FLORIDA GULF COAST UNIVERSITY

NOTICE OF REGULATORY ACTION

REGULATION TITLE:
Student Grievance

REGULATION NO:
FGCU-PR4.004

SUMMARY:
This Regulation is being amended to expand the role of the University Ombuds to address student disputes beyond those encompassing access to course and credit.

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

AUTHORITY:
Sections 1002.21(5) and 1006.51, Florida Statutes; Board of Governors Regulation 6.011; Board of Governors Regulation 1.001

UNIVERSITY OFFICIAL INITIATING THE PROPOSED/REVISED REGULATION:
Dr. Helen Mamarchev, University Ombuds

UNIVERSITY OFFICIAL APPROVING THE PROPOSED/REVISED REGULATION:
President Wilson G. Bradshaw, Ph.D., Florida Gulf Coast University

CONTACT INFORMATION REGARDING THE PROPOSED/REVISED REGULATION:
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Any person may submit written comments concerning a proposed regulation, amendment, or repeal to the contact person identified above within 14 days after the date this notice was posted. The comment(s) must identify the regulation to which you are commenting.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON MARCH 17, 2016.
A. GENERAL STATEMENT

The intent of this regulation is to establish the University’s student grievance 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. 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.

This regulation establishes the University’s mechanism for student dispute resolutions. A student dispute may arise from a decision that affects a student’s access to courses and credit granted toward the degree, or certain other decisions that have or can have an effect on a student’s participation or ability to participate in University activities. Students shall be given adequate opportunity to bring disputes to the attention of the University with the assurance that University officials will promptly examine the facts of the case and evaluate these facts in an objective manner. The Ombuds shall provide assistance to the student to address the dispute. The Office shall not advocate for any individual but shall advocate for fair and equitably administered processes and shall facilitate discussion to identify best options to resolve problems. While a student’s use of the Ombuds is voluntary and shall not be a required step in the University’s student dispute resolution process, the University strongly encourages students to make use of services of the Ombuds in addressing their disputes.

B. INFORMAL RESOLUTION OF STUDENT GRIEVANCES DISPUTES

1. The information resolution of a student grievance is encouraged. A student who has a dispute covered under this regulation may contact the Ombuds to initiate the process to resolve the dispute. The University Ombudsman is available to Ombuds shall develop a policy to assist students in the informal-resolution of grievances disputes, which shall describe informal as well as formal processes to resolve the dispute. The policy will provide that the student shall have the opportunity to communicate with University officials who has the authority to resolve the dispute. The policy shall provide that a student may provide to the Ombuds, with or without a request, any documents or materials that support the student’s position in the dispute.

2. The decision of the University official resolving the dispute is final University action for purposes of judicial appeal.

C. 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.

**D.C. EXCLUSIONS**

The following areas are excluded from appeal to the Office of the Ombudsman under this regulation:

1. Disciplinary actions taken under FGCU Student Code of Conduct.
2. Traffic and Parking Violations.
3. The professional judgment exercised by an instructor in assigning a grade.
4. The professional judgment of licensed practitioners in the health related professions; or
5. Any grievance that arises as a result of a student’s employment with the University.

Action by Florida Gulf Coast University Board of Trustees
Approved: 

Specific Authority:

§§1001.74(4), 1006.51 FS. Sections 1002.21(5) and 1006.51, Florida Statutes; Board of Governors Regulation 6.011; Board of Governors Regulation 1.001

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 10/21/08

Effective Date of Regulation:

10/21/08