

FLORIDA GULF COAST UNIVERSITY

NOTICE OF REGULATORY ACTION

September 12, 2008

REGULATION TITLE:

Student Grievances

REGULATION NO.:

FGCU-PR4.004

SUMMARY:

University Regulation FGCU-PR4.004 Student Grievances has been revised to align with the statutory language.

FULL TEXT:

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

LAW IMPLEMENTED:

Law Implemented §§1002.21(6), 1006.51 FS.

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Dr. Charles McKinney

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:

Wilson G. Bradshaw

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:

Diane St. John, Administrative Assistant, dstjohn@fgcu.edu; (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE SEPTEMBER 26, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: SEPTEMBER 12, 2008.



REGULATION: FGCU-PR4.004

Student Grievances Procedure

Effective
Date of
Regulation:
01/15/08

(1) General. The intent of this ~~rule~~ regulation is to ~~provide a procedure whereby establish the University's -student grievances procedure.~~ Students may appeal a decision that is related to the student's access to courses and credit granted toward degree through the Office of the Ombudsman. ~~are~~ Student grievances are to be processed promptly and resolved fairly. Students shall be given adequate opportunity to bring complaints to the attention of the University with the assurance that the proper University officials will promptly investigate the facts of the case and evaluate these facts in an objective manner.

~~(1)~~ (2) Informal Resolution of Student Grievances. The information resolution of a student grievance is encouraged. The University Ombudsman is available to assist students in the information resolution of grievances.

~~a. Student problems should be resolved, whenever possible, before the filing of a formal written grievance and open communication is encouraged so that resort to formal grievance procedures will not be necessary. Informal resolution of grievances may be continued throughout the process.~~

~~b. Time limits contained in this rule may be extended by mutual agreement of the parties. Upon failure by the University or its representatives to provide a decision within the time limits provided in this rule or any extension thereof, the grievant may appeal to the next appropriate step. Upon failure of the grievant or counsel to file an appeal, or take prescribed action, within the time limits provided in this rule, the grievance shall be deemed to have been resolved at the prior step.~~

(3) Formal Resolution of Grievances. A student grieving a matter related to 1) access to courses, 2) credit granted toward degree and 3) academic standing may file a formal written grievance with the University Ombudsman.

~~(2)~~ (4) Exclusions. ~~Grievances pertaining to the following matters shall not be processed under this rule:~~ The following areas are excluded from appeal to the Office of the Ombudsman:

- a. ~~(a)~~ Disciplinary actions taken under FGCU Student Code of Conduct.
- b. ~~(b)~~ Traffic and Parking Violations.
- c. ~~(c)~~ The professional judgment exercised by an instructor in assigning a grade.
- d. ~~(d)~~ Professional judgment of licensed practitioners in the health related professions.

~~(3) — Definitions.~~

- a. ~~"Day" means a calendar day, unless expressly stated otherwise. If a time limit expires on a non-business day, the limit shall be extended to 5 p.m. of the next business day.~~
- b. ~~"Grievance" means a dispute or request for redress of the interpretation or application of any law, University rule or policy that adversely impacts the grievant's substantial interest.~~
- c. ~~"Grievant" means any enrolled or admitted student who presents a grievance under this rule.~~
- d. ~~"Respondent" means the FGCU faculty or staff member who is alleged to have caused the grievance by identifiable acts of omission or commission.~~
- e. ~~"Party" means either the grievant or the respondent.~~
- f. ~~"Counsel" means an attorney or lay advisor.~~
- g. ~~"Resolution" means an action by or on the behalf of the University that is satisfactory to the student.~~

~~(4) — Informal Resolution of Student Grievances.~~

- a. ~~It is the University policy to encourage the informal resolution of grievances directly between the student and the respondent. If this cannot be accomplished, the student is encouraged to continue informal resolution presenting the problem orally through appropriate administrative channels up to, but not including, the Office of the Vice President in whose area the respondent is employed.~~
- b. ~~Upon request, the University Ombudsperson will inform the student as to the administrative channels to be followed in an attempt to secure informal resolution.~~

~~(5) — Formal Resolution of Grievances.~~

- a. ~~If informal resolution attempts do not succeed, the student may present the grievance in writing. The grievance shall contain a statement of the facts and circumstances giving rise to the grievance that identifies relevant dates and witnesses, specifies the law, rule or policy alleged to have been violated and describes how the grievant's substantial interests are adversely impacted. This written grievance shall be mailed or delivered to the University Ombudsperson no later than thirty (30) days following the date on which the alleged act or omission causing the grievance occurred; or not later than thirty (30) days from the date the student acquired knowledge, or could be reasonably expected to have~~

~~acquired knowledge, of the alleged act or omission unless the time limit has been extended by mutual agreement.~~

~~b.——Upon receipt of a formal student grievance, the University Ombudsperson will review the grievance to determine whether or not action under this rule is appropriate or is excluded under the provisions of subsection (2) above. If action under this rule is appropriate, the University Ombudsperson will notify the student of receipt of the grievance and of the name of the respondent's Vice President who will handle the procedures outlined herein; simultaneously the Ombudsperson will notify the respondent and deliver the written grievance to the Vice President in whose area the respondent is employed. The Ombudsperson will inform the student that proceedings under this rule are not appropriate if such is the case. Regardless of the disposition, such notice will be mailed to the student within fifteen (15) days after the Ombudsperson's receipt of the written grievance.~~

~~c.——Within 15 days of receipt of notification of the grievance, the respondent (or in case of absence of the respondent's supervisor) shall prepare a written response to the allegation(s) made by the student and shall furnish copies of this response to the grievant, and to the appropriate Vice President.~~

~~d.——Upon receipt of the grievance and the respondent's reply thereto, the Ombudsperson shall review the matter and conduct an inquiry, if necessary. The Ombudsperson shall forward a recommendation to the Vice President after review of the grievance, the Ombudsperson's recommendation, associated documents and any discussions necessary to determine the facts, the Vice President or designee shall render a decision within thirty (30) days. This decision shall be forwarded in writing to the grievant and the respondent. The decision of the Vice President is final.~~

Specific Authority:

§§1001.74(4), [1006.51 FS](#).

Law Implemented;

§§1002.21(6), 1006.51 FS.

History of Rule :

New 1-17-99. Amended 6-15-04

History of Regulation:

New 01/15/08, [Amended](#)

[Effective Date of Regulation:](#)

~~January 15, 2008~~