

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: March 1, 2016

REGULATION TITLE:

Methods for Review and Resolution of Faculty Grievances

REGULATION NO.:

7.041

SUMMARY: This regulation outlines the methods by which faculty not in the union may seek resolution of a dispute, including grievance, informal resolution and mediation. The amendment continues to allow for all of these methods of resolution and faculty retain the discretion to pick their desired process. The amendment requires a faculty member to opt for either mediation or filing a grievance. If a faculty member chooses to grieve, he or she would not be able to mediate and vice versa. Mediation and the grievance procedures are time consuming processes and permitting both methods in one dispute significantly delays the resolution of that dispute.

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: Sandra L. Mitchell, 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:

Paula V. Fussell, Vice President for Human Resources Services

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS OF
UNIVERSITY OF FLORIDA

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 "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.

(d) 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 ~~grievance review~~ procedure or requesting mediation through an informal appeal to the faculty member's use of the appeal process. ~~An appeal shall be initiated by the aggrieved faculty member with the faculty member's~~ immediate supervisor or the next ranking administrator or the administrator's designee. ~~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).~~ In the alternative, a faculty member may seek Mmediation in lieu of the grievance process. If a faculty member requests and the University agrees to mediate a dispute, the faculty member waives the right to grieve the allegations that are the subject of the mediation. A faculty member's request to mediate must be submitted within the same deadline the faculty member has to submit a grievance. ~~may be used as part of the informal resolution and appeal process in appropriate cases.~~

(b) ~~The faculty member's uAttempts to informally resolve a dispute se of the appeal process or any other form of resolution does~~ not automatically suspend the applicable time limit for requesting a particular grievance or mediation procedure, as set out below. At the time ~~a the~~ grievance or mediation request is filed, ~~the faculty member may a written request for in writing~~ an extension of the applicable time limit for initiating the elected ~~grievance~~ review procedure may be submitted in order to facilitate ~~thea~~ resolution ~~of a grievance~~. Notwithstanding the foregoing, failure to elect a procedure 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.

(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 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 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 (3)(b)3 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 ~~6C1~~-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 ~~6C1~~-7.041(3)." The faculty member should furnish any relevant documentary evidence with the complaint to the President.

c. The President or 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 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 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 1.0063 waives any right he or she might otherwise have to file a grievance under section (3) above 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 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.

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, 6-8-12, [_____](#).