

CHAPTER FSU-1 ORGANIZATION, POWERS, DUTIES AND FUNCTIONS

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FSU-1.004 University Constitution.

THE CONSTITUTION OF THE FLORIDA STATE UNIVERSITY

The legal authority of The Florida State University is vested in the Florida State University Board of Trustees, the State University Board of Governors, and the State Board of Education. Except as preempted by higher authority, such as collective bargaining or statutes, the following provisions govern the University.

Article I Administrative Officers

Section A. The President

The President, who is confirmed by the Board of Governors, is the chief executive officer of the University and shall exercise general supervision over all its activities.

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 absence, incapacitating illness, or death of the President, the Provost and Executive Vice President for Academic Affairs shall assume all the authority and responsibility of the President until formal provisions are made by the Board of Trustees and, if required, the Board of Governors. In the absence of both the President and the Provost and Executive Vice President for Academic Affairs, the Vice President for Faculty Development and Advancement shall have all the authority and responsibility until formal provisions are made by the Board of Trustees and, if required, the Board of Governors.

Article II Councils and Committees

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

Article III The General and Specialized Faculty

Section A. Membership

The General Faculty shall consist of those persons that are appointed by the University in tenured or tenure-earning

positions with the academic rank of 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.

The Specialized Faculty shall consist of those persons who are appointed full-time (an appointment of 0.75 or greater Full Time Equivalent) by the University within the track of Teaching, Instructional Support, Research, Research Support, Library or Information Specialties, non-tenure track Assistant Professor, non-tenure track Associate Professor, non-tenure track Professor, or Curator Specialties in the University.

Section B. Jurisdiction

The General and Specialized Faculty shall

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

Section C. Meetings

The General and Specialized 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 either by the President or on resolution of the Faculty Senate, or on written request ~~of~~ from at least ten percent of the members of the General Faculty.

Article IV Faculty Senate

Section A. Faculty Senate Membership

1. Elected faculty members
 - a. For the General Faculty:

There shall be 100 General Faculty Senators. Only full-time Assistant Professors, Associate Professors, and Professors appointed by the University shall be eligible for representation in and election to the Faculty Senate. Eligible faculty members who have duties in more than one college or school shall be counted in that college or school in which the major portion of their salary is budgeted, or time is assigned.

Each college or school with at least one General Faculty member shall be entitled to representation in the Faculty Senate according to the following formula:

$$\frac{\text{number of representatives}}{100} = \frac{\text{number of eligible General Faculty members in college or school}}{\text{total number of eligible General Faculty members in the university}}$$

Each college or school with at least one General Faculty member shall be entitled to at least one representative.

Nomination and election procedures shall be the exclusive purview of the college or school.

- i. Prior to February 1 of each year, the Vice President for Faculty Development and Advancement shall submit to the Faculty Senate Coordinator a list of eligible General Faculty members in each college or school. The Faculty Senate Coordinator 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.
- ii. Each unit shall elect its representatives for two-year terms, in accordance with a procedure that its eligible faculty members shall determine. Terms shall begin with the regular April meeting of the Senate of the election year.
- iii. 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.

b. For the Specialized Faculty:

There shall be ten Specialized Faculty Senators. At least one Specialized Faculty Senator will be Research Faculty and at least one Specialized Faculty Senator will be Teaching Faculty. There will be at least one Specialized Faculty Senator from University Libraries and at least one Specialized Faculty Senator from each of the four largest (in terms of Specialized Faculty) units, and at least five units must be represented by Specialized Faculty Senators.

- i. Prior to February 1 of each year, the Vice President for Faculty Development and Advancement shall submit to the Faculty Senate Coordinator a list of eligible Specialized Faculty. The Faculty Senate Coordinator shall on February 15 of each year determine the number to be elected that year and shall notify the appropriate dean Senate Steering Committee.
 - ii. The Specialized Faculty shall elect its representatives for two-year terms, in accordance with the procedure specified in the Senate bylaws. Terms shall begin with the regular April meeting of the Senate of the election year.
 - iii. Alternate representatives who may serve whenever illness, professional travel, or other obligations make it impossible for the designated Senator or Senators to be present are selected as specified in the Senate bylaws. A faculty member thus representing a unit shall have the full privileges of Senate membership.
2. The Faculty Senate shall elect its presiding officer from its membership to serve for a one-year term. The presiding officer shall be designated President of the Senate and shall serve as the chair 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.
 3. The following shall be ex-officio members of the Senate; The President of the University, the Vice Presidents, the Vice President for Faculty Development and Advancement, 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.

Section B. Jurisdiction

The Faculty Senate shall be the basic legislative body of the University and shall establish its own Bylaws and procedures.

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 and Specialized 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 Trustees will be advisory.
4. The President of the University shall have the power to veto any action of the Senate. The veto, with reasons therefore, shall be communicated in writing to the Faculty Senate Coordinator and Chair of the Steering Committee within sixty days. By a two-thirds vote the Senate may appeal to the Board of Trustees any action so vetoed.
5. Upon the resignation, retirement, or death of the President and upon a request by the Board of Trustees, the Faculty Senate will designate individuals to be available for membership on any committee requested by the Board of Trustees for the purpose of consultation in the selection of a nominee for President.

Section C. Standing and Special Committees

1. There shall be a Steering Committee consisting of seven persons from the voting membership of the Faculty Senate who shall be elected for staggered two- year terms. No more than two representatives of the Specialized Faculty shall serve on the Steering Committee at any given time. Representatives of the Specialized Faculty are not eligible to serve as the Chair or the Vice Chair of the Steering Committee, but this limitation may be waived by a supermajority vote. The Steering Committee shall determine the agenda for each meeting. It shall provide for the reporting to the Faculty Senate by administrative officers, by chairs of standing and special committees, and by individuals.
2. The Faculty Senate may establish standing and special committees necessary for its work.
3. Any report issued in the name of the Faculty Senate must be approved by a vote of the Faculty Senate. If disclosed under legal mandate, the disclosure must specify that the information has not been approved or rejected by the Faculty Senate and thus should not be considered a product, policy or position of the Faculty Senate.
4. After dissolution of a constitutional review committee, not more than ten years shall pass until the Faculty Senate Steering Committee shall convene a committee to review the constitution.

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 regular meetings of the Senate shall be open to members of the General Faculty and other interested parties.
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.

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 shall be posted on the Faculty Senate website.

Article V The Colleges and Schools

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.

The faculty of each college or school shall keep on file with the Faculty Senate Coordinator 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.

Article VI The Faculty Members of Colleges

or Schools Section A. Appointment:

General Faculty

1. Vice Presidents, the Vice President for Faculty Development and Advancement, 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 Provost and Executive Vice President for Academic Affairs. The President of the University or a designee shall make these appointments.
3. Professors, Associate Professors, and Assistant Professors in the colleges and schools shall be nominated by the department chair, or equivalent, approved and recommended by the dean and the Provost and Executive 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 chair, or equivalent, and approval of the appropriate dean and the Dean of The Graduate School 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.

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 be initiated by an elected faculty committee of the appropriate department or academic unit; a majority of the members shall be tenured faculty. The department chair, or equivalent, shall inform the candidate in writing of the committee decision to recommend or not to recommend, together with the chair's recommendation.

b. The department chair or equivalent shall transmit the committee recommendation together with the chair's recommendation to the appropriate committee of the college or school and to the dean. In addition, the department chair, or equivalent, shall convene a meeting of all tenured faculty in the department and conduct a secret ballot regarding the nomination for tenure; the department chair, or equivalent, shall transmit the opinion of the tenured members of the department or unit to the appropriate committee of the college or school and to the dean

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 chair of the committee.

d. A University committee on tenure, consisting 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 to the Provost and Executive Vice President for Academic Affairs and the President of the University; the Vice President for Faculty Development and Advancement shall serve without voting privileges, as ex-officio chair of the University committee and shall transmit to the Provost and Executive Vice President for Academic Affairs and to the President the committee's decision to recommend or not to recommend the candidate and for tenure; the Vice President for Faculty Development and Advancement shall also inform the candidate in writing of the recommendation.

e. The Provost and Executive 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 Trustees 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 the dean's 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 Provost and Executive 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 Provost and Executive 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 formulating an appeal, the candidate may address in writing the stated 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. Crediting of Time Toward Tenure

a. Any member of the faculties of colleges and schools holding the rank of Professor, Associate Professor, or Assistant 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 their sixth year as a faculty member.

- b. Any member of the faculties of colleges and schools holding the rank of Professor, Associate Professor, or Assistant Professor may be given tenure earlier provided the faculty member received credit, at the time of appointment, for years spent in a tenure-earning position elsewhere and has been recommended by the tenured faculty of the relevant department/school/college, the University Promotion and Tenure Committee, and the President of the University and approved by the Board of Trustees.
 - c. Any member of the faculties of colleges and schools hired at the rank of Professor or Associate Professor may be awarded tenure at the start of the appointment provided the tenure has been recommended by the tenured faculty of the relevant department/school/college, the University Promotion and Tenure Committee, and the President of the University and approved by the Board of Trustees.
4. 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.
5. Definition of Continuous Employment. Employment during any two semesters of any twelve-month period shall be considered a year of 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 faculty member and the University.)
6. Restrictions on Employment of Nontenured Faculty
- a. 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.
 - b. Not later than the end of the sixth year of service (or the tenth in the case of the above exceptions), the Departmental Chair, or equivalent, in consultation with the dean of the college or school, shall either nominate the faculty member for tenure or arrange to terminate 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.
 - c. Only time spent in the rank of Assistant Professor and above shall be construed as tenure-earning time.
 - d. Assistant Professors shall be considered ineligible for tenure or for reappointment beyond a seven-year maximum.
7. Early Tenure
- a. The Board of Trustees may approve tenure at an earlier time if it is recommended with sufficient justification by the President of the University.
 - b. An Assistant Professor must satisfy the five-year requirement to be eligible for consideration by a tenure committee at any level.
8. 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 Provost and Executive 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, upon 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 the faculty members choice.

- b. Nonreappointment of Nontenured Faculty. Upon the advice of a department chair, a departmental/college/school advisory committee, the dean of the respective college or school, and the Provost and Executive 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 continuous University 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. 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 designee shall cause a written notice, including a statement of reasons, to be served upon the employee.
- d. 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, upon request, a hearing before an appropriate faculty committee. At this hearing the faculty member shall be allowed at the faculty member's own expense the benefit of counsel of the faculty member's 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.
- e. If immediate dismissal is not sought, the faculty member shall have, upon request, a hearing on the suspension before an appropriate faculty committee.
- f. 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. The faculty member will be provided an opportunity to respond before further action is taken. 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 appropriate.

Section C. Academic Freedom

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 the exercise of this freedom in their areas 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.

The faculty member has the same freedoms and responsibilities as other citizens, including political rights and privileges, without institutional censorship or discipline. However, as a scholar, a faculty member should be mindful that accuracy, forthrightness, and

dignity befit his or her association with the University.

Furthermore, the faculty member must consider their academic duties as their primary responsibility. In no case should faculty members accept or seek appointment to civic or political office which would reduce significantly the time available for this primary responsibility without first securing written approval of the President of the University.

Faculty members who believe they do 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.

Section D. Resignation

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

Article VII The Professional Staff

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.

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~~ Trustees.

Article VIII Amendments

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 Faculty who are eligible for election to the Faculty Senate and who vote on the proposal.

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.

NOTE: The Constitution was first adopted by the Faculty as the Faculty of the Florida State College for Women on April 11, 1931 and ratified by the Faculty of The Florida State University on May 19, 1948, amended to December 6, 1989. Amended October 16, 2019.

Specific Authority BOG Regulation 1.001(3)(j) FS. **History**—New 9-30-75, Amended 7-21-76, 8-23-76, Formerly FSU-1.04, Amended 2-13-90. Cf. University regulations relating to employment found in FSU-4., [Technical Change 3-14-2013] Amended, 3-1-21

FSU-1.057 Final Orders; Index and Listing

(1) Florida State University final orders are, as defined herein, shall be filed with the University Administrative Clerk, Office of General Counsel then indexed ~~or~~ and listed. University final orders are:

(a) Orders appealable to the Leon County Circuit Court as provided by Rule 9.190(b) (3) of the Florida Rules of Appellate Procedure; and

(b) Orders entered while university is acting pursuant to statutory authority derived from the Legislature. Such orders will also be subject to the requirements of Rule 1B-32.003, Florida Administrative

Code, Maintenance of Agency Final Orders. All such final orders will be orders determining the substantial rights of persons and parties and the Office of General Counsel will advise on the applicability of this Regulation.

(2) Numbering of Final Orders. All final orders that are required to be indexed and ~~or~~ listed ~~shall be~~ sequentially numbered at the time of filing with the University Agency Clerk with the year followed by the sequential number, as in 2017-1

(3) Order Privacy. Final orders, the content or text of which indicate, refer to, or result from specified documentation coming within the scope of a protected by Sections 1002.225 and 1006.52, Florida Statutes, for student records, and university personnel records, including work evaluations, protected by Section 1012.91, 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. The Office of General Counsel will review and approve all requests for production of or access to such documents.

(4) Final Order Index. The University final order index is numerically arranged with non-FSU party listed except where confidential as in (3). Where possible, a descriptive parenthetical key word, such as Student Discipline, Employment and the like shall be included. 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.

(5) 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. The Clerk shall also be the responsible person for any required activity or contact under Chapter 120, Florida Statutes. Note that use of “agency” in this or other university regulations does not itself confer state agency status for purposes of Chapter 120 or otherwise under state law unless otherwise specifically provided by law.

The office of the University Agency Clerk is located in the Office of the General Counsel, 424 Westcott, 222 S. Copeland St. Tallahassee, Florida 32306-1400. 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.

Specific Authority BOG Regulation 1.001(3)(j) Law Implemented 119.07, 119.041, 1006.52, 1012.91, FS. History—New 11-13-94, Rev 6-7-17

