

# STUDENT COMPLAINTS ABOUT FACULTY MEMBERS

## Policy and Procedures

### UNAPPROVED DRAFT

(Amended per FS Leadership Team 02/23/18)

Florida Gulf Coast University and its Colleges have a variety of policies and procedures for dealing with student related issues, including grade appeals, academic integrity violations, student discipline, disclosure of student records, sexual harassment complaints, disability accommodations, and discrimination. One area not generally covered is student complaints about faculty member conduct in the classroom or in other formal academic settings. On the one hand, the University respects the academic freedom of faculty members and will not interfere with it regarding the content or style of teaching activities. Indeed, academic freedom is and should be of paramount importance. On the other hand, the University recognizes its responsibility to provide students with a procedure for addressing complaints about a faculty member's treatment of students that is not protected by academic freedom and that is not covered by other procedures. Examples might include incompetent or inefficient service, neglect of duty, physical or mental incapacity, and conduct unbecoming a member of the University staff.

It is the policy of this University that if a student has a complaint against a faculty member, both the faculty member and student will be assured of a transparent and fair process by which the dispute can be resolved in a manner that fosters mutual respect and maintains a constructive educational environment. To that end, the following procedures must be adhered to:

1. The student first should address the complaint with the faculty member by requesting a faceto-face meeting within 10 business days after the event that raised the issue. In the event the faculty member will not be on campus for an extended period of time, the student and faculty member may speak by phone or by a form of technology, such as Skype.
  - a. The faculty member must respond to the student's concern by meeting with the student within 10 business days after receiving the request to meet. (Exceptions to the 10-day rule are only acceptable with evidence of prior commitments that will extend past the 10-day period, making it impossible to meet at any time during that period.)
  - b. If the issue/concern is not satisfactorily resolved, it is recommended that both parties make notes about what transpired at the meeting.
  - c. If the issue/concern is satisfactorily addressed or resolved for both parties at the faceto-face meeting, the process ends with Step 1.
  - d. If no resolution is reached at their meeting, or if the faculty member does not respond to the student or avoids setting a timely meeting with her/him, the student may proceed to Step 3 after the initial 10-day window has closed.
  - e. In the event that the student does not feel comfortable with meeting the faculty member privately, then the student should contact the Office of the Ombudsman for assistance in meeting and resolving the issue with the faculty member.
2. If a student attempts to bypass Step 1 and to go to anyone in the faculty member's chain of supervision, that supervisor will direct the student back to the faculty member or to the

Office of the Ombudsman. The faculty member must be given the opportunity to resolve the issue informally with the student prior to involving any administrator.

3. If the issue/concern is not resolved satisfactorily in Step 1, the student may contact the faculty member's immediate supervisor, which is usually the department chair.<sup>i</sup>
  - a. If the student chooses to contact the immediate supervisor, s/he should do so within 5 business days after meeting with the faculty member.
  - b. The supervisor must meet with the student within 10 days after being contacted by the student. (Exceptions to the 10-day rule are only acceptable with evidence of prior commitments that will extend past the 10-day period, making it impossible to meet at any time during that period.)
4. After meeting with the student and recording the details of the complaint, the immediate supervisor will meet with the faculty member to ascertain the faculty member's recollection of the event(s) that led to the complaint.
  - a. The supervisor must meet with the faculty member within 5 days after the meeting with the student. (Exceptions to the 5-day rule are only acceptable with evidence of prior commitments that will extend past the 5-day period, making it impossible to meet at any time during that period.)
  - b. In the spirit of full disclosure, the supervisor must send written details of the complaint to the faculty member at least 3 days prior to the scheduled meeting.
5. The supervisor then will schedule a meeting at which both the student and faculty member must be present. The purpose of the meeting is to arrive at a resolution that is satisfactory to both the student and the faculty member.
  - a. The supervisor should make every effort to schedule this meeting within 5 days after meeting with the faculty member. Exceptions must be reserved for extenuating circumstances that make it impossible for all three to meet together within that time period. In that case, a meeting should be scheduled as close to the 5-day window as possible.
  - b. The supervisor should not engage in further communication with either the student or faculty member regarding the issue/concern prior to the meeting with all parties.
  - c. If the issue/concern is satisfactorily addressed or resolved for both parties at the meeting, the process ends. If there is no satisfactory resolution, the process moves to Step 7.
6. If, as a result of the discussion with both parties present, the supervisor believes that the complaint had merit and that the faculty member's conduct was outside the norms of acceptable behavior, the supervisor may record the complaint and her/his determination in writing and either keep it as evidence for the annual evaluation or forward the information to her/his supervisor, which is usually the dean.<sup>ii</sup>
  - a. The faculty member must be provided a signed copy of the document.
  - b. The written communication to the dean (or her/his designee) must occur within 5 business days after the meeting with the student and faculty member.
7. If the issue remains unresolved after the meeting with the faculty member and the immediate supervisor, the student has the option to write a letter detailing the concern and to submit this signed statement to the next person in the chain of supervision or her/his designee.

- a. If the student chooses to exercise her/his right to proceed, s/he must do so within 5 business days after the meeting in which all three parties were present.
  - b. Within 5 business days, the dean or her/his designee must notify the faculty member of receipt of the signed written complaint and must provide the faculty member with a copy of it.
  - c. The dean or her/his designee must allow the faculty member to write and sign a response to the complaint, which the faculty member then should deliver to the dean or designee within 5 business days.
  - d. The dean may speak with the faculty member's immediate supervisor or department chair to gain insight about the concern/issue and what has transpired up to that point.
8. Once the dean or her/his designee has received the faculty member's signed response, s/he must schedule a meeting at which both the student and faculty member must be present. The purpose of the meeting is for the dean to determine the merits of the complaint and whether further action is needed.
- a. The meeting should be scheduled within 5 business days. An exception to this timeline must be reserved for extenuating circumstances that make it impossible for all three to meet together within that time period. In that case, a meeting should be scheduled as close to the 5-day window as possible.
  - b. The dean or designee must put her/his determination in writing within 5 business days after the meeting and must provide both the student and faculty member signed copies.
  - c. If the student is dissatisfied with the dean's determination, s/he may appeal it to the Provost's Office, specifically the Office of Academic Affairs.
  - d. If the faculty member is dissatisfied with the dean's determination, s/he may contact a union representative, file a grievance, or follow what other appellate processes are available to her/him.
  - e. If the determination is satisfactory to both parties, then the process ends.

Table 1

*Summary of Process and Timeline*

Process	Timeline
<b>Step 1</b>	
Student contacts faculty member	Within 10 business days after event
Faculty member meets or speaks with student	Within 10 business days after the student's request
If matter is resolved, process ends	
If matter is not resolved, student may move to Step 3	
<b>Step 2</b>	
Student may not bypass Step 1	

<b>Step 3</b>	
Student may contact department chair	Within 5 business days after meeting with faculty member
Chair meets with student and records details of the meeting in writing	Within 10 business days after the student's request
<b>Step 4</b>	
Chair meets with faculty member	Within 5 business days after meeting with student
Chair provides faculty member all details of complaint and of meeting with student	At least 3 business days prior to meeting
<b>Step 5</b>	
Chair meets with student and faculty member	Within 5 business days after meeting with faculty member
If matter is resolved, process ends	
If matter is not resolved, student may move to Step 7	
<b>Step 6</b>	
Chair forwards information to dean if the chair feels complaint has merit and deserves attention of the dean (faculty member gets copy)	Within 5 business days after meeting with student and faculty member
<b>Step 7</b>	
Student provides the dean with a written and signed complaint	Within 5 business days after meeting with chair and faculty member
Dean notifies faculty member of written complaint and provides copy	Within 5 business days after receiving written complaint
Faculty member may submit written and signed response to dean	Within 5 business days after receiving notification from dean
<b>Step 8</b>	
Dean meets with student and faculty member	Within 5 business days after receiving faculty member's written response
Dean makes a determination and provides written and signed notification to student and faculty member	Within 5 business days after the meeting
If matter is resolved, process ends	
If matter is not resolved to student's satisfaction, student may appeal to the Provost	
If matter is not resolved to faculty member's satisfaction, faculty member may contact a union representative or file a grievance	
If the process is not completed prior to the end of an academic term, the timeline is paused on the last day of the academic term and resumes on the first day of the next full academic term. Summer terms are excluded from the timeline.	
Maximum time for all 8 steps: 75 days	

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<sup>i</sup> Programs, departments, and colleges may be organized such that the immediate supervisor is a position other than department chair. It is intended that all references to chair shall include administrative positions that have equivalent supervisory responsibilities. What is important is that the line of authority is to be respected throughout the process. <sup>ii</sup> As previously noted, the chain of authority must be respected. However, the dean may appoint an appropriate designee when circumstances necessitate it.

Unapproved Draft