accumulated. However, not more than one year of tenure eligibility may be earned in a twelve-month period. (Time spent by a faculty member undergoing appointment or exchange within the State University System or on a special assignment for the benefit of the parent institution or for the University System shall be counted toward the fulfillment of eligibility for tenure. Time spent away from the institution for other purposes shall not be counted toward the fulfillment of eligibility for tenure, except by mutual agreement of the employee and the University.)

7. Restrictions on Employment of Nontenured Faculty.

a.(I) No person employed after 1965 may remain in the service of the University as a nonpermanent member of the faculty of any college, school, or other academic unit in any rank or combination of ranks for a total of more than seven years, except that faculty whose service began before September 1972, may count four additional years in the Instructor or Acting Assistant Professor ranks as probationary. Persons holding an

administrative or service role will normally hold a courtesy rank in an academic unit and shall not be subject to the rule during such service unless the academic unit grants a regular tenure-earning appointment. When the administrative or service function is ended, the person shall receive, upon request, a tenure-earning appointment in an academic unit.

(II) Not later than the end of the sixth year of service (or the tenth in the case of the above exceptions), the Departmental Chairperson, or equivalent, in consultation with the dean of his or her college or school, shall either nominate the faculty member for tenure or arrange to terminate his or her service at the end of the seventh year (or the eleventh, in the case of the above exceptions). In every case, the faculty member shall be notified in writing of this recommendation by the dean.

(III) Only time spent in the rank of Assistant Professor and above shall be construed as tenure-earning time.

b. Assistant Professors and Instructors shall be considered ineligible for tenure or for reappointment beyond a seven-year maximum.

8. Early Tenure.

a. The Board of Regents may approve tenure at an earlier time if it is recommended with sufficient justification by the President of the University with the concurrence of the Chancellor.

b. A member of the faculty must satisfy the five-year requirement to be eligible for consideration by a tenure committee at any level.

(c) Section C – Academic Freedom.

1. It is the policy of the University to maintain and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication, and to protect any member of the academic staff against influences, from within or without the University, which would restrict him or her in the exercise of this freedom in his or her area of scholarly interest. The right to the protection of the University shall not, necessarily, include any right to the service of the University's legal counsel in any proceedings in which the academic freedom of the faculty member may be an issue.

2. In his or her role as citizen, the faculty member has the same freedoms and responsibilities as other citizens, including political rights and privileges, without institutional censorship or discipline. As a scholar, he or she should be mindful that accuracy, forthrightness, and dignity befit his or her association with the University.

3. Furthermore, the faculty member must consider his or her academic duties as primary responsibility. In no case should he or she accept or seek appointment to civic or political office which would reduce

significantly the time available for his or her primary responsibility without first securing written approval of the President of the University.

4. A faculty member who believes that he or she does not enjoy the academic freedom which it is the policy of the University to maintain and encourage shall be entitled on his or her written request to a hearing before the Committee on Grievances.

(d) Section D – Resignation.

If a member of the faculty of the University desires to obtain release from his or her faculty position, he or she is expected to offer his or her resignation to the President of the University, or a designee, through appropriate administrative channels at least ninety days before the resignation takes effect.

(7) Article VII, The Professional Staff.

(a) Those persons holding academic appointments within the Florida State University, but not within a college or school, and those persons within a college or school holding academic appointments whose responsibilities do not include teaching, shall be considered members of the Professional Staff. Members of the Professional Staff having appropriate qualifications and responsibilities shall be assigned faculty rank by the President of the University on recommendation of their administrative officers for the purpose of membership in the General Faculty.

(b) Members of the Professional Staff shall enjoy the assurance of annual recommendation for reappointment in accordance with the provisions of the Florida Statutes and the regulations of the Board of Regents.

(8) Article VIII, Amendments.

(a) Amendments to this Constitution shall become effective when 1. approved by a two-thirds vote of the Faculty Senate, and 2. ratified by a majority vote of the members of the General Faculty who are eligible for election to the Faculty Senate and who vote on the proposal.

(b) An amendment to be considered by the Faculty Senate must be submitted at a regular meeting at least one month prior to a vote on the proposal. The faculty vote on ratification shall be taken during the regular academic year not earlier than thirty days after circulation of the Senate minutes in which the amendment approved by the Senate is recorded.

(9) A faculty-adopted amendment shall be presented by the Faculty Senate to the University President and will be noticed by the President for rule change as provided by Section 120.54(5), Florida Statutes

Specific Authority BOG Regulation 1.001(3)(j) FS. History–New 9-30-75, Amended 7-21-76, 8-23-76, Technical Change 3-14-2013 Formerly FSU-1.04, Amended 2-13-90. Cf. University regulations relating to

employment found in FSU-4.

Editors Note- Some provisions not consistent with current law; references to Board of Regents cannot be changed to Board of Governors in this Regulation as text would still be incorrect.

FSU-1.055 Waiver of Certain Administrative Procedures.

Before a person may avail himself of any administrative remedy available under the rules of the University, he must execute a written waiver of any and all other administrative remedies available to him.

Specific Authority BOG Regulation 1.001(3)(j) History–New 9-30-75, Formerly 6C2-1.55.

FSU-1.057 Public Records - Final Orders; Index and Listing, Management, Availability.

(1) General Information. All Florida State University final orders are either indexed or listed. University final orders are those documents of final action received and filed with the University Agency Clerk, Office of the University's General Counsel, pursuant to Section 120.52(11), Florida Statutes. The University Agency Clerk is responsible for the docketing, indexing, filing and listing of the final orders of the University.

(a) For purposes of this rule, final orders as defined by the Florida Department of State (DOS) Rule 1S-6.002, F.A.C., are required to be indexed pursuant to DOS Rule 1S-6.004, F.A.C. Final orders which do not resolve a substantial legal issue of first impression, establish for the first time a rule of law, principle, or policy; alter, modify, or clarify a prior final order; resolve conflicting final orders, or harmonize decisions of appellate courts shall be listed, but not indexed in the following categories:

1. Final orders resulting from informal proceedings under subsection 120.57(2), Florida Statutes
2. Final orders closing cases on the basis of settlements, consent orders, or stipulations under Section 120.57(3), Florida Statutes

(2) Numbering of Final Orders. All final orders that are required to be indexed or listed shall be sequentially numbered at the time of filing with the Agency – University Clerk as required by subsection 120.52(11), Florida Statutes

(a) The numbering system for final orders indexed will include the agency-educational unit designation (FSU), followed by a two part number separated by a dash. The first part before the dash indicates the year, and the second part will indicate the numerical sequence of the order issued and filed during that year.

(b) An applicable order category is added following the University's designated final order docket number to aid in identifying the nature of the order. The final order categories are as follows:

- DS – Declaratory Statement
- FOI – Final Order Informal Proceedings
- FOF – Final Order Formal Proceedings
- S – Stipulation
- AS – Agreed Settlement
- CO – Consent Order

The letter designation "R" following the final order category or docket number indicates restricted or limited access to the text of the final order as the text of the order discloses or incorporates by reference material or matters coming within the scope of limited public access prescribed by subsections 240.237, 240.245, 240.253 and 228.093, Florida Statutes, relating to student records, faculty evaluations and personnel records (statutory exemptions from provisions of subsection 119.07(1), Florida Statute the Public Records Law), or any other state or federal law vesting public record custodial access limitation responsibilities upon the University (Examples, subsection 240.241(2), Florida Statutes, specified confidential material involved with sponsored research activities; Family educational and privacy rights protected by the provisions of 20 U.S.C.A. § 1232f, et seq, Part IV – Records; Privacy; Limitation on Withholding Federal Funds).

(c) Final orders, the content or text of which indicate, refer to, or result from specified documentation coming within the scope of a protected Section 240.237, Florida Statutes, student record, and university personnel records, including work evaluations, protected by Section 240.253, Florida Statutes, will be restyled on a cover sheet by the Clerk and then docketed, indexed or listed by either the initials of the subject party or the identifiable subject matter of the case. Restricted public access to this type of final order is applicable only to material under the custody and control of the University.

(3) Final Order Index. The University final order index is alphabetically arranged by main subject headings from the Florida Statutes index when applicable. The applicable titles of citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. Main subject headings are fully capitalized titles, placed flush left on the page, and followed by relevant indented subheading titles in initial caps and lower case letters. Subheadings and sub-subheadings at equal indentations are alphabetized. Final orders are listed sequentially in an indentation immediately below the applicable subject heading. Cross references are used to direct the user to headings which contain the relevant information. Related key words (specific words, terms, and phrases) and common and colloquial words shall

be listed and cross referenced to the appropriate main subject headings.

(4) Maintenance of Records. The University Agency Clerk is responsible for providing information and assistance to the general public concerning any agency rule or order and will receive and act on requests for public inspection and copying.

(a) The office of the University Agency Clerk is located in the Office of the General Counsel, University Attorney Building, 540 West Jefferson Street, Tallahassee, Florida 32306-1612. The telephone number is: (850)644-4440, FAX: (850)644-8973. This office is open to the public between the hours of 8:00 a.m. to 5:00 p.m., excluding holidays and weekends.

(b) The University Agency Clerk is responsible for:

1. Maintaining the Florida State University final order index, the listing of final orders, and their availability to the public.

2. When an order is filed, the Clerk, as the indexer, will consult the main subject headings and subsequent similar entries shall be indexed under the existing appropriate heading. The index being cumulative, it shall be updated at least every 120 days and made accessible to the public. New main subject headings will be added when necessary. The index shall be cumulative in perpetuity.

3. Final Orders that comprise final agency action which must be indexed or listed, shall be permanently maintained by the University pursuant to its retention schedule approved by the Florida Department of State, Division of Library and Information Services.

Specific Authority BOG Regulation 1.001(3)(j) Law Implemented 120.53(1)(a)-(b), (2), (3), 120.532, 120.533, 119.07, 119.041, 228.093, 240.227(1), 240.237, 240.241(2), 240.253 FS. History—New 11-13-94.