

AFTPRS Grievance Committee

November 13, 2020

Who and What

- ▶ Standing committee of the Faculty Senate
- ▶ Members are tenured faculty holding rank of professor (or above)
- ▶ Fifteen members elected by Faculty Senate
- ▶ Members serve staggered three-year terms
- ▶ Chair is elected by the Committee

Your Charge

- ▶ *“Duty of the committee to conduct hearings on charges involving University practices bearing upon tenure or academic freedom or matters involving University practices generally applicable to faculty members bearing on professional ethics and the general welfare of the faculty.”*

UF Constitution Art. V, Sec. 4(A)

Your Jurisdiction

- ▶ AFTPRS committee subject matter jurisdiction = matters involving University practices bearing on academic freedom, tenure, professional ethics, or the general welfare of the faculty, e.g.:
 - ▶ Dismissal for cause and/or removal of tenure
 - ▶ Denial of Tenure

Your Possible Roles

- ▶ Serve as pool for random selection of three-member Inquiry Panel
- ▶ Serve as pool for random selection of three-member Hearing Panel
 - ▶ Alternate

UF Regulation 7.041

- ▶ Sets forth steps of grievance process for ALL faculty
- ▶ Encourages informal resolution first before initiating a grievance procedure
- ▶ For faculty not in collective bargaining unit and within jurisdiction of AFTPRS, then faculty can initiate AFTPRS grievance process

Senate By-Law 7

Procedures of the Faculty Senate Committee on AFTPRS

UF Regulation 7.0441

Academic Affairs; Procedures of Faculty Senate Committee on AFTPRS

How it begins

- ▶ Faculty member makes a written complaint to the President, with supporting documentary evidence
 - ▶ Complaint must be made within 30 days of event (or knowledge of event)
- ▶ President refers complaint to the Chair of AFTPRS
- ▶ If Chair determines complaint is timely and within the jurisdiction of AFTPRS committee, then Inquiry Panel appointed.
 - ▶ Chair appoints Inquiry Panel within 25 days of receipt of complaint

Two Paths

- ▶ Expedited Grievance Process -
 - ▶ By written request by both parties to the Chair
 - ▶ Only Inquiry Panel
- ▶ Formal Grievance Process -
 - ▶ Inquiry Panel (prerequisite to hearing panel/preliminary hearing)
 - ▶ Hearing Panel

Expedited Proceedings

- ▶ Both parties agree in writing to an expedited proceeding
- ▶ Inquiry Panel meets within 25 days of request
- ▶ Inquiry Panel schedules meeting with both sides
 - ▶ Both sides can present evidence
 - ▶ Panel may interview other witnesses and seek additional evidence
- ▶ Within 60 days of initial request, Final Report (and record) to Provost
- ▶ Within 25 days, Provost acts
 - ▶ Adopts as is
 - ▶ Modifies
 - ▶ Rejects

Formal Hearing

- ▶ Inquiry Panel
 - ▶ Within 25 days of appointment, Inquiry Panel meets to investigate validity of charges and evaluate evidence to determine if should go to formal hearing
 - ▶ 15-day notice to affected parties of the meeting
 - ▶ Legal standard - Probable Cause
 - ▶ Within 25 days of meeting, Inquiry Panel delivers a “Probable Cause” Report to the Chair
 - ▶ Two votes
 - ▶ Within 25 days of Probable Cause report delivered to the Chair, complaint is referred to a Hearing Panel

Formal Hearing

- ▶ Hearing Panel
 - ▶ No duplicate folks
 - ▶ One panel member, if possible, familiar with due process of law
- ▶ Hearing is similar to a regular hearing
 - ▶ Both sides present evidence
 - ▶ Witnesses, opening, closing
- ▶ Within 60 days, Hearing Panel adopts a proposed report
 - ▶ Parties have right to submit written exceptions to be considered by Hearing Panel

Burdens of Proof

- ▶ Probable Cause - facts and circumstances that would lead an ordinary person to believe
- ▶ Preponderance of the Evidence - “more than 50%” “more likely than not”



Final Report

- ▶ Adopted by a majority vote
 - ▶ Minority position can adopt a minority report
- ▶ Report to include:
 - ▶ Findings of fact - statements of fact based on evidentiary record
 - ▶ Conclusions of law - application of law to the findings of fact
 - ▶ Recommendations
- ▶ Within 25 days, Provost acts
 - ▶ Adopts
 - ▶ Modifies
 - ▶ Rejects

Public Records Law

- ▶ Right of access to records of public agency made or received by an agency in connection with official business
- ▶ Content not form



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- ▶ If a public records request is received, please refer it to University Relations at pr-request@ufl.edu.
- ▶ Website: <http://publicrecords.ufl.edu/>

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