



MEMORANDUM

To: Donna E. Shalala, President

From: Richard L. Williamson
Chair, Faculty Senate

A handwritten signature in blue ink, appearing to read 'Richard L. Williamson'.

Date: November 17, 2011

Subject: Faculty Senate Legislation #2011-26(B) – Add to the *Faculty Manual* Section C20 miscellaneous, “C20.7 Form and Effective Date of Required Notices”

At its November 16, 2011 meeting, the Faculty Senate unanimously approved the proposal to add to *Faculty Manual* Section C20 miscellaneous, “C20.7 Form and Effective Date of Required Notices”. This addition aims to eliminate any ambiguity concerning how notice is to be accomplished, and when the notice becomes effective. It makes clear that notice must be in writing, and have a high assurance of delivery, either through return receipt requested registered mail or through redundant delivery.

The supporting materials are enclosed for your reference.

This legislation is now forwarded to you for your action.

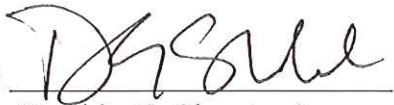
RW/rh

Enclosure

cc: Thomas LeBlanc, Executive Vice President and Provost
David Birnbach, Vice Provost, Faculty Affairs

CAPSULE: Faculty Senate Legislation #2011-26(B) – Add to the *Faculty Manual* Section C20 miscellaneous, “C20.7 Form and Effective Date of Required Notices”

PRESIDENT’S RESPONSE

APPROVED:  DATE: 12/10/11
(President’s Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: FACULTY SENATE OFFICE

EFFECTIVE DATE OF LEGISLATION: IMMEDIATELY
(if other than June 1 next following)

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

Proposed *Faculty Manual* Addition Concerning Notice

Reason:

There have been occasions when questions arose as to how notice required in the *Faculty Manual* were to be accomplished, and when the notice became effective. This addition aims to eliminate any ambiguity concerning notice. It makes clear that notice must be in writing, and have a high assurance of delivery, either through return receipt requested registered mail or through redundant delivery. The final paragraph is intended to make clear that some kinds of routine notice are not covered by these more elaborate procedures.

Add an additional section to FM Section C20, as follows:

C20.7 Form and Effective Date of Required Notices

In any matter arising under the *Faculty Manual* where a member of the UNIVERSITY FACULTY must provide notice to the Senate, to the Administration or both, or where the Administration or the Senate must provide notice to a faculty member, such notice must be accomplished by one of the following means:

(a) Notices to Individuals: It is vital that there be a high degree of reliability that the faculty member will receive the notice, and accordingly that except for registered mail, each notification method requires both initial notice and a means of confirming documentation. Allowable methods and the effective date of the notice are shown in the following chart.

Initial Notice	Confirmation	Effective Date*
In writing by Registered Mail**	None necessary	When mailed
Orally, in person	Written Witness Statement	Date of witness statement
Orally, in person	In writing at the same time	When provided
Orally, in person or by phone	In writing via USPS***	When dated
By electronic means****	In writing via USPS***	When dated

NOTES:

* Failure to accept notice has no effect on its validity or effective date

** Restricted Delivery

*** Ordinary First-class mail, with additional Certificate of Mailing.

**** University e-mail, fax

In the case of hard-copy delivery of initial notice or confirmation to a faculty member by mail, the notice shall be addressed to the home address on file with Human Resources.

(b) Notices from Individuals to the Senate: All notices must be in writing, and be delivered in person to the Senate Office (325 Ashe Administration Building, Coral Gables) during normal business hours, or be sent by inter-office mail (325 Ashe Administration Building, Locator Code 4634), or U.S. Mail (PO Box 248106, Coral Gables 33124). The Senate Office will acknowledge receipt. If no such acknowledgement is received, it is incumbent on the sender to contact the office (305-284-3721).

(c) Notices from Individuals to the Administration on Matters Involving the Senate. All notices shall be in writing, and addressed and delivered to the Office of the Vice Provost for Faculty Affairs, 249 Ashe Administration Building, Coral Gables.

The fact that a notice could be revoked by the sender, or in the case of the Administration that there is the possibility of a reversal of the decision by a more senior authority shall not change the effective date of the notice unless such revocation or reversal actually transpires.

This section shall not apply to notices required to be provided to a substantial number of faculty members, such as notice of meetings of a School or Department faculty, meetings of a School Council, or Senate meetings.¹

¹ Meetings which do not require notice with the formalities of this section as of June 1, 2012 include B4.12; C13.5(b)(iv)-(x); C14 (favorable notice from the Provost); and C15.3.