

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 20, 2013

REGULATION TITLE:
Complaints Against Faculty Members

REGULATION NO.:
7.036

SUMMARY: The changes clarify the process for dealing with complaints against faculty members. Specific complaint processes found in current University of Florida regulations and policies are listed. The general policy for handling complaints is clarified to indicate that the designated recipient of the complaint or that person’s designee may investigate the complaint.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Rebecca J. Holt, Senior Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Joseph Glover, Provost and Senior Vice President for Academic Affairs

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

7.036 Complaints Against Faculty Members.

(1) Complaints against a faculty member should normally be in writing and signed by the complainant in order for the University to proceed with an official inquiry into the complaint. However, complaints may also be verbal or anonymous.

~~(2) Complaints from outside the University shall be addressed or forwarded either to the President or to the Provost. The complaint may be handled by the addressee or forwarded to the dean (or director) or the appropriate vice president in the college (or school) of the faculty member concerned for appropriate action.~~

(23) Complaints ~~from either outside or inside the University~~ involving allegations of fraudulent or other dishonest acts, shall be referred to the Office of Internal Audit ~~and Compliance Review~~ in accordance with the University's Policy Against Fraudulent or Other Dishonest Acts, ~~as in effect at the relevant time~~ February 25, 2002, incorporated herein by reference. A copy of this policy can be obtained ~~by contacting from~~ the Office of Internal Audit and Compliance Review ~~website at http://ocr.ufl.edu/policies_and_procedures.html, Post Office Box 113025, Gainesville, Florida 32611.~~

(34) Complaints involving allegations of sexual harassment or sexual misconduct shall be made to the Director of Employee and Labor Relations or the University Title IX Coordinator and shall be handled in accordance with the University's Policy on Sexual Harassment as in effect at the relevant time ~~(1999), incorporated herein by reference~~. A copy of this policy can be obtained ~~by contacting the Director of Institutional Diversity and Equity at~~

<http://www.hr.ufl.edu/eo/sexharassment.htm> or from the University Title IX Coordinator at 903 West University Avenue, eeo@ufl.edu or 352-392-2477 ~~Post Office Box 115010, Gainesville, Florida 32611.~~

(4) Complaints regarding restricted data breaches, including without limitation violations of privacy laws and regulations, shall be submitted to the University of Florida Privacy Office in accordance with University of Florida Regulation 1.0103.

(5) Complaints regarding non-compliance involving human subjects research shall be submitted to the University of Florida Institutional Review Board Office at <http://irb.ufl.edu/noncompliance.html>.

(6) Complaints regarding non-compliance involving research animals shall be submitted to the Institutional Animal Care and Use Committee (IACUC) at <http://iacuc.ufl.edu/mistreatment.htm>.

~~(7)~~ Complaints that represent allegations of research misconduct shall be submitted and handled in accordance with the University's Policy for Dealing with Conduct in Research, University of Florida Regulation 1.0101.

(8) All other complaints from outside the University should be addressed or forwarded either to the President or to the Provost. The complaint may be handled by the addressee or forwarded to the dean (or director) or the appropriate senior vice president for the college of the faculty member concerned for appropriate action as set forth in sections (9) and (10) below.

~~(9)~~ All other cComplaints from inside the University shall be submitted directly to the department chair of the faculty member concerned, except as set forth in section (10) of this regulation, who shall inform the dean (or director) or the appropriate senior vice president of the complaint.

(a) The department chair, ~~or~~ other appropriate administrator or designee shall determine whether the complaint is sufficiently credible and specific so that potential evidence of misconduct may be identified and, therefore, that investigation of the complaint is justified~~has substance and whether further action is necessary~~. If it is determined that an investigation is justified ~~the complaint has substance and further action is necessary~~, an investigation will be conducted, and prior to completion the faculty member shall be informed of the receipt of the complaint and will be given an opportunity to respond to the complaint in writing within ten (10) days.

(b) The department chair, ~~or~~ administrator or designee shall review the complaint, conduct the investigation of the complaint, review~~together with~~ the faculty member's written response, and provide a report to the dean (or director) or appropriate vice president stating whether:

1. the complaint lacks substance and no further action is necessary; or
2. the complaint has substance and remedial action shall be taken at the department or college level.

(c) The dean (or director) or appropriate vice president shall subsequently review the complaint, together with the faculty member's written response and the department chair's or administrator's report. If the report states the complaint has substance and remedial action should be taken at the college level, the dean (or director) or appropriate vice president shall determine the necessary appropriate remedial actions.

(106) Complaints involving IFAS or Health Center faculty described under section (9) of this regulation shall be submitted to either a dean or to the senior vice president of the faculty member concerned or a designee, who shall determine whether investigation of the complaint is

~~justified~~~~has substance and whether further action is necessary~~. If it is determined that the investigation of the complaint is justified, an investigation will be conducted, and prior to completion ~~complaint has substance and further action is necessary~~, the faculty member shall be informed of the receipt of the complaint and will be given an opportunity to respond to the complaint in writing within 10 days. The Dean or Senior Vice President shall~~After subsequently~~ review~~ing~~ the complaint, ~~together with~~ the investigation report and the faculty member's response,~~the dean or vice president~~ and shall determine the necessary appropriate remedial actions.

Authority: BOG Regulation 1.001.

History--New 12-9-75, Amended 3-26-80, 5-14-85, Formerly 6C1-7.36, Amended 7-28-02, 12-18-06 (technical changes only), Formerly 6C1-7.036, Amended 9-20-10 (technical changes only)_____.