

AFTPRS Grievance Committee

October 27, 2023

Who and What

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

Your Charge

- ▶ *It shall be the 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.
 - ▶ Dismissal for cause or removal of tenure
 - ▶ Denial of Tenure

Your Possible Roles

- ▶ Available for random selection to a three-member Inquiry Panel
- ▶ Available for random selection to a three-member Hearing Panel including as an alternate

UF Regulation 7.041

- ▶ Sets forth steps of grievance process for ALL faculty
- ▶ Encourages informal resolution first before initiating a grievance procedure
- ▶ Faculty not in the collective bargaining unit and who are within jurisdiction of the AFTPRS may initiate the AFTPRS grievance process.

Senate By-Law 7

Procedures of the Faculty Senate Committee on AFTPRS

UF Regulation 7.0441

Procedures of the Faculty Senate Committee on Academic Freedom, Tenure,
Professional Relations and Standards Committee

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)
 - ▶ Must include the following: “I understand and agree that by filing this complaint initiating the formal method for grievance resolution provided by Regulation 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 7.041(3).”
- ▶ President refers complaint, including any documentary evidence, 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 committee Chair
 - ▶ Only Inquiry Panel
- ▶ Formal Grievance Process -
 - ▶ Inquiry Panel (prerequisite to hearing panel or 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 President
- ▶ Within 25 days, President may:
 - ▶ 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 members
 - ▶ One panel member, if possible, familiar with due process of law
- ▶ Hearing:
 - ▶ Both sides present evidence
 - ▶ Witnesses, documentation, opening and closing statements
- ▶ 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 facts based on evidentiary record
 - ▶ Conclusions of law - application of law to the findings of fact
 - ▶ Recommendations
- ▶ Within 25 days, Provost acts
 - ▶ Adopts
 - ▶ Modifies
 - ▶ Rejects
- ▶ “The action of the President shall be final.” Regulation 7-041

Florida's Sunshine Laws

- ▶ Section 286.011, Florida Statutes, “Sunshine Law”:
 - Provides a **right of access** to governmental proceedings of **public boards** and commissions at the state and local levels.
 - Applies to any gathering of **two or more members** of the same board to discuss a matter that will foreseeably come before that board for action.
 - Key: The open meetings law only applies to **decision-making boards**. It does not apply to mere information gathering or fact-finding bodies.

- ▶ 3 Basic Requirements:
 - 1) Meetings of public boards or commissions must be **open to the public**;
 - 2) Must provide **reasonable notice** of the meetings; and
 - 3) **Meeting minutes** must be taken and made available to the public.

Florida's Sunshine Laws







Public Records Requests

UF

Public Records Center

Public Records Menu

-  Home
-  FAQs
-  Submit a Request
-  My Request Center

FAQs

See All FAQs 

How can I obtain student records?

What is a public record?

What is the cost?

How long does it take to fulfill a public records request?

How can I get additional assistance?

PLEASE DO NOT SUBMIT AUTHORIZATIONS FOR RECORDS OR SUBPOENAS FOR RECORDS THROUGH THE PUBLIC RECORDS SYSTEM. INSTEAD, PLEASE CONTACT THE UF OFFICE OF THE GENERAL COUNSEL – (352) 392-1358.



Submit a Records Request

Submit a public records request to the University of Florida



My Records Center

Track the status of requests, manage account information, and download your records by logging into your account.



View FAQs

Search for an answer to a specific question
Browse frequently asked questions

Please note, public record requests made to the University are subject to disclosure under the Florida Public Records Act.

Public Records Portal: <http://publicrecords.ufl.edu/>

OGC

Taylor K. Rose

taylor.rose@ufl.edu

352-392-1358