

APPENDIX E

BOARD OF TRUSTEES AND UNITED FACULTY OF FLORIDA
EXCLUSIVE ASSIGNMENT DISPUTE RESOLUTION PROCEDURE

E.1 Policy.

(a) The University of Florida Board of Trustees and the United Faculty of Florida agree to the following procedure as the exclusive method of resolving disputes under Section 14.5 of the Agreement that allege that a faculty member’s assignment is arbitrary or unreasonable.

(b) A faculty member who alleges that the assignment is arbitrary or unreasonable may file a grievance under Article 31, Grievance Procedure and Arbitration, of the UFBOT-UFF Agreement only to enforce the exclusive Assignment Dispute Resolution (hereafter, “ADR”) procedure delineated below, not to seek a determination as to whether an assignment is arbitrary or unreasonable.

(c) No person shall lobby or otherwise attempt to influence the decision of the Neutral Umpire.

E.2 Neutral Umpire Panel

(a) The Trustees’ representative and the UFF representative shall meet within thirty (30) days of the ratification of this Agreement for the purpose of selecting by mutual agreement Neutral Umpire Panel. The Panel shall consist of six (6) individuals, not employed by University, who meet the following qualifications:

- (1) familiarity with academic assignments;
- (2) an ability to serve as Neutral Umpire on short notice;
- (3) a willingness to serve on the Panel for no less than one academic year; and
- (4) acceptability to both the Trustees and the UFF.

(b) The Trustees’ representative and the UFF representative are encouraged to select fully retired faculty and administrators to be on the Neutral Umpire Panel.

(c) If the Trustees’ representative and the UFF representative cannot mutually agree on six (6) individuals, the remaining individuals needed for the Panel shall be determined by the following process:

(1) The Trustees’ representative and the UFF representative shall each propose twice the remaining number of individuals necessary to complete the Panel. From this list of names, the parties shall alternately strike names until a permanent panel of six (6) neutral umpires has been selected. The right of the first choice to strike from the list shall be determined by a flip

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of a coin. Neutral umpires shall be asked to serve on a rotational basis, the sequence to be determined by lot.

(2) If at any time the number of neutral umpires willing to serve on the panel falls below six (6), the Trustees and the UFF shall each submit an additional three (3) names for each vacancy. The striking procedure described above shall be used to bring the total in the Panel to six (6), except that the right of the first choice to strike from the list shall go to whichever party went second in the previous panel selection.

(3) The Neutral Umpire Panel shall be operative until a successor Agreement is implemented.

(d) Panel membership may be reviewed, at the initiation of the Trustees or the UFF, through written notice. Any Panel member may be replaced by mutual agreement, and the term of the new Panel member shall start at the beginning of the next fiscal year.

E.3 Time Limits

(a) The dispute shall not be processed unless it is filed within

(1) sixty (60) days after the faculty member's receipt of the Fall or Spring assignment; or

(2) thirty (30) days after the faculty member's receipt of the summer course appointment/assignment.

(b) If the faculty member's assignment begins prior to final resolution of the dispute, the faculty member shall perform the assignment until the matter is finally resolved under these procedures. However, in that circumstance, if the course assignment is found to be arbitrary or unreasonable, the Trustees or designee shall implement as soon as practicable an appropriate remedy consistent with Section E8.

(c) All time limits specified in this Appendix E may be extended by mutual agreement of the Trustees and the UFF representative.

(1) Upon failure of the faculty member's UFF representative to comply with the time limits in this Appendix, the dispute shall be deemed to have been finally determined at the prior step.

(2) Upon failure of the Trustees to comply with the time limits in this Appendix, the UFF may designate as the Neutral Umpire any individual on the Neutral Umpire panel and proceed to schedule an ADR Neutral Umpire Hearing at the earliest convenience of the designated Neutral Umpire and the grievant, and the Neutral Umpire shall weigh the fact that the Trustees did not provide the grievant with a timely process among the factors considered in rendering a decision or suggested remedy.

(d) Throughout this Appendix references to "days" refers to "calendar Days." The "end of the day" shall refer to the end of the business day, i.e., 5:00 p.m. If any deadline falls on a non-business day, the deadline shall be moved to the end of the next business day.

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E.4 Initial Filing.

(a) A faculty member who believes that the assignment is arbitrary or unreasonable shall file the ADR Form, with Part 1 completed, with the dean or equivalent (hereafter, the "dean") within the time limits required in Section E.3(a). The dean shall send a copy of this ADR Form to the chair or equivalent (hereafter, the "chair").

(1) Part 1 of the ADR Form shall include a brief and concise statement of the faculty member's arguments and shall be accompanied by any relevant documentation supporting the faculty member's position.

(2) This documentation shall be placed in a file entitled "ADR File," which shall be kept separate from the faculty member's personnel or evaluation files.

(b) The ADR File shall accompany the ADR Form at each step of the process.

E.5 Meeting with Trustees.

(a) No later than four (4) days after receipt of the ADR Form, the dean or designee shall meet with the faculty member, the UFF representative, the person who assigned the course, and the chair and discuss the dispute and attempt to resolve it.

(b) No later than twenty-four (24) hours after the conclusion of this meeting, the dean or designee shall complete Part 2 of the ADR Form, which shall include the explanation of the dean's decision, and deliver it to the faculty member and the UFF representative.

E.6 Filing for Neutral Umpire Hearing. If the consultation with the dean or designee does not resolve the matter, then no later than four (4) days after receiving Part 2 of the ADR Form from the dean the UFF representative may file Part 3 of the ADR Form with the Vice President for Human Resources, indicating an intention to submit the dispute to a Neutral Umpire.

E.7 Preparation for the Neutral Umpire Hearing.

(a) Preparation of the ADR File. No later than seven (7) days after receipt of the completed Part 3 of the ADR Form, the Vice President for Human Resources shall

(1) place into the ADR File the completed Parts 1, 2, and 3 of the ADR Form; a list of the Trustees' expected witnesses, if any; and other relevant documentation; and

(2) present a copy of all documents placed in the ADR File to the UFF representative, who shall place a list of the faculty member's expected witnesses into the file.

(b) Appointment of the Neutral Umpire. Also, no later than seven (7) days after receipt of the completed Part 3 of the ADR Form the Vice President for Human Resources shall notify the Umpire who is next on the rotation list of the need for a Neutral Umpire Hearing.

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(1) If the Umpire is unable to serve, the Vice President for Human Resources shall notify the next Umpire on the rotation list, and so on until a member of the Neutral Umpire Panel agrees to serve.

(2) All parties shall be notified once the Umpire has agreed to serve.

(c) Completion of the ADR File.

(1) Upon the agreement of the Neutral Umpire to participate, the Trustees' representative and the UFF representative shall meet as soon as possible to review and complete the ADR File.

(2) After this review, additional documentation shall not be considered in the ADR process, except by agreement of the Trustees' representative and UFF representative, or unless it is documentation that could not with reasonable diligence have been discovered or obtained previously.

(3) After this meeting, the Vice President for Human Resources shall provide the Umpire, the Trustees' representative, and the UFF representative with the faculty member's completed ADR File.

E.8 ADR Neutral Umpire Hearing.

(a) The ADR hearing shall be scheduled as soon as practicable after the Neutral Umpire has received the ADR File. The Vice President for Human Resources shall notify all parties of the time and place of the ADR hearing no later than four (4) days prior to its being convened.

(b) The ADR hearing shall be conducted as follows:

(1) The faculty member, or a UFF representative in concert with the faculty member, and a representative of the Trustees shall be the sole representatives of the parties. Each representative may present documentary evidence from the ADR File, interrogate witnesses, offer arguments, cross-examine witnesses, and have present at the meeting one individual to assist in the presentation of the case. In all cases, the UFF shall have the right to have an observer present at the hearing and shall be sent a copy of all decisions at the same time as they are sent to the faculty member.

(2) The Neutral Umpire shall conduct and have total authority at the ADR hearing. The Neutral Umpire may conduct the ADR hearing in whatever fashion, consistent with this Agreement that will aid in arriving at a just decision.

(3) The Umpire shall submit to all parties, on Part 4 of the ADR Form within forty-eight (48) hours after the close of the ADR hearing, a written, binding decision as to whether the course assignment arbitrary or unreasonable. The decision shall include the reasons for the Umpire's determination.

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(c) If the Umpire decides that the faculty member's assignment was arbitrary or unreasonable, then the Umpire shall suggest an appropriate remedy. This suggestion is not binding on the Trustees but shall be used by the Trustee's designee in fashioning and implementing as soon as practicable an appropriate remedy consistent with the Umpire's decision and this Agreement.

E.9 Expenses. All fees and costs of the Neutral Umpire shall be borne equally by the Trustees and the UFF.

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EXCLUSIVE ASSIGNMENT DISPUTE RESOLUTION FORM

PART 1: STATEMENT OF DISPUTE

Faculty Member's Name

Department

Faculty Member's Address

Person Making Assignment

Date Assignment Made

Beginning Date of Assignment

I UNDERSTAND AND AGREE THAT BY FILING THIS GRIEVANCE, I WAIVE WHATEVER RIGHTS I MAY HAVE UNDER CHAPTER 120 OF THE FLORIDA STATUTES WITH REGARD TO THE MATTERS I HAVE RAISED HEREIN AND UNDER ALL OTHER UNIVERSITY PROCEDURES WHICH MAY BE AVAILABLE TO ADDRESS THESE MATTERS.

I believe the assignment was arbitrary or unreasonable because:

Faculty Member's Signature

UFF Representative's Signature

Date Filed with VP for Human Resources

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EXCLUSIVE ASSIGNMENT DISPUTE RESOLUTION FORM

PART 2: DECISION OF DEAN OR DESIGNEE

Date of Meeting with Dean/Administrator or designee

The assignment was not arbitrary or unreasonable because:

The disputed assignment has been resolved in the following manner:

Dean /Administrator or designee

Date of Decision

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PART 3: UFF NOTICE OF INTENT TO REFER ASSIGNMENT DISPUTE TO A
NEUTRAL UMPIRE

The decision of the Dean/Administrator or designee is not satisfactory, and the UFF hereby gives notice of its intent to refer the dispute to a Neutral Umpire.

Faculty Member's Name

UFF Representative

Date of Receipt by Vice President for Human Resources

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EXCLUSIVE ASSIGNMENT DISPUTE RESOLUTION FORM

PART 4: NEUTRAL UMPIRE'S DECISION

The disputed assignment was _____/was not _____ arbitrary or unreasonable.

Reasons for the determination that the assignment was arbitrary or unreasonable are:

Suggested Remedy:

Neutral Umpire's Name

Faculty Member's Name

Neutral Umpire's Signature

Date Decision Issued

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