

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: May 8, 2012

REGULATION TITLE:

Methods for Review and Resolution of Faculty Grievances

REGULATION NO.:

7.041

SUMMARY: Mediation as part of the grievance process required mutual agreement of the parties to mediate. Consequently, and to avoid confusion about availability of mediation, the formal process for requesting mediation as part of a faculty grievance process is removed. In those instances in which mediation may be appropriate it may still be used with the mutual agreement of the parties.

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
UNIVERSITY OF FLORIDA

~~6C1~~-7.041 Methods for Review and Resolution of Faculty Grievances.

(1) As used in this regulation, the terms listed below shall have the following meanings:

(a) The term "grievance" shall mean a dispute or complaint concerning tenure, promotion, non-renewal and termination of employment contracts, salary, work assignments, annual evaluation, lay-off and recall, and other benefits or rights accruing to a faculty member pursuant to the regulations of the Board of Governors, Regulations of the University of Florida or by law.

(b) The term "appeal" shall mean a process by which a university decision or action directly affecting a faculty member may be brought to the attention of the faculty member's chair or supervisor responsible for the decision or action who may then review and/or modify the decision or action. As used in this regulation "appeal" means an attempt to resolve the action being grieved through review by appropriate administrator(s) in order to reach resolution prior to the initiation of a grievance process.

~~(c) — The term "mediation" shall mean a process of reaching a voluntary resolution of a dispute with the aid of a neutral. Each party must agree to the process and remains in control of the process until a final agreement is reached; the mediator shall have no powers to impose a resolution or agreement.~~

(c4) The term "days" as used in this regulation shall mean calendar days. If a time limit expires on a non-business day, the limit shall be extended to 5 p.m. of the next business day.

(de) The terms “elect” or “election” shall mean the filing of the request for a specific review of a grievance as provided in [section \(3\)](#) below in the Office of the President.

(2) Informal Resolution and Appeal Process.

(a) Faculty members are encouraged to seek resolution of their grievances prior to filing under a specific review procedure through use of the appeal process. An appeal shall be initiated by the aggrieved faculty member with the faculty member's immediate supervisor and may proceed through the appropriate administrative structure to the next ranking administrator or the administrator’s designee, i.e. (chair, dean or director, appropriate vice president, and/or Provost or their designees). Mediation may be used as part of the informal resolution and appeal process [in appropriate cases](#).

(b) The faculty member's use of the appeal process or any other form of resolution does not automatically suspend the applicable time limit for requesting a particular grievance procedure, as set out below. At the time the grievance is filed, the faculty member may request in writing an extension of the applicable time limit for initiating the elected grievance review procedure in order to facilitate the resolution of a grievance. Notwithstanding the foregoing, failure to elect a method for a review of a grievance prior to the applicable time limit, or prior to an extension thereof as approved by the University, shall constitute a waiver of the faculty member's right to any method for grievance resolution as set out in sections (3)(a) and (b) below.

~~(c) Faculty members are encouraged to use mediation in the appeal process. In such case, when a grievance is filed in the Office of the President with a request for an extension, the grievant may request either the dean or director of his or her academic unit or the Office of Academic Affairs to pursue arranging and scheduling the mediation process. The mediator shall be agreeable to both parties. If resolution is reached through the mediation, the parties shall draft~~

~~the terms of the agreement which they shall sign before the mediation session ends. The agreement shall be binding on the parties and shall not be subject to further review in any forum. A copy shall be placed in the grievance file indicating that the grievance is resolved and the grievance file closed.~~

(3) Procedures for Grievance Review -- Faculty members at the University of Florida may elect one of the procedures for review and resolution of a grievance described in this regulation. Unless stated otherwise in these regulations, an election of any one of these procedures shall constitute a waiver of all other procedures provided.

(a) Faculty members in the collective bargaining unit must elect the grievance procedure in the Collective Bargaining Agreement between the United Faculty of Florida and the University of Florida Board of Trustees for grievances arising under the terms of the Agreement. The time limit for the election of such grievance process and the procedures for filing are as set forth in the Collective Bargaining Agreement.

(b) Faculty members not in the collective bargaining unit may elect one of the following methods for a review of a grievance:

1. University Faculty Grievance Procedure, [University of Florida](#) Regulation ~~6C1-~~ 7.042, for those matters involving University or Board of Governors regulations; or

2. Faculty Senate Committee on Academic Freedom, Tenure, Professional Relations and Standards for those matters which are within the jurisdiction of the Committee.

a. The Faculty Senate Committee on Academic Freedom, Tenure, Professional Relations and Standards shall have jurisdiction in matters involving University practices bearing on academic freedom, tenure, professional ethics, or the general welfare of the faculty when such matters are placed before it by the President or designee, or through charges filed by the same or

faculty members as set forth in [University of Florida](#) Regulation ~~6CI~~-7.0441. The Committee shall have the right to reject the grievance, or require modification of the grievance, if it is not filed in accordance with the time limits set forth in section (5) [below](#) or it is not within jurisdiction of the Committee.

b. A faculty member who has elected to commence a review before the Faculty Senate Committee must address a written complaint to the President of the University. The complaint must be signed by the faculty member, and the following must be included therein: "I understand and agree that by filing this complaint initiating the formal method for grievance resolution provided by Regulation ~~6CI~~-7.041(3)(b)2, I waive any right I might otherwise have to any other formal method for grievance resolution, as set out in Regulation ~~6CI~~-7.041(3)." The faculty member should furnish any relevant documentary evidence with the complaint to the President.

c. The President or ~~the~~ President's designee shall then refer the complaint and any documentary evidence submitted with the complaint to the Chairperson of the Faculty Senate Committee for review. The Committee shall follow its procedures and rules as established by the Faculty Senate or the Committee itself. See [University of Florida](#) Regulation ~~6CI~~-7.0441. The Committee shall submit its findings and recommendations to the President. The President may adopt, modify, or reject the Committee's report. Copies of the President's decision shall be sent to the parties involved in the grievance. The action of the President shall be final.

3. Time Limit. The election of any procedure for grievance review for a faculty member not in the collective bargaining unit must be initiated by filing the grievance with the Office of the President no later than thirty (30) days from the date following the act or omission giving rise to the grievance, or thirty (30) days from the date the faculty member acquires

knowledge, or could reasonably have been expected to acquire knowledge, of the act or omission, if that date is later.

(4) Discrimination complaints - A faculty member may utilize as appropriate the grievance process set forth in section (3) above or [University of Florida Regulation 6C1-1.0063](#), for the resolution of a complaint of alleged discrimination in employment practices. A faculty member who files a written complaint under [University of Florida Regulation 6C1-1.0063](#) waives any right he or she might otherwise have to file a grievance under section (3) ~~above of this regulation~~ based on the same facts. Notwithstanding the foregoing, the faculty member does not waive the right to use the grievance procedures set out in section (3) ~~above of this regulation~~ to grieve the same subject matter on a basis other than discrimination provided the applicable time limit, or any extensions thereof which have been granted, are met.

Specific Authority: BOG [Regulation 1.001](#) ~~Resolution dated January 7, 2003~~.

History--New 3-6-80, Amended 2-23-82, 5-14-85, Formerly 6C1-7.41, 4-30-95, 7-27-98, 3-31-2006 (technical changes only), 3-17-09, [_____](#).