



Edward T. Foote II
President

M E M O R A N D U M

September 27, 1989

TO: George Alexandrakis
FROM: Edward T. Foote II *ETF*
SUBJECT: Faculty Senate Legislation #87021(C)
Bylaw on Grievance Committee

Is it possible that our great system of shuffling paper could have failed?

Somehow, this legislation from the spring of 1988 turned up again, apparently without final action on my part. For several reasons, including especially that our present system seems to work well, I do not approve it. Perhaps I already told or wrote you that, but our records do not so reflect.

ETF:LLS
cc: Luis Glaser

Suggested changes to Section 1.5

- 1) Educator Faculty -- Purpose *of the Bylaw*
- 2) This Bylaw section...
- 3) Its purpose is, *first* to extend
- 4) University's academic mission; and *second*
- 5) Educator Faculty *will* not only *will* perform...
but *will continuously continually* improve...
will stay abreast of, *will* engage with their...

Suggested changes to Section 1.5.7

- 1) Sentence 1 - capitalize Chair and Dean *and between the Provost and the Council of the Faculty Senate* it is determined that the member's services are no longer needed because of changes in...
- 2) **Following** their consultations, the Provost and Senate Council...
- 3) Process as follows: vote of faculty, recommendation of Dean, discussion between Provost and Senate Council
- 4) The Council's discussion regarding "equities", in the fourth line from the bottom of Section 1.5.7, means that financial considerations are not themselves a sufficient condition for the termination of one person over another person when they are equally well-qualified. Further, unless there is some real question of merit in terms of their skills or abilities, seniority shall prevail.

PENDING AND DISAPPROVED LEGISLATION

Dr. Alexandrakis reviewed the list of pending and disapproved legislation. He discussed the memorandum received from the President disapproving Legislation #87020(B) - Committee on Lowe. Dr. Knoblock read the President's response in disapproving Legislation #87019(C) - 60 Credit for Graduation. He asked Vice Provost Sugrue for a synopsis of the facts referred to by President Foote with regard to admission of transfer students. It was suggested by Dr. Clasby that a small committee, similar to the past Joint Referral Committee, be established to redraft disapproved legislation for resubmission to the President. Dr. Swan explained the intent of Legislation #87021(C) - Bylaw on Grievance Committee as meaning that recommendations from that Committee will automatically become effective unless expressly vetoed by the President. Legislation #87028-Disestablishment of the Guidance Center was discussed and several questions were raised concerning who would determine salary recommendations for the academic and service activities of the Guidance Center faculty. Vice Provost Sugrue reported that he has summarized the Deans' comments on Legislation #87023(C) - General Education Requirements. Several schools have requested exceptions, particularly to the writing requirement. It was suggested that technical problems presented by the schools be discussed with the Provost. The Chairman inquired about the status of Legislation #87001(B) - Bylaw on Faculty Appointment, Promotion and Tenure. It was agreed that since more than a year has passed, the concerns of the Council should be conveyed to the President in light of the Provost's recommendation to pass the legislation. Dr. Alexandrakis reviewed Legislation #87027(C) - Good Academic Standing. He informed the Council that the deleted *Bulletin* page concerning good academic standards would be re-inserted by order of the President. It was agreed to hear a report from the Provost regarding the matter.



University of Miami
Coral Gables, Florida 33124

FACULTY SENATE
(305) 284-3721

MEMORANDUM

TO: President Edward T. Foote, II

FROM: Dr. John Knoblock
Chairman, Faculty Senate

DATE: April 29, 1988

SUBJECT: Faculty Senate Legislation #87021(C) -
Bylaw on Grievance Committee

The Faculty Senate, at its meeting of March 28, 1988, voted to approve Faculty Senate Legislation #87021(C) - Bylaw on Grievance Committee. The text of the legislation is attached for your action.

JK/b

Attachment

cc: Provost Luis Glaser

**Faculty Senate Action, 87021
Class C Legislation**

BYLAW ON GRIEVANCE COMMITTEE

This Committee shall (a) hear faculty complaints involving conditions of employment; (b) report to the Senate Council any evidence of gross injustice or favoritism; and (c) recommend to the Senate legislation in these matters. All deliberations of the Committee shall be in confidence. The Committee shall report to the Senate each year.

The Committee shall, upon the request of a faculty member or an academic administrator, examine faculty and administrative problems relating to faculty members' rights and duties under their faculty contracts. The Committee shall have the power to adjudicate matters brought before it. Decisions of the Committee shall be binding on all parties unless the President determines to modify or set aside in writing the decision of the Committee.

Procedures for the Grievance Committee shall be as follows: (a) no action shall be undertaken by the Committee without prior receipt of a written statement of the grievance; (b) all parties may be represented by a faculty colleague as their academic counsel; (c) the Committee, or a member, shall take the responsibility of determining the facts of the situation; (d) any person affected by the situation shall be given an opportunity to make a statement, orally or in writing, to the Committee; (e) the Committee shall receive relevant oral or written statements upon request of the petitioner in the complaint; and (f) the Committee shall have authority to obtain all documents it considers pertinent to a particular case.

The Committee shall consist of five faculty appointed by the Senate Council.

CAPSULE:

Faculty Senate Legislation #87021(C) -
Bylaw on Grievance Committee

RESPONSE BY THE PRESIDENT:

DATE: _____

APPROVED: _____

OFFICE OR INDIVIDUAL TO IMPLEMENT OR PUBLISH: _____

EFFECTIVE DATE OF LEGISLATION: _____

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

FACULTY SENATE MEETING

MARCH 28, 1988

Call To Order and Approval Of Minutes

The meeting was called to order at 3:30 P.M. by Vice Chairman Alexandrakis in the History of Medicine Room, Calder Library, Medical School Campus. Excused absences were approved for Drs. Caralis, Carmichael, Clasby, Green, Knoblock, Kujawa, McQueen, Neider, Posnak, Sowle, and Swan.

Remarks By The President

President Foote reported that his trip to Costa Rica may produce a major new grant to the Rosensteil School. At the request of the President, Mr. Dee responded to a query regarding the Educator Faculty legislation. He stated that the Provost has prepared a memorandum to the Senate Chairman with respect to the University's response to each of the pending Bylaws. Two areas of the Educator Faculty Bylaw will require further discussion: 1) a proposed alternative which would eliminate the ceiling in the Educator Faculty track but would define the duties, and 2) the responsibilities of parties with respect to the new special review process.

Recommendation of the Ad Hoc Committee on the Lowe Museum

Dr. Robert Hosmon, Chairman of the Ad Hoc Lowe Committee, presented his committee's report and recommendations. It was *moved* by Dr. Yacoub, seconded by Dr. Brass, to amend Paragraph 2B to read "Four members of the faculty, serving two year terms,...". The *motion as amended carried*. The *main motion carried*.

Grievance Committee Report

Dr. Alexandrakis explained that the purpose of this committee would be to handle issues of conditions of employment rather than as presently by the Committee on Rank, Salary, and Conditions of Employment. Dr. Anthony Allegro, Chairman of the Ad Hoc Committee, presented his committee's report and the proposed Bylaw. A series of friendly amendments to the Bylaw were offered: 1) paragraph one, sentence one, add "faculty" following "shall (a) examine..."; 2) paragraph three, sentence one, change "his" to "his/her employment contract"; 3) paragraph three, last sentence, change "on both parties" to "on all parties"; 4) paragraph four, part (b), change "any petitioner" to "any party to the dispute"; 5) paragraph four, part (b), change "academic counsel" to "a faculty colleague as his academic counsel"; 6) paragraph four, part (d), change "may" to "shall". The statement "All deliberations of the Committee shall be confidential" was added to the end of the first paragraph. The *motion as amended carried*. The *main motion carried*.

MEMORANDUM

TO: FACULTY SENATE COUNCIL

FROM: GRIEVANCE COMMITTEE:
Anthony Allegro, Chair
Linda Neider
Susi Seiler
Don Randolph

RE: Senate Council mandate to "develop a Bylaw which would create and define the jurisdiction of a Grievance Committee...charged with examining complaints involving "conditions of employment" currently under the jurisdiction of the Committee on Rank, Salary and Conditions of Employment. Charges could be brought against any member of the faculty or any administrator by any other member of the faculty or administration holding faculty rank."

DATE: 3-1-88

PROPOSED BYLAW

4.x GRIEVANCE COMMITTEE. This committee produces decisions of binding arbitration relative to (a) individual faculty complaints which are not necessarily in the area of the General Welfare and more specifically (b) complaints relative to conditions of employment.

This committee shall be composed of five (5) members three of whom shall be selected from the Senate Council and two selected from members of the Senate not serving on the Council.

Procedures for the Grievance Committee will be as follows:
(a) No action will be undertaken by the committee without prior receipt of a written bill of particulars.
(b) The committee will also follow the same procedures outlined in 4.11 (b-e) of the Faculty Manual.

The Grievance Committee will have full authority to obtain all documents it considers pertinent to a particular case. Charges may be brought against any member of the faculty or any administrator by any other member of the faculty or administration holding faculty rank.

BYLAW ON GRIEVANCE COMMITTEE

This committee shall (a) examine complaints involving conditions of employment; (b) report to the Senate Council any evidence of gross injustice or favoritism; and (c) recommend to the Senate legislation in these matters. The committee will report to the Senate each year.

The committee shall, upon the request of a faculty member or the President, hear faculty and administrative problems relating to a faculty member's rights and duties under his employment contract. The committee's jurisdiction shall include the powers to hear and adjudicate matters brought before it. Decisions of the committee shall be binding on both parties unless the President determines to modify or set aside in writing the decision of the committee.

Procedures for the Grievance Committee will be as follows: (a) no action will be undertaken by the committee without prior receipt of a written bill of particulars; (b) any petitioner may be represented by academic counsel; (c) the committee, or a member, shall take the responsibility of developing the facts of the situation; (d) any person affected by the situation may be given an opportunity, orally or in writing, to make a statement to the entire committee; (e) the committee shall receive relevant oral or written statements upon the request of any petitioner; and (f) the committee will have full authority to obtain all documents it considers pertinent to a particular case.

MEMORANDUM

TO: Tony Allegro
Linda Neider
Susi Seiler
Don Randolph

FROM: John Knoblock, Chairman
Faculty Senate

DATE: December 18, 1987

SUBJECT: Grievance Committee

The Senate Council voted to develop a Bylaw which would create and define the jurisdiction of a Grievance Committee. This Committee would also be charged with examining complaints involving "conditions of employment" currently under the jurisdiction of the Committee on Rank, Salary and Conditions of Employment. Charges could be brought against any member of the faculty or any administrator by any other member of the faculty or administration holding faculty rank. I ask that you serve on this important committee. Please try to complete your deliberations in time to make a report to the March meeting of the Senate Council.

I ask that Tony Allegro chair this committee.

RESEARCH ASSOCIATES, TRAINING ASSOCIATES

Dr. Knoblock brought to the Council's attention situations where certain staff persons are teaching classes and being given all the rights and privileges of regular faculty. The Chairman stated that the Provost is taking steps to correct the situation. Discussion followed in Executive Session.

RESOLUTION OF GRIEVANCES

Dr. Knoblock proposed establishing a Grievance Committee which could mediate, arbitrate, and censure. It was *moved* by Dr. Honikman, seconded by Dr. Awad, to appoint a sub-committee of the Council to develop guidelines and legislation for this purpose. The *motion carried*.

UNIVERSITY ADMISSIONS COMMITTEE

Drs. Honikman, Randolph, and Allegro agreed to serve on the University Admissions Committee. These names will be forwarded by the Chairman to the Provost.

The meeting adjourned at 6:10 P.M.



Barbara L. Hoadley
Secretary to the Faculty