

ARTICLE 9
BYLAWS GOVERNING TERMS AND CONDITIONS OF EMPLOYMENT

9.1 Policy. The faculty members of the colleges, schools, departments, centers, or other traditional academic units (hereafter in this article, “units”) have the right to create bylaws or other written unit policies by which to conduct their responsibilities as they relate to policy matters that the Trustees and the UFF have agreed by the express terms of a specific section of this Agreement to delegate to the unit faculty, consistent with the provisions of this Agreement. Such written unit policies (hereafter, “bylaws”) shall be subject to review and approval by appropriate administration officials and posted on the unit web sites.

(a) Faculty members shall have the right to participate in the development of, and vote by secret ballot on, such bylaws (and subsequent revisions). If the bylaws are developed by means of a committee, such committee shall be comprised of faculty members elected by the faculty members of the unit.

(b) The bylaws of each unit shall include procedures for faculty members to share significantly in governance responsibilities for amending bylaws.

(c) The Trustees and the UFF have agreed by the express terms of this Agreement to delegate to the faculty of appropriate units, in specific instances and within specified parameters, the development of discipline-specific clarifications of University criteria for tenure, promotion, merit salary increases, market equity salary increases, and performance evaluations. These discipline-specific clarifications of such University criteria must be sufficiently thorough to provide faculty with clear and consistent standards of evaluation and meaningful guidelines for action.

(d) No provision of the bylaws that governs terms and conditions of employment shall be inconsistent with the provisions of this Agreement or with the mission and goals of the unit and the University.

(e) The faculty shall periodically review the bylaws, and propose revisions, whenever a change in this Agreement has a direct and significant impact upon the bylaws relating to matters referenced in the Agreement. Units are encouraged to exchange and discuss drafts of their bylaws during the formulation and revision processes.

9.2 Development and Approval of Bylaws.

(a) With respect to deadlines under the development and approval procedures in Section 9.2, “days” means calendar days of the weeks in which classes or final exams are held during the Fall and Spring semesters. If a semester, so defined, ends before the end of an allotted time period, the time period shall be suspended at that point and recommence on the first day of

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classes in the next semester.

(b) The faculty members of the unit shall familiarize themselves with the existing bylaws, the mission and goals of the unit and the University, and this Agreement before the unit faculty members begin the development or revision process.

(c) Faculty Proposal. The faculty members in each unit, in conjunction with the chair or equivalent (hereafter, the “chair”), shall develop and maintain bylaws. Provisions in the bylaws (and revisions thereto) relating to tenure, promotion, merit salary increases, market equity salary increases, and performance evaluations must be approved in a secret-ballot vote by a majority of all affected faculty in the relevant unit who are eligible to vote on the matter under consideration. The proposed bylaws shall be forwarded for approval to the dean or equivalent supervisor (hereafter, the “dean”). If the chair and the other faculty are unable to reach agreement on an issue, both the chair’s proposal on that issue and the proposal approved by a majority of the faculty shall be submitted to the dean.

(d) Dean’s Review. Within thirty (30) days of receiving the proposed bylaws, the dean shall review them to ensure that they comply with this Agreement and with the mission and goals of the University and either approve the proposed bylaws or return them to the unit for revision.

(1) If the dean approves the proposed bylaws that a majority of the unit’s faculty voted to adopt or does not respond within thirty (30) days after receiving them, the bylaws shall be adopted as passed.

(2) On the other hand, if the dean objects to any provision of the faculty’s proposed bylaws, the dean shall return the bylaws to the unit, together with his/her detailed written objections.

(e) Reconsideration, if Necessary. The faculty shall consider the dean’s written objections and, within thirty (30) days after receiving the dean’s objections, shall resubmit the bylaws to the dean, incorporating all, some, or none of the objections, along with a justification for the resubmitted language, which shall be written by a faculty member from the unit selected by the faculty members in the unit.

(1) If the faculty of the unit do not resubmit proposed bylaws within thirty (30) days after receiving the dean’s objections, the bylaws shall be adopted as modified consistent with the dean’s objections.

(2) If the dean approves the reconsidered bylaws or does not respond within thirty (30) days after the dean’s receipt of them, the bylaws shall be adopted as resubmitted.

(3) If the dean does not approve the reconsidered bylaws, then, within thirty (30) days of the dean’s receipt of them, the dean shall notify the affected faculty, the Vice President for Human Resources, and the UFF/UF President. The dean shall forward to the Vice

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President for Human Resources and the UFF/UF President all documents relating to the development and disposition of those bylaws.

(f) Final Resolution, if Necessary. Within fifteen (15) days of the dean's notification, the Trustees' representative and the UFF representative shall select a Neutral Umpire according to the procedures in Sections E.2 and E.8 of Appendix E. The Trustees' representative, the UFF representative, and the Neutral Umpire shall comprise the hearing panel that shall bring about a resolution of the disputed issues.

(1) The hearing panel shall meet as soon as practicable to review the dispute and craft a recommended resolution of the disputed issues.

(2) The hearing panel may conduct their deliberations in any manner they find mutually acceptable.

(3) The recommended resolution must have the concurrence of at least two of the three members of the hearing panel.

(4) The hearing panel's recommended resolution is not binding in the sense that the dean is not required to implement a recommendation that is unworkable or unreasonable. However, the dean shall rely upon the hearing panel's recommended resolution in fashioning and implementing as soon as practicable an appropriate final resolution of the disputed issues. The dean's final resolution shall not be inconsistent with this Agreement.

(5) The final resolution shall be adopted into the unit's bylaws.

(g) Once approved, no provision of the bylaws altering a term or condition of employment shall be unilaterally altered or suspended, except pursuant to Chapter 447, Part II, Florida Statutes. The application or interpretation of provisions of the bylaws shall be grievable under this Agreement.

(h) A copy of the bylaws shall be kept on file in the unit office, as well as posted on the unit's website. A copy of the bylaws shall also be provided to the UFF.

9.3 Any question regarding what constitutes a term or condition of employment shall be resolved pursuant to Chapter 447, Florida Statutes.

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