

Bylaws of the Faculty Senate
The Faculty Senate Bylaws Relating to the Organization
and Operation of the Senate

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The Bylaws include amendments adopted by the Faculty Senate through April 17, 2025.

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SENATE BYLAW 6
Departmental Promotion and Tenure Nomination Procedures for
Chairpersons
(Senate Bylaw 6, March 25, 1965; Amended 2/73, 4/84 and 12/95)

In the case where a proposal for tenure or promotion of a chairperson is being voted on, or otherwise handled by the tenured members of a department, the chairperson's dean or director shall be the officer in charge under the terms of the Constitution for these purposes. Where tenure is involved, the appropriate administrator shall obtain the required secret poll of the tenured members of the department; where promotion is involved, the appropriate administrator shall solicit the opinions of the faculty in the department holding rank superior to the candidate for promotion.

SENATE BYLAW 7
Procedures of the Faculty Senate Committee on Academic Freedom, Tenure,
Professional Relations and Standards
(Senate Bylaw 7, April 29, 1965; Amended 9/66, 2/73, 1/74, 9/74,
11/74, 4/84, 2/90, 12/95, 4/2001, 4/2002, 1/2006, 2/2009, and 4/2025)

- (1) This Bylaw establishes informal and formal procedures to resolve charges and complaints brought by faculty members not in the collective bargaining unit involving University practices bearing on academic freedom, tenure, professional ethics or the general welfare of the faculty.
- (2) Time Limit for Filing and Informal Appeal Procedures: Charges and complaints involving University practices bearing on academic freedom, tenure, professional ethics or the welfare of the faculty should be resolved prior to commencement of formal proceedings whenever possible. However, attempts to informally resolve the charges and complaints do not remove the 30-calendar-day time limit for the filing of charges and complaints stated in section 3 below. If additional time is necessary to reach an informal resolution, an extension must be requested in writing before the 30-calendar-day time limit has expired. The extension shall be requested from, and may be granted by, the University President or University President's designee. Proceedings through the Academic Freedom, Tenure, Professional Standards and Ethics Committee may be denied to any faculty member who fails to comply with the applicable time limits set forth herein.
- (3) Composition and Jurisdiction: The Committee on Academic Freedom, Tenure, Professional Standards and Ethics shall be a standing committee of the Faculty Senate as set forth in Article V, Section 4 (A) of the University Constitution. The Committee shall have jurisdiction to hold hearings and make findings of fact, conclusions of law and recommendations in matters involving University practices bearing upon academic freedom or tenure, and University practices generally applicable to faculty members bearing upon professional ethics or the general welfare of the faculty. Such proceedings may be commenced by the University President or President's designee through charges filed by the same or by a faculty member individually affected by the alleged practices.

- (4) Commencement and Pre-Hearing Procedures: (NOTE: All periods of time in this Bylaw refer to calendar days, unless otherwise specified. If any deadline falls on a non-business day, the period shall be extended to 5 p.m. of the next business day.)

(a) Commencement of Proceedings by Faculty Members:

1. A faculty member (including any administrator who has faculty status) may commence proceedings before the Committee by filing one or more charges or complaints within 30 days after the complainant knew or should have known of the occurrence of the alleged action(s) on which the claim is based by stating his or her charge or complaint in a letter to the University President. A faculty member may request an extension of time from the University President, or the President's designee, for such filing. The request must be in writing, and it must be received before the 30-day time limit has expired. The granting of the extension of time must be in writing and for a definite time period. Filing of such a letter of complaint or charges (hereafter "letter") shall constitute waiver of all other grievance procedures as provided in University Regulation 6C1-7.041.
2. The letter must state that the faculty member elects to have the Committee investigate the charge(s) or complaint(s) and state that by this election he or she waives all other grievance procedures available within the University system. The letter must assert sufficient facts to reasonably inform the University of the nature of the charge(s) or complaint(s). It is important that the faculty member describe which of his or her rights have been violated, in what manner, and clearly delineate what remedy(ies) is (are) sought. Copies of any and all papers, statements, documents or other items in the possession of the faculty member filing the letter that bear upon the matter, together with a list of the names and addresses of all persons believed to have pertinent information, shall be filed with the letter. The University President, or the designee, shall refer the letter to the Committee Chairperson, unless the letter is untimely and no extension has been granted.
3. If the Committee Chairperson believes the letter does not meet the requirements of this Bylaw, including whether the charges or complaints fall within the jurisdiction of the Committee, the faculty member may be directed in writing by same to amend his or her charge(s) or complaint(s) within a designated period of time, and failing that, the Committee Chairperson may dismiss the matter and may advise the faculty member of other grievance procedures that may be available.

The Committee Chairperson shall, upon receipt of the letter, provide a copy of it to the person(s) against whom the charge(s) or complaint(s) has been lodged. The Committee Chairperson shall attempt to resolve the matter informally by discussion with the persons involved.

4. The Committee Chairperson shall appoint, within 25 days of receipt of the written complaint or the failure to informally resolve the matter, whichever is later, a three-member Inquiry Panel. Upon appointment, the Inquiry Panel will schedule a meeting which generally should be held within 25 days of the appointment, with at least 15 days' notice to affected parties. The Inquiry Panel shall investigate the validity of the charges and evaluate the evidence presented to determine probable cause for proceeding to formal hearing by the Committee. Alternatively, the parties may agree upon an expedited process in which the Inquiry Panel will conduct a collegial review of the complaint under the procedures set forth in Section (B) 6 below. The parties must elect the option of an expedited process through a written request signed by all parties addressed to the Committee Chairperson. The request must be received prior to the first meeting of the Inquiry Panel.
5. The Inquiry Panel shall issue a report to the Committee Chairperson within 25 days after the conclusion of the meeting, which shall be a preliminary hearing if no request for an expedited process has been received unless otherwise agreed by all affected parties. A recommendation to proceed to a formal hearing before the Committee requires that at least two members of the Inquiry Panel find that probable cause exists. If at least two members of the Inquiry Panel conclude that no probable cause exists, the matter shall be considered closed. Copies of the Inquiry Panel probable cause report shall be provided to all affected parties.

Within 25 days after the Inquiry Panel's report finding probable cause to proceed to a formal hearing has been received by the Committee Chairperson, the charges or complaints shall be referred to a Hearing Panel by the Committee Chairperson for proceedings in accordance with section 7 hereof.

6. At any time prior to the conclusion of the formal hearing, an informal resolution may be reached. If the matter is informally resolved, the terms of any informal agreement shall be put in writing and signed by all parties. The signatures of the parties shall indicate: 1. full resolution of all issues raised by the faculty member commencing the charge(s) or complaint(s), and 2. relinquishment of the right to bring any future action based on any of the issues involved in the charges or complaint.

(b) Commencement of Proceedings by the University:

1. The President or the President's designee may commence proceedings by referring matters to, or filing charges with, the Committee on Academic Freedom, Tenure, Professional Relations and Standards. The University shall file charges by providing an original written notice of the issues to the

Committee Chairperson and a copy thereof to the faculty member charged. The notice shall assert sufficient facts to reasonably inform the faculty member of the nature of the charge. Copies of any and all papers, statements, documents or other items in the possession of the party commencing the proceedings, bearing upon the charges, together with a list of the names and addresses of all persons believed to have pertinent information, shall be filed with the charges. The Committee Chairperson shall transmit to the faculty member charged a copy of this Bylaw. At any time prior to the conclusion of the formal hearing, an informal resolution may be reached.

2. Upon receipt of charges, the Committee Chairperson may refer the charges to a three-member Inquiry Panel for investigation. Upon appointment, the panel will schedule a meeting, the preliminary hearing, which generally should be held within 25 days of the appointment, with notice of at least 15 days to affected parties. The panel shall investigate the validity of the charges and evaluate the evidence to determine if there is probable cause for proceeding, seek an informal resolution agreeable to all parties, or allow the University to amend the charges if desired. The Inquiry Panel shall issue a written probable cause report within 25 days after the hearing, which shall be furnished to all affected parties. A recommendation to proceed to a formal hearing requires that at least two members of the Inquiry Panel find that probable cause exists. If at least two members of the Inquiry Panel find no probable cause, the case shall be closed. Copies of the preliminary report shall be provided to all affected parties.
 3. Within 25 days after the Inquiry Panel's report finding probable cause to proceed to formal hearings has been received by the Committee Chairperson, the charges shall thereupon be referred to a Hearing Panel by the Committee Chairperson for proceedings in accordance with section 7 hereof.
- (5) Inspection of Evidence. Should an Inquiry Panel be appointed, the Committee Chairperson shall deliver all papers and other items or information received by him or her to the Presiding Officer of the Inquiry Panel at least 10 days before the first meeting of the panel. The Committee Chairperson shall notify the party charged of the Committee's custody of such evidence before the first meeting of the Inquiry Panel, and the names and contact information of witnesses obtained by investigation shall be made available to all parties in like manner. No provision hereof shall prevent the Inquiry Panel from requesting or considering the introduction of any other evidence, provided that affected parties shall be entitled a reasonable time in which to examine and consider same.
 - (6) Burden of Proof. The burden of proof shall be on the faculty member bringing the complaint(s) or charge(s), who must support his or her position regarding the matters complained of or charged by a preponderance of the evidence, except that if the complaint challenges disciplinary action under University Regulation 6C1-7.048, the burden of proof

shall be on the University to establish by a preponderance of the evidence that a violation under that rule occurred. Counseling, including the issuance of a Letter of Counsel, is not considered disciplinary action.

- (7) Expedited Proceedings. If the parties elect in writing an expedited review process by the Inquiry Panel, the Inquiry Panel shall, generally within 25 days of receiving the request, schedule a meeting with the complainant(s) and the person(s) complained or charged. Notice of at least 15 days shall be given to these affected parties.
 - (a) At the meeting the faculty member bringing the complaint(s) or charge(s) shall have the right to present any evidence in support of the complaint(s) or charge(s) to the Inquiry Panel. The person(s) complained of or charged shall have the right to present any evidence in support of his or her position to the Inquiry Panel. The Inquiry Panel may interview other persons and seek other evidence , and it has discretion to determine how to weigh the evidence presented to it. The review shall be as collegial as possible, yet compatible with formulating a recommended resolution of the charge(s) or complaint(s).
 - (b) The Inquiry Panel shall adopt a final report to the President or President's designee. The report will contain findings of fact, conclusions of law, and recommendations on the matters considered. The report, along with all evidence submitted to the panel, should be forwarded by the AFTPRS Committee Chairperson to the President or designee, with copies to the parties, within 60 days of the referral of the complaint to the Inquiry Panel for expedited review. The President or designee shall then dispose of the matter pursuant to Section (9) hereof.
- (8) Formal Hearings of the Academic Freedom, Tenure, Professional Relations and Standards Committee.
 - (a) Composition of Hearing Panels
 1. Any formal hearings shall be conducted by a panel of three members of the Academic Freedom, Tenure, Professional Relations and Standards Committee plus at least one alternate (from among the remaining members of the Committee) who shall have a vote only under the conditions specified in Section (8)(a)6 below. The Committee Chairperson shall select the members of the Hearing Panel and designate a Presiding Officer and Vice Presiding Officer under the circumstances specified in Section (4)(a)5 or Section (4)(b)3 above. As needed, the Committee Chairperson may use the procedure discussed in Section (8)(a)2 to add at least one individual familiar with due process to the Hearing Panel.
 2. Whenever feasible, at least one panel member shall be a person familiar with due process of law by training or experience, and no member of the

Inquiry Panel should be on the Hearing Panel for the same case. If no members of the AFTPRS Committee with familiarity with due process of law are available to serve on the Hearing Panel, the AFTPRS Chairperson, or designee, may request that other academic units refer up to three volunteers with such due process familiarity to the AFTPRS Committee Chairperson, who may designate one or more of such volunteers to serve on the Hearing Panel; any such voluntarily appointed Hearing Panel members must otherwise be eligible to serve on the AFTPRS Committee.

3. In pre-hearing conferences and the formal hearing, a full panel of three members must be present at all times.
 4. All parties to the action shall have the right to challenge a panel member's right to serve for cause prior to the presentation of evidence. Members of the Hearing Panel, other than the challenged member, shall determine by a majority vote if a member challenged for cause shall be excused.
 5. After the formal hearings of a particular case has begun, any Hearing Panel member shall serve to the conclusion of the case even if his or her term as a Committee member may have expired.
 6. If a panel member is not present at a formal hearing session, the remaining members of the panel shall decide by majority vote whether to postpone the session or to remove the absent member from the panel and replace him or her with an alternate. If an alternate is formally seated, he or she will retain the voting status of a regular member of the Hearing Panel for the duration of the case.
- (b) The University President or the President's designee shall appoint an appropriate person to serve as the legal advisor to the Committee, including the Inquiry Panel and the Hearing Panel.
 - (c) Following selection, the Hearing Panel may meet for pre-hearing conferences and shall have the power to dismiss all or some of the charges if it determines there is no genuine dispute about material facts and the Hearing Panel determines that a party will not establish by a preponderance of the evidence that a violation has occurred. In making any determination that a violation is not supported by a preponderance of the evidence, the facts shall be viewed in the light most favorable to the person claiming the violation occurred. The Hearing Panel shall have the same powers in soliciting and weighing evidence as it has in making such a determination as described in sections 7(8)(h)-(i)..
 - (d) The hearings shall be held no earlier than 15 days after notice to affected parties, unless otherwise agreed by all affected parties. The Hearing Panel shall have the discretion to set the timetable for all matters relating to the hearing, including scheduling the hearing and imposing procedures and deadlines for the submission

of additional evidence, witness lists, and rebuttal materials. The Hearing Panel may schedule the hearing over multiple days, and the hearing may be held virtually.

- (e) In order to limit ex parte communication between the parties and the Hearing Panel, all communications, including document submissions, shall be provided to the AFTPRS Committee Chairperson, or Chairperson's designee, who shall distribute them to the relevant parties or Hearing Panel. The Chairperson, or designee, may request that the Hearing Panel make a determination as to the relevance of evidence prior to submitting that evidence to the opposing party, and if the Hearing Panel determines it is not relevant, the Hearing Panel Chairperson, or designee, may opt not to bring it into the record of the proceedings and notify the party of that decision. The AFTPRS Committee Chairperson, or designee, may provide that parties should not expect communication about the hearing outside of normal business hours.
- (f) Parties shall adhere to the procedures and deadlines required by the Hearing Panel and AFTPRS Committee Chairperson or designee. The Hearing Panel may, by majority vote, dismiss the matter because of repeated lack of compliance by the filer of the complaint but only after a good faith consideration of the filer's reasons for failing to adhere to procedures and deadlines and after consulting with the AFTPRS Committee Chairperson.
- (g) Parties shall have and be informed of the following rights:
 - 1. To be represented by a colleague authorized in writing by the party to act on his or her behalf or by counsel. A faculty member complainant may request that the AFTPRS Committee Chairperson or designee appoint a member of the AFTPRS Committee who was not on the Inquiry or Hearing Panel to act as their representative;
 - 2. To make an opening statement;
 - 3. To identify relevant witnesses for the hearing, or when required by circumstances which involve the inability of a relevant witness to appear and testify at the formal hearing, to request that the sworn statement of such witnesses be taken and transcribed (see (i)1 below regarding evidence relevance determinations);
 - 4. To examine and cross-examine any witness who may testify;
 - 5. To offer any relevant material and competent evidence; and
 - 6. To make a closing statement at hearing.

(h) Witnesses:

1. The Presiding Officer shall require all witnesses to affirm or swear to tell the truth prior to testifying. The oath or affirmation shall be administered by a notary public or by any other person authorized by law to administer oaths or affirmations.
2. If requested by the Hearing Panel or any party, any witness shall be excluded from the formal hearing save when giving his or her testimony, except that in any case initiated by a faculty member, the University may have one representative present throughout the hearing, even though the representative may be required to testify.
3. The Hearing Panel shall ensure that direct examination and cross-examination are handled in a professional and respectful manner.

(i) Evidence:

1. Admissible evidence shall be any evidence of a type commonly relied upon by a reasonably prudent person in the conduct of his or her affairs; however, hearsay may be used only to supplement or explain other evidence, and shall not be sufficient, in itself, to support a finding. The Hearing Panel may exclude any evidence, including witness testimony, if it determines that the evidence is not relevant or is duplicative of other evidence. The Hearing Panel has the discretion to allow leeway to the parties in presenting evidence and make its final determination as to admissibility when writing its report. The Hearing Panel may request that parties submit additional evidence at any point in the process before the final report is completed.
2. All rulings as to the admissibility of evidence, including witness testimony, shall be made by the Presiding Officer of the formal Hearing Panel, subject to objection by any member. Only the majority vote of the formal Hearing Panel, including the Presiding Officer shall overcome the Presiding Officer's ruling.

(j) Parties charged shall not be required, either during any investigation or at any hearing or meeting, to make any statement or to testify unless they expressly desire to do so, and in the event that they elect to remain silent, such fact shall not be considered by the Hearing Panel making its report. The term "party charged" shall mean only an individual against whom proceedings have been commenced in his or her individual capacity, and shall not apply to any official or representative capacity in the matters under consideration. The charge shall clearly state the status or capacity in which he or she is alleged to have acted.

(k) Within 60 days after conclusion of a formal hearing, the Hearing Panel shall adopt a proposed report containing findings of fact, conclusions of law and

recommendations on the matters considered. Copies of same shall be furnished to all parties by the Presiding Officer of the panel. Within 10 days after receipt of such report, the parties shall have the right to submit written exceptions thereto.

- (l) After consideration by the Hearing Panel of any exceptions to its proposed report, the Hearing Panel, by a majority vote, shall adopt a final report containing findings of fact, conclusions of law, recommendations and the vote on the report. Members in the minority may adopt separate reports, which shall be appended to the majority report. Copies of the final report shall be furnished to all parties.
 - (m) A hearing in which evidence is presented may be recorded by the Hearing Panel.
- (9) Report to the President:
- (a) Upon completion of the proceedings by the Inquiry Panel under the expedited review process or by the Hearing Panel, the final report and record shall be filed by the AFTPRS Committee Chairperson with the President or President's designee.
 - (b) Within 25 days of receipt of both record and report, or as soon thereafter as is possible, the President or President's designee shall adopt as is, or modify, and implement as he or she deems appropriate, the conclusions of law and the recommendations contained in the final report, or reject the report in its entirety. In taking action the President may not rely on "ex parte" communications and may not reject or modify findings of fact if they are supported by competent substantial evidence in the records. If the report or recommendations are modified or rejected, affected parties shall be furnished specific reasons therefore, and the President shall meet with the Hearing Panel to discuss the decision.
- (10) Records:
- (a) The record of the proceedings shall include all evidence considered by the Committee along with pleadings, notices, tapes of the hearing and transcripts (if any) and reports.
 - (b) The record shall be retained by the Secretary of the Senate for a period of not less than three years after the final resolution of the appeal.

SENATE BYLAW 8

Tenure Eligibility of Faculty in University Counseling Center
(Senate Bylaw 8, May 27, 1965; Repealed by Action of the Senate on 4/84)

SENATE BYLAW 9

Classification of Rank
(Senate Bylaw 9, June 1, 1965; Repealed by Action of the Senate on 3/89)