



The Florida State University  
Tallahassee, Florida 32306-1030

Faculty Senate  
904-644-6876

AGENDA  
FACULTY SENATE MEETING  
Moore Auditorium  
February 15, 1989  
3:45 p.m.

- I. Approval of the minutes of the December 7, 1988 and January 18, 1989 meetings
- II. Approval of the agenda for the February 15, 1989 meeting
- III. Report of the Steering Committee, M. Young
- IV. Reports of Standing Committees
  - a. Elections Committee, T. Matherly  
Nominations for the University Committee on Faculty Sabbaticals, Professional Relations and Welfare Committee and Grievance Committee
  - b. Library Committee, M. Cowart
  - c. Professional Relations and Welfare Committee, P. Gilmer
  - d. Undergraduate Policy Committee, P. Wright
  - e. Curriculum Committee, M. Young
- V. Unfinished Business
- VI. New Business  
Amendments to The Florida State University Constitution, F. Kreimer
- VII. University Welfare
- VIII. Announcements of Deans and other administrative officers
- IX. Announcements of the President of the University

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ANNOUNCEMENT: The School of Nursing and the University Club will host the University Club Wednesday Social in the Garnet and Gold University Room, 202A Union, immediately following the Senate meeting. The University Club will collect \$1.50 to help defray their expenses. Everyone is invited!





FACULTY SENATE MEETING  
Moore Auditorium  
February 15, 1989  
3:45 p.m.

I. Regular Session

The regular session of the 1988-1989 Faculty Senate met on Wednesday, February 15, 1989 at 3:45 p.m. in Moore Auditorium. Senate President Leo Sandon presided.

The following members were absent. Their alternates who were present are listed in parenthesis. J. Altholz, M.L. Baker, A. Brown, J. Bryant, G. Choppin, D. DeTar, G. DeVore, H. Fletcher, R. Goldsmith, C. Hahn, W. Haas, V. Hagopian (J. Owens), R. Johnson, J. Keller, C. Keuchel, W. Laird, G. Leahy, J. Lovano-Kerr (J. Eyestone), C. Madsen, J. Morse, K. Scott (L. Hafner), B. Shellahamer, J. Simmons, O. Slagle, P. Southerland, P. Strait, D. Sumners, P. Tait, J. Telotte.

II. Approval of the minutes of the December 7, 1988 and January 18, 1989 meetings.

The minutes of the December 7, 1988 and January 18, 1989 meetings were approved as circulated.

III. Approval of the agenda for the February 15 meeting

The agenda was approved as distributed.

IV. **Report of the Steering Committee, Senator M. Young**

"Among the items considered by the Steering Committee since the last Senate meeting are:

1. Woodward Avenue. Leo Sandon reported on his discussions with Mayor Visconti and Representative Hurley Rudd concerning the unsafe conditions when crossing Woodward Avenue. Rep. Rudd identified the appropriate DOT official and, at this point, it seems as if our Woodward Avenue problem may be in the process of being solved.

2. Meeting with Chancellor Reed. Leo Sandon and

Marilyn Young reported on the meeting of the Faculty Advisory Forum with Chancellor Reed. Items which were discussed include the course level designators project, the composition of search committees for university presidents, and the importance of maintaining a balance between academics and athletics. The Faculty Advisory Forum is the statewide organization of faculty senates from the nine universities; Marilyn Young was appointed to a sub-committee to propose a solution to the problem of the course level designators project. That committee will report to the FAF by mid-March and to the Chancellor by the end of the Spring semester.

3. Constitutional Revisions. For some time, the Steering Committee has been discussing the changes necessary to bring the promulgated version of the FSU Constitution into compliance with actual practice and with the most recent official version of that document. Fred Kreimer has been primarily responsible for this project, along with Elizabeth Mann and Gregg Phifer; one result of their efforts is the amendments which will be presented later in this meeting. One meeting of the Steering Committee was devoted entirely to a workshop on constitutional revision (during which we reviewed the proposed changes) and to a discussion of the most expeditious way to promulgate these changes as part of the Florida Administrative Code.

4. Alumni Task Force recommendations. The Steering Committee discussed the recommendations of the Alumni Task Force brought to the Senate by Ken van Assenderp. Leo Sandon will appoint a subcommittee to recommend implementation of the conclusions that relate to the Faculty Senate or to the general faculty.

5. Graduate Studies. The Steering Committee met with Jayne Standley to discuss several on-going concerns that the Graduate Policy Committee has regarding the current Senate focus on the status of graduate studies.

6. Committee appointments. The Steering Committee appointed John Kelsay to the Curriculum Committee to replace David Levenson, who is on sabbatical, and appointed Rob Adkinson to the Library Committee."

President Sandon reported on his discussions with Mayor Visconti and Representative Hurley Rudd with regard to the Woodward Avenue crossing. He provided an update of where the process of negotiation stood, emphasizing that the current forward movement



toward solution of the problem was the result of Faculty Senate concern and initiative.

V. Reports of Standing Committees

**a. Elections Committee, Senator T. Matherly**

Senator Matherly opened the floor for nominations to the University Committee on Faculty Sabbaticals. There were no additional nominations from the Senate (attachment 1 shows those nominations received by mail ballots).

Senator Matherly opened the floor for nominations to the Professional Relations and Welfare Committee. Shimon Gottschalk and Curtis Krishef were nominated from the School of Social Work. The nominations were closed.

Senator Matherly opened the floor for nominations to the Grievance Committee. There were no additional nominations for this committee (attachment 2 shows those nominations received from the respective colleges and schools).

**b. The Library Committee, Senator M. Cowart**

The Library Committee was established in the spring 1988 by the Faculty Senate. The Committee has twenty-two faculty members, one undergraduate and one graduate student, and several ex-officio members. The purpose of the committee is being formalized and our priorities are being established.

The Committee has made the following policy recommendations: 1) endorsed open library hours on holidays that fall within the academic year, 2) moved \$55,000 from books to serials and bindings.

If you have issues of concern please contact any member of the Library Committee.

**c. Professional Relations and Welfare Committee, Professor P. Gilmer**

"The faculty senators should have a copy of the proposed policies and procedures which were sent before the Faculty Senate meeting today as well as a one-page addendum of changes which is available at the front of this room.

Today, I want to give you some background so that you will understand why the Professional Relations and Welfare Committee is proposing policies and procedures for Investigating Allegations of Misconduct



in Scholarship. It was an actual situation of fabrication of data directly in my research area in 1981 that made me aware of what a threat scientific fraud and scholarly misconduct are to the scientific enterprise and to academia itself.

Recently, there have been a number of public reports of outright scientific fraud and plagiarism. I thought that I would cite just one of these cases to you to give you an idea of what may be involved and why some set of policies and procedures are necessary.

This scientific fraud case involves a child psychologist researcher named Dr. Stephen E. Breuning. One of his collaborators, Professor Robert Sprague, of the University of Illinois suspected his collaborator, Breuning, of reporting fraudulent data. Finally, Sprague became so convinced that there was enough evidence that he confronted Breuning with his suspicions. Indeed, Breuning did not have all the data that he said he had collected. Sprague reported the apparent fraud both to Breuning's institution at the University of Pittsburgh and to the National Institute of Mental Health which supported his research. The evidence was convincing, but it took years of investigations, which were not made public. Finally this past November, five years after Sprague blew the whistle, Breuning pleaded guilty to two counts of making false statements in his research grants concerning the treatment of hyperactive children.

There are three points that I want to make about this incident: first, without policies and procedures already in place with how to deal with accusations of misconduct, universities and institutions can take a long time to deal with such incidents. The entire process needs to be thought through as to the best means to handle such a serious allegation at each institution. Such issues as a definition of misconduct, time frames for the process, composition and constitution of the investigating committee, and the responsibilities of the administration need to be considered.

A second point about Breuning's fraud account is that the whistleblower, Dr. Sprague, was investigated by his own institution (the University of Illinois) and by the NIMH. Eventually, he was totally exonerated of any fault. The bottom line is that professionally and personally it hurt Sprague to blow the whistle, even when he was right in his charges. Just last month, however, Sprague was recognized for the stand



that he took when he was awarded the American Association for the Advancement of Science medal in Scientific Freedom & Responsibility. It can be costly to report misconduct, but it is a responsible action to take.

A third point is that in this particular case, the fraudulent data that Dr. Breuning's fabricated hurt the public as well. Drugs used to treat thousands of hyperactive children were changed, based on his "data."

I do not think that this sort of case happens often, but we truly do not have a good indication of what the incidence of fraud or misconduct in science or in scholarship really is. Because of incidents such as the one cited, pressure in Congress has mounted considerably in the last year. Federal regulations have been in place since 1987 for research funded through the National Science Foundation. Similar regulations were proposed late in 1988 through the Federal Register for research funded through the Public Health Service, the branch of the government that supports the National Institutes of Health (NIH). The bottom line is that all institutions that have funded research must soon have approved policies and procedures to deal with allegations of fraud or scientific misconduct. Therefore, if researchers at Florida State University want to apply for funding from the National Science Foundation or the National Institutes of Health, then we must have a set of policies and procedures in place very soon. We are submitting this draft with one page of changes to you today for general discussion, and it will be voted upon at the March 15th Faculty Senate meeting.

I urge you to show the draft document to your colleagues in your college or school and get their feedback as well. If you or one of them has any suggestions for change, I request that you submit those suggestions to me in writing by no later than March 1st. I will open the floor now for questions or comments."

The floor was opened for questions and discussion. Professor Gilmer reminded those persons who had concerns and suggestions to please send them to her in writing (attachment 3 is the proposed Policies and Procedures for Investigating Allegations of Misconduct in Scholarship).

**d. Undergraduate Policy Committee, Senator P. Wright**

The Undergraduate Policy presented **FIL 2001, Intro-**



**duction to Motion Picture and Television Appreciation** for inclusion in Liberal Studies credit in Area VI. The subcommittee for Area VI review and the UPC both recommended this course for approval. Mr. Wright's motion to approve was seconded and the course was approved.

**e. Curriculum Committee, Senator M. Young**

The dates for the University Curriculum Committee meetings are February 24, March 17 and April 21. Please have your requests approved through your college or school committees and sent to Ms. Janis Sass, 314 WES, one week prior to each of these meetings.

VI. Unfinished Business

Senator Roeder reminded the Senate that a concern brought to them last month is still not addressed. Double doors in some buildings are still locked. This could be very serious if there is a fire. Senate President Sandon assured the Senate that this issue will be cleared up before the March meeting.

VII. New Business

**Amendments to The Florida State University Constitution, Senator Fred Kreimer**

Senate President Sandon informed the Senate that there are two reasons for these amendments, 1) to make common text and 2) to have a current document for promulgation to the Administrative Procedures Act.

Senator Kreimer read through the summary of proposed amendments to The Florida State University Constitution asking for questions or discussion on any of the suggested changes. There were none. Senator Kreimer reminded the Senate that this is a first reading, that the Senate will vote on these amendments at the March meeting. Senator Kreimer thanked committee members Senator Mann and Parliamentarian Phifer and the Secretary to the Senate for assistance (attachment 4 are the proposed amendments to the FSU Constitution).

Senator President Sandon thanked the constitution revision committee. Some may note that the preamble is shown on this draft copy. The preamble is not a part of the Constitution therefore, there is no proposed changes to it.

VIII. University Welfare



Senator Roeder stated that the newly approved Proposition 42 changes admission policies and when changes in admission are contemplated, they should have Senate review.

Senator McWilliams voices a great concern over out-of-state students having to register for twelve hours of classes in the summer. Senator J. Standley informed the Senate that the Graduate Policy Committee had just acted on this issue and is bringing a recommendation to the March Senate meeting.

IX. Announcements of Deans and other administrative officers.

There were no announcements at today's meeting.

X. Announcements of the President of the University

President Sliger invited the Senate and all faculty to a birthday party on March 10th to celebrate the 80th birthday of former Governor Leroy Collins. The celebration will be held at the Village Green.

President Sliger praised the excellent job being done at the Pensacola Junior Community College. He recently visited there with twenty of our faculty members. The President of PJCC was very pleased with the large number of FSU faculty showing interest and concern.

The President has been meeting with Bo Johnson, T.K. Wetherell, Charlie Reed, Governor Martinez and Curtis Peterson.

Promotion and tenure recommendations have been acted upon. Promotions do not have to go to the BOR and those people concerned with promotions have already been notified. Tenure recommendations have to go to the BOR for their March meeting. FSU is always 2-3 months ahead of other universities and that's because of the good work from the Office of the Dean of the Faculties.

The Steering Committee recently asked President Sliger how the Sugar Bowl monies would be dispensed. He informed them that \$100,000 had already been allocated to fee waivers and possibly another \$150,000 will be available.

In response to the comment on Proposition 42 President Sliger told the Senate that the BOR had already passed this proposition prior to the NCAA



meeting. Universities were not given an opportunity to review this issue.

XI. Adjournment

The meeting adjourned at 5:10 p.m.

A handwritten signature in cursive script that reads "Janis D. Sass". The signature is written in black ink and is positioned above the typed name.

Janis D. Sass  
Secretary to the Senate





The Florida State University  
Tallahassee, Florida 32306-1030

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904-644-6876

MEMORANDM

TO: Members of the Faculty Senate  
FROM: *Janis* Janis Sass for the Elections Committee  
SUBJECT: Nominees for the University Committee  
on Faculty Sabbaticals

The following persons have been nominated for election to the University Committee on Faculty Sabbaticals. Additional nominations will be taken from the floor of the Senate at the February 15, 1989 meeting. Only tenured faculty are eligible for election to this committee.

- |                        |                           |
|------------------------|---------------------------|
| 1. Kathryn Anderson    | 14. Gideon Jones          |
| 2. Joseph Beckham      | 15. David Kirby           |
| 3. John Brigham        | 16. Janet Kodras          |
| 4. Doris Clack         | 17. Bruce Masterton       |
| 5. Russell Dalton      | 18. Leonard Mastrogiacomo |
| 6. John DePew          | 19. Dan Oberlin           |
| 7. Issac Eberstein     | 20. Jane Perry-Camp       |
| 8. Janice Flake        | 21. Ruth Pestle           |
| 9. Ernest Frechette    | 22. David Rasmussen       |
| 10. Michael Frumkin    | 23. Fred Standley         |
| 11. Erasmo Gerato      | 24. Patricia Stanley      |
| 12. Lawrence Hazelrigg | 25. Alan Thomas           |
| 13. Hank Hennessey     | 26. Hollie Thomas         |

Current members and terms are:

Erasmo Gerato, 1989  
William Heard, 1989  
Ruth Pestle, 1989  
Perrin Wright, 1989

Leon Golden, 1990  
Thomas King, 1990  
Joseph Plescia, 1990  
Kathy Scott, 1990  
Carolyn Steele, 1990



Draft Summary; PJG; 10 February 1989

Draft Summary  
 of Policies and Procedures for Investigating Allegations  
 of Misconduct in Scholarship

A.3 Within the university there will be a body of faculty which will address allegations of misconduct, first in the form of an inquiry and then, if necessary, as an investigation. Confidentiality shall be maintained.

B.2. The complainant(s) will be asked to ~~put the complaint in writing and have the document notarized~~ provide a notarized affidavit of the complaint. The Vice President for Research and Graduate Studies of the Dean of the Faculties. Whichever of these administrators receives the written charge shall forward a copy of it to the other. If an inquiry into misconduct in scholarship is deemed necessary by either of the two administrators, the Vice President for Research and Graduate Studies will notify the chairperson of the PRWC, who will constitute the CIAMS, in the manner previously described.

B.18. Consideration of the Report.  
 a. The Vice President for Research and Graduate Studies, in consultation with the ~~university President, the Dean of Faculties, and the attorney(s) representing the university and other appropriate officials,~~ shall take the CIAMS report, including attached additional written statements and the comments on the report, into consideration in deciding what action to take on notification of funding agencies, journals, and the ~~press public.~~  
 b. The Dean of Faculties, after consultation with the dean of the appropriate college or school, the Vice President for Academic Affairs, and the President of the university (if deemed necessary) shall recommend to the Vice President for Academic Affairs appropriate ~~disciplinary~~ action.

new B.19. The status and outcome of the inquiry and the investigation will be made known in a timely fashion to the complainant(s).

Draft Summary; PJG; 6 February 1989

Draft Summary  
 of Policies and Procedures for Investigating  
 Allegations of Misconduct in Scholarship

FLORIDA STATE UNIVERSITY

In developing policies and procedures for investigating allegations of misconduct in scholarship, the drafting committee used the regulations developed by both the National Science Foundation and the Public Health Service as well as the FSU administrative rule governing peer hearings and the Framework for Institutional Policies & Procedures to Deal with Fraud in Research (by the Association of American Universities, the National Association of State Universities & Land-Grant Colleges, and the Council of Graduate Schools) as guides.

A. General policies and responsibilities.

1. Definition of misconduct in scholarship:

- a. Fabrication, falsification, plagiarism, deception, or other serious deviation from accepted practices in proposing, carrying out, exhibiting, or publishing results from research or other creative activities,
- b. Material failure to comply with federal, state, local or university requirements for protection of researchers, human subjects, or the public or for ensuring the welfare of laboratory animals,
- c. Failure to meet other material legal requirements governing research and publication,
- d. Improprieties of authorship, including improper assignment of credit, such as excluding others, or claiming the work of another as one's own; presentation of the same material as original in more than one publication; irresponsible authorship, such as submission of multi-authored publications without the concurrence of all authors, and including individuals as authors on a manuscript who have not made a substantial contribution to the scholarly work and who are not prepared to share the responsibility for its contents, or allowing oneself to be listed as an author of a manuscript which is being submitted for publication when one has not made a substantial contribution to the scholarly work and when one is not prepared to share responsibility for its contents. Contribution short of full authorship may be separately acknowledged. Provision of facilities and/or funds alone is not considered substantial involvement in this

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context,

- e. Failure to save the original data and the data analysis for a scholarly work for a period of at least five years after the work is published or after the contract or grant which supported the work ends, whichever is longer. All data should be made available upon request.
- f. The purposeful damage of some one else's research,

8. Failure to report information indicating misconduct in scholarship by another.

2. These procedures and policies shall govern all research and other creative activities, whether funded or not funded, which is conducted at the university.

3. Within the university there will be a body of faculty which will address allegations of misconduct, first in the form of an inquiry, and then, if necessary, as an investigation.

- a. The first phase will be an inquiry which consists of information-gathering and preliminary fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation. This first phase will be concluded within 60 days of receiving the initial written charge.

- b. An investigation is a formal examination and evaluation of relevant facts to determine whether misconduct has taken place or, if misconduct has already been confirmed, to assess its extent and consequences and to recommend appropriate action by the university. The investigation will be started within thirty days of the conclusion of the inquiry and shall be concluded within an additional 120 days.

- c. The inquiry and investigation will be conducted by a committee hereafter referred to as the Committee to Investigate Allegations of Misconduct in Scholarship (CIAMS). This committee will be composed of six individuals. Three members of this committee will be appointed by the Vice President for Research & Graduate Studies, and three will be appointed by the Dean of Faculties, as the need for an inquiry arises. All these appointments will be made in consultation with the chairperson of Professional Relations & Welfare Committee (PRWC) and with the Dean of the appropriate college or school. All members of the CIAMS shall be members of the

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faculty, unless there are insufficient experts in the field from within our institution who have no close personal or professional connections to the person accused of misconduct, hereinafter referred to as the respondent, and no close personal connections to the charging party (or parties), hereinafter referred to as the complainant(s). The chairperson of the PRWC shall select the chairperson of the CIAMS from the six members of the CIAMS.

- d. If the research is funded or is the subject of a manuscript submitted for publication and an investigation is deemed necessary, the sponsoring agency and the editor of the journal or other body considering the publication or other distribution of the research shall be informed. If there are other funding agencies of the respondent which support similar research to that which is questioned, or if the respondent has contracts or grants pending in similar research areas, the funding agencies shall be similarly notified. If there are any additional funding agencies of the respondent in research areas unrelated to the research in question, the Vice President for Research and Graduate Studies, in consultation with the CIAMS, shall decide if any of them should be notified. The purpose of the notification is to protect the respondent from slanderous misinformation from third parties which may reach funding agencies, and also to maintain the integrity of research at the university. The notification under this provision shall clearly indicate that the researcher is presumed innocent, under investigation only, and that a full report will be provided at the conclusion of the investigation. The notification shall contain a request that, to the extent possible, the information provided be kept confidential to protect the reputation of the researcher.

3. Detailed Procedures.

1. Allegations of misconduct in scholarship shall be reported to the Vice President for Research and Graduate Studies or to the Dean of the Faculties.
2. The complainant(s) will be asked to put the complaint in writing and have the document notarized. The written charge will then be filed with the Vice President for Research and Graduate Studies or the Dean of the Faculties. Whichever of these administrators receives the written charge shall forward a copy of it to the other. If an inquiry into misconduct in scholarship is deemed necessary by



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either of the two administrators, the Vice President for Research and Graduate Studies will notify the chairperson of the PRWC, who will constitute the CIAMS, in the manner previously described.

3. The CIAMS will immediately perform an informal, fact-finding inquiry. During the inquiry, if there seems to be some basis for the charge, the respondent will be notified of the nature of the charges. Where there are original data relating to the charge, as in written research notebooks or computerized disk information, they will be secured, both for the protection of the respondent and for review by the CIAMS. The Vice President for Research and Graduate Studies shall administer the arrangements in securing this data. After allowing the respondent to respond to the charges, the CIAMS will determine if a more formal, full-scale investigation is warranted. Requests for information directed to university officials from prospective employers of the respondent shall be honored by notifying such prospective employers that the researcher is under investigation, but presumed innocent. The notification shall contain a request that, to the extent possible, the information provided be kept confidential to protect the reputation of the researcher.

4. The Vice President for Research and Graduate Studies, shall administer the arrangements for an inquiry and investigation and shall take necessary steps to halt any damage caused by the alleged misconduct. It may, for example, be necessary to take action to protect human or animal subjects. Judgments on issues of this nature shall be made by the Vice President for Research and Graduate Studies, in consultation with the CIAMS.

5. Retaliation against the complainant or other persons giving information in good faith about scholarly misconduct is prohibited, and violators will be disciplined appropriately. Disciplinary action will be taken against individuals who make bad faith allegations of scholarly misconduct.

6. The identity of the complainant(s) will not be revealed to the respondent during the inquiry stage, to protect the complainant(s). However, should an investigation be deemed necessary, the complainant(s) will be revealed to the respondent so that the respondent can fully understand the charges.

7. The respondent has an obligation to cooperate with university officials during all phases of the inquiry and investigation. Any employee who fails to cooperate fully will be disciplined appropriately.

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8. The CIAMS will maintain sufficiently detailed documentation of inquiries to permit a later assessment of the reasons for determining that an investigation was warranted or was not warranted. Such records concerning inquiries and investigations will be maintained in a secure manner by the Vice President for Research & Graduate Studies.

9. If during the inquiry stage, it is realized that the allegation is presumed to be a result of scholarly work done elsewhere, it will be resolved in the manner best suited to meeting the objective of setting the scholarly record straight. Toward this end, the Vice President for Research & Graduate Studies may defer to an external inquiry and investigation or refer the matter to the chairperson of PRWC for resolution under these rules or in cooperation with an external inquiry and investigation.

10. If a charge against the respondent is made after he/she has left the university, so that disciplinary action is not possible, an inquiry into the charges shall still be made. If an investigation is deemed necessary, the accused's funding agency shall be contacted and notified of the conclusions in the final report. Even if no disciplinary action can be taken by the Florida State University, it is desirable to set the scholarly record straight.

11. If the initial charge of misconduct is made against a student involved in scholarly work under the auspices of the university, then the CIAMS will still be constituted, but it will include one student peer, to be chosen by the chairperson of PRWC, in consultation with the dean of the relevant college or school. The student CIAMS member will take the place of a regular CIAMS member. There may be a case in which the initial charge is made against a faculty member, but the evidence presented in the investigation results in the CIAMS deciding that a student, not the originally charged faculty member, was the one involved in the misconduct in scholarship. In this case, the CIAMS would remain as constituted, as described in section A.3.c. of this document. If a student working under the auspices of the university has been found to have engaged in misconduct in scholarship, then, at the conclusion of the final report, the CIAMS shall do the following:

- a. Recommend to the Judicial Officer that the student's case be considered and provide him/her with all of the written proceedings and the final CIAMS report.
- b. Recommend to the Vice President for Research and



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Graduate Studies that he/she, in conjunction with the coauthors of the research, notify the funding agency supporting the research as well as any journals in which the research in question was published of the results of the CIAMS investigation.

12. If it is found that an investigation is necessary, the chairperson of the CIAMS shall decide upon a date, time, and place for conducting the investigation. The chairperson of CIAMS will consult with the respondent about the appropriate designated representative(s). Adequate time for preparation shall be provided, and to that end, the chairperson of the CIAMS may consult, as needed, with the attorney(s) representing the university, the respondent, and the respondent's designated representative(s).

13. Preparation for the Investigation.

a. In preparation for the investigation, the respondent and his/her designated representative(s) may examine and receive copies of all written materials which the CIAMS intends to present at the investigation.

b. The respondent and the designated representative(s) shall be entitled to the names of all persons whom the CIAMS intends to call upon to provide information in the course of the investigation.

c. The CIAMS may examine and receive copies of all written materials which the respondent or his/her designated representative(s) intends to call upon in the course of the investigation.

14. Investigation Procedures.

The investigation shall be conducted as follows.

a. The chairperson of the CIAMS shall preside and shall conduct the proceeding in a manner such as to elicit sufficient information on which to base a reasoned decision.

b. The CIAMS members shall be present at all times and shall participate, as hereinafter prescribed. Others entitled to be present and to participate, as hereinafter prescribed, are the respondent, the attorney(s) representing the university, and the respondent's designated representative(s). The Vice President for Research and Graduate Studies and the Vice President for Academic Affairs, or their designees, may attend as observers at all or

any part of the proceedings, except the CIAMS deliberations.

c. The chairperson of the CIAMS shall call the proceedings to order, make introductory or preliminary remarks as appropriate, and resolve preliminary matters as needed. One committee member, designated as spokesperson by the chairperson of the CIAMS, shall give a presentation of the relevant information in the investigation of scholarly misconduct.

d. When the designated member of the CIAMS has concluded his/her presentation, the chairperson of the CIAMS shall invite the respondent or his/her designated representative(s) to give a presentation in response to the charges. The respondent 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) Offers of additional information which can be made available to the CIAMS members.

(4) Discussions and arguments, which may be made in closing summations, 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. The information presented shall be 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 CIAMS. The chairperson of the CIAMS 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 or other practice common to administrative or judicial adjudication hearings shall be permitted. The University's legal representative(s) and the respondent or his/her



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representative(s) may request the chairperson of the CIAMS to propound questions on their behalf. The chairperson of the CIAMS shall propound the questions unless he/she deems them to be repetitious, cumulative, or not pertinent.

h. The chairperson of the CIAMS may, at any time, ask questions of any participant in the proceeding and shall liberally recognize the members of the CIAMS for the same purpose. The CIAMS, at the discretion of the chairperson of the CIAMS, may invite individuals to appear and present information and may request the submission of written materials. The chairperson of the CIAMS, 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 respondent or his/her designated representative(s), and the members of the CIAMS 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 chairperson of the CIAMS shall arrange for the proceedings, except for panel deliberations, to be recorded by mechanical or stenographic means for the university's use. The respondent also may, at his/her own expense, arrange for the proceeding to be recorded by mechanical or stenographic means. The respondent may receive a transcript of the university's recording upon payment of the costs of reproduction, or, if the proceedings were mechanically recorded, the respondent may receive a copy of the recording upon payment of the cost of duplication. Neither the recordings nor the 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, Florida Statutes, the proceeding shall be closed to the public unless the respondent or his/her designated representative(s), requests that the proceeding be open. This request shall be made to the chairperson of the CIAMS in writing prior to the commencement of the proceeding. In this regard, the entire proceeding, except for the CIAMS deliberations, shall be either open or closed.

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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 for Research and Graduate Studies, the Dean of Faculties, and the Vice President for Academic Affairs, or that the proceeding will produce no further significant information, the chairperson of the CIAMS shall conclude and adjourn the proceeding.

l. The CIAMS shall prepare and maintain the documentation to substantiate the investigation's findings. This documentation is to be made available to the funding component in cases where the funding component has determined that it will either proceed with its own investigation or will act on the university's finding.

15. The CIAMS Deliberations.

Upon the adjournment of the proceeding, or as soon thereafter as they can reasonably assemble, the members of the CIAMS shall meet at a time and place designated by the chairperson of the CIAMS to engage in deliberations. Only the CIAMS members shall be permitted to be present or to participate in the deliberations. The CIAMS members shall base their deliberations on the information reflected in the record of the proceeding. If, in the course of deliberation, the CIAMS wishes to obtain additional information, the chairperson of the CIAMS may reopen the proceedings for this purpose and may impose limitations on the participants as needed to confine the reopened proceeding to the matters of interest to the CIAMS. Subject to such limitations, the respondent and his/her representative(s) shall be entitled to participate fully in the reopened proceeding.

16. The CIAMS Issues.

The CIAMS 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 CIAMS shall provide advice and comments to the Vice President for Research and Graduate Studies, the Dean of Faculties, and the Vice President for Academic Affairs, with respect to the following points:

- a. Whether there has been misconduct in scholarship.
- b. Whether the alleged misconduct in scholarship warrants disciplinary action.

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- c. The type of disciplinary action, if any, deemed appropriate,
- d. What action should be recommended concerning the research product,
- e. Advice and comments regarding aggravating and mitigating circumstances, including whether or to what extent these circumstances should be taken into account.

17. The CIAMS Report.

Within ten working days of the conclusion of deliberations, the chairperson of the CIAMS shall prepare and submit to the Vice President for Research and Graduate Studies, the Dean of Faculties, and the Vice President for Academic Affairs a written report reflecting the views of the CIAMS on the case. The chairperson of the CIAMS shall permit there to be attached to the report additional written statements by the individual CIAMS members, including those of the chairperson, reflecting minority, dissenting, or individual points of view. A copy of the report, including attachments, shall be provided to the respondent who shall have ten working days to submit written comments to the Vice President for Research and Graduate Studies, the Dean of Faculties, and the Vice President for Academic Affairs.

18. Consideration of the Report.

- a. The Vice President for Research and Graduate Studies, in consultation with the university President, the Dean of Faculties, and the attorney(s) representing the university and other appropriate officials, shall take the CIAMS report, including attached additional written statements and the comments on the report, into consideration in deciding what action to take on notification of funding agencies, journals, and the press.
- b. The Dean of Faculties, after consultation with the dean of the appropriate college or school, the Vice President for Academic Affairs, and the President of the university (if deemed necessary) shall recommend to the Vice President for Academic Affairs appropriate disciplinary action.
- 19. If the university administration is considering disciplinary action based on the CIAMS recommendations, for which a peer hearing is available under Rule 602-4.0335, F.A.C., then such a hearing

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will be made available to the respondent.

- 20. If the peer hearing process is invoked, that peer hearing committee would have access to evidence and recommendations of the CIAMS.
  - 21. The failure of the university to invoke or abide by any procedures contained in these policies and procedures 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.
  - 22. The CIAMS shall undertake diligent efforts, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed.
  - 23. If these policies and procedures are approved by the Faculty Senate and adopted by our university, then we, the original drafting committee, suggest that in the event that the policies and procedures are actually utilized by a duly constituted CIAMS, that a new committee, composed of some members of this original drafting committee and some members of the CIAMS, would review the policies and procedures, and make recommendations for any necessary changes.
- C. Suggestions for implementing procedures for preventing and discouraging misconduct in scholarship. These suggestions will be pursued further by the Professional Relations and Welfare Committee.
- 1. Provide all faculty and graduate students in the behavioral and natural sciences and in engineering with a copy of Sigma Xi's Honor in Science pamphlet. There is much to be gained from reading this excellent report.
  - 2. Develop a training program in what constitutes scholarly misconduct for all faculty, research associates, graduate students, and undergraduate students who are involved in scholarly research and other creative activity. As a model for the training program, the training procedures developed by the Animal Care and Use Committee could be used. Lectures on topics related to conduct in science which could be given to live audiences would be videotaped for viewing later by individuals who could not attend.
  - 3. Add information on the definition of scholarly misconduct and on the policies and procedures to investigate allegations of scholarly misconduct to the faculty and student handbooks.



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Draft Summary; PJG; 6 February 1989

4. Reevaluate the policies and procedures for promotion and tenure in our university to reflect the importance of quality rather than quantity in publications. The number of publications considered for promotion and for tenure could possibly be limited, to minimize the need for a large quantity of publications of mixed quality and to encourage the publishing of high quality research. Such a procedure would also discourage faculty from adding their name to publications in which they have had minimal intellectual contribution. The outcome, hopefully, would be fewer publications, but of higher quality, with more personal, intellectual involvement in the research.
  5. Develop a code of ethics for our faculty.
- D. Possible changes which may be needed in these policies and procedures after the PHS rule, which is presently open for comment in the Federal Register, is implemented.
1. Inquiring immediately into an allegation or other evidence of possible misconduct. An inquiry must be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period; the record of the inquiry should include documentation of the reasons for exceeding the 60-day period.
  2. Notification of the appropriate funding component when the university determines that an investigation is warranted, or prior to the decision to initiate an investigation, if any of the following conditions exist:
    - a. There is an immediate health hazard involved.
    - b. There is an immediate need to protect federal funds or equipment.
    - c. There is an immediate need to protect the human or animal subjects of the research.
    - d. There is an immediate need to protect the interests of the person(s) making the allegation or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any.
    - e. It is probable that the alleged incident is going to be reported publicly.
  3. Notification of the Office of Inspector General within 24 hours if an inquiry indicates possible criminal violations.

Attachment 4

Changes of more substance may be classified as follows:

SUMMARY OF PROPOSED AMENDMENTS TO THE FLORIDA STATE UNIVERSITY CONSTITUTION

Many of the proposed changes to the FSU Constitution are editorial and may be classified as follows:

- 1. ELIMINATION OF THE NON-GENDER SPECIFIC MASCULINE PRONOUN (i.e., he to become he or she)  
 Article II. Substitute the following sentence: "The President shall establish such councils and committees as deemed necessary, and shall specify their duties and responsibilities". (p.1)
- Article III, Section C.2. Insert: "or her" after pronoun "his" in first sentence, (p.2)
- Article VI, Section B.3.C. Insert: "or her" after pronoun "his" in first sentence. (p. 8)
- Article VI, Section B.7.a(2). Insert: "or her" after pronoun "his" in first sentence. (p. 10)
- Article VI, Section C. Insert: "or her" after pronoun "his" in first sentence of the second paragraph. (p. 11)
- 2. TITLE CHANGE: Replace Dean of Graduate Studies and Research by Dean of Graduate Studies in the following sections:  
 Article IV, Section A.2. (p. 3)  
 Article VI, Section A.5. (p. 6)
- 3. OTHER EDITORIAL CHANGES:  
 Article IV, Section A.1.c. In two instances replace "representation and election to the Faculty Senate" by "representation in and election to the Faculty Senate". (p. 2)  
 Article IV, Section B.4. Delete the word "over" after the words "power to veto". (p. 4)  
 Article VI, Section B.3. Remove parenthesis from the title of this subsection. (p. 7)

4. ASSUMING INDEPENDENCE FOR THE UNIVERSITY TO THE EXTENT PERMITTED BY FLORIDA STATUTES:

Article I, Section B. Other Administrative Officers. Delete the phrase "with the approval of the Board of Regents". (p. 1)

Article VIII. Delete the last paragraph which permits amendment of the Constitution by action of the Board of Regents. (p. 12)

5. CONFORMITY WITH PRACTICE: Replace "President" by "President or a designee" in the following sections:

Article VI, Section A.2. Appointment of associate and assistant deans. (p. 5)

Article VI, Section D. Resignation. (p. 11)

6. CONSISTENCY WITHIN THE CONSTITUTION AND WITH SENATE BYLAWS:

Article IV, Section D.2. Substitute the following sentence: "Special meetings may be held at any time in accordance with rules specified in the Bylaws". (p. 4)

Article VI, Section B.7.a(2). Replace "departmental chairperson" by "departmental chairperson or equivalent". (p. 10)



interest to the University and make recommendations thereon to the appropriate body or officer for final consideration.

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.

ARTICLE IV, Faculty Senate

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:

number of representative	=	number of eligible faculty members in college or school
100		total number of eligible faculty members in the University

- b. Each college or school shall be entitled to at least one representative.
  - c. The Library staff shall be entitled to one elected representative.
- 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 a 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

BOLD ITALICS = ADDITIONS  
BOLD = TO BE OMITTED

THE CONSTITUTION OF THE FLORIDA STATE UNIVERSITY

Article I, Administrative Officers

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.

Section B -- Other Administrative Officers  
There shall be such other administrative officers as the President with the approval of the Board of Regents 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 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.

ARTICLE II, Councils and Committees

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

ARTICLE III, The General Faculty

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.

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



number of that College's representatives or be eligible to vote in the College of Education election of faculty senators.

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

(2) 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, 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 and Research, 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 no vote.

#### 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 and the Board of Regents would be advisory in nature only.

4. The President shall have the power to veto ~~over~~ 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 therefore 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.

#### 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.

#### 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 ~~at the call of the President or at the written request of ten voting members of the Senate representing four colleges or schools: 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.



### 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.

### ARTICLE V, The Colleges and Schools

Subject to the University-wide regulations of the Faculty Senate and the authority of the President, 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 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.

### ARTICLE VI, The Faculty Members of Colleges or Schools Section A -- Appointment

1. Vice Presidents, the Dean of the Faculties, the deans of the colleges or schools, and other such administrative personnel shall be appointed by the President. 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 or 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.
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 to 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 **and Research** with the advice and

6. consent of the Graduate Policy Committee.
- 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 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 of 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



- f. 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.
- g. 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 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. 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. 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 department-

al/college/school advisory committee, the dean of the respective school or college, 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 year 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. 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.

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.

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.

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



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

#### 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 any 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.

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.

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.

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.

#### Section D -- Resignation

If a member of the faculty of the University desires to obtain release from his or her position, he or she is expected to offer his or her resignation to the President or a designee through appropriate 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.

#### 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 General 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 by the Senate minutes in which the amendment approved by the Senate is recorded.

~~This Constitution may also be amended by action of the Board of Regents. The President shall communicate to the Faculty-Senate notice of such action at its next regular meeting.~~



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. (1) No person employed after 1965 may remain in 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.
  - (2) 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 eleventh, in the case of the above exceptions). In every case, the faculty member shall be notified in writing of his or her recommendation by the dean.
  - (3) 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 the 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.