



18 April 2024

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## The Post Tenure Reviews are Out

The Post Tenure Reviews have been delivered and not everybody met expectations.

- **Do You Meet Expectations?** The Post Tenure Reviews are out and likely more stormy weather ahead. For more, see below.

Meanwhile, thanks in part to the Legislature, the United Faculty of Florida is currently pursuing Unfair Labor Practice (ULP) complaints before the Public Employees Relations Commission (PERC) as well as lawsuits. All this drama leads us to the primary tool the union has for "contract enforcement".

- **Grievances.** The USF Chapter is currently processing an unusual number of grievances while the USF Administration is ignoring grievances UFF moved to arbitration. This may be a good time to recall how the grievance process works. For more, see below.

Summer is coming, and on Wednesday, the UFF USF Chapter held the first of a sequence of socials planned between now and August. At our first social, two items came up.

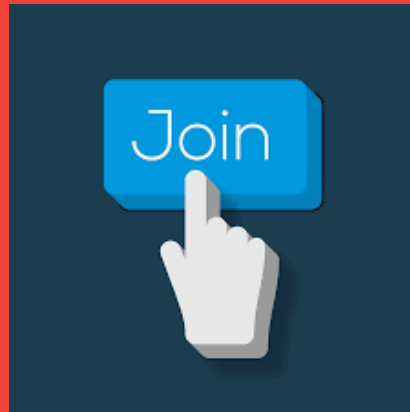
- **Democracy and Higher Education.** The American Association of University professors issued a statement on [The Future We Stand For](#), which will be on tomorrow's agenda. For more, see below.

**At tomorrow's chapter meeting, we will be making plans for the summer, and we especially ask everyone interested in being active in the union to attend.**

**Chapter Meeting Tomorrow Friday on USF Tampa.** The USF Chapter of the United Faculty of Florida will meet tomorrow, Friday, April 19th, at 12 pm, in EDU 415, and on

Zoom. *This will be the last chapter meeting of the semester* - although the chapter will be meeting this summer. On [the agenda](#): the AAUP Statement (see article below), Summer and the membership campaign, honoring activists departing from and entering UFF USF offices and representative seats, and more. And here are [the minutes from the last meeting](#), including the election returns.

All UFF USF employees - members and non-members alike - are invited to attend. But to Zoom in you must have an invitation: contact [the Chapter Secretary](#) to get one. Meetings and events are [posted on the Events Calendar](#) of the [UFF USF Website](#). Come and check us out.



## Union Membership

If you are not a union member, please [join today](#) (the form connects automatically to the eDues form, so you will want to have your banking information or checkbook information handy). We are stronger standing together in solidarity.

Salaries Employment Health  
Grievance Protection Law  
**COLLECTIVE BARGAINING**  
Process Negotiation  
Agreement Productive  
Working Hours Terms Rules  
Employer Union Wages Group  
Overtime Safety Establish Cost

## Bargaining the Next Contract

We are *supposed* to have a new contract on August 7, and the current contract says that bargaining should start in April. Our Bargaining Committee is

preparing for bargaining and wants ideas, comments, suggestions, and desiderata from the employees that the union represents (especially, to be honest, from members). Please send thoughts on bargaining to [the Chapter Secretary](#).



## Do You Meet Expectations?

The Faculty Senate was informed that **of the 189 tenured faculty who were reviewed this academic year, 180 were found to have met or exceeded expectations.** That was the report by the Provost to the Faculty Senate Executive Committee on 3 April 2024. Subsequently, **UFF was informed that 166 employees in the UFF USF Bargaining Unit were reviewed, and 83 exceeded expectations, 74 met expectations, 9 did not meet expectations, and none were unsatisfactory.**

As reported in the [7 September 2023 Biweekly](#), each reviewed faculty member would be found to have exceeded expectations, met expectations, failed to meet expectations, or be found unsatisfactory. The USF Administration has made noises about distributing (discretionary) money to faculty who exceeded or even merely met expectations, but otherwise such faculty would be left alone. Faculty who failed to meet expectations would be presented with a plan for meeting expectations (with dire consequences for not fulfilling the plan) while unsatisfactory faculty would be shown the door.

There are several problems with this whole business. For example...

- As noted in the 7 September 2023 Biweekly there is the [Dilbertesque](#) problem that the expectations were composed *after* the period being evaluated. But that's merely bad managerial practice.
- Every reviewed faculty member would have received a letter of offer prior to being hired saying that the position was tenured or tenure track (see [Section 8.3 of the contract](#)) which the Board agreed cannot be changed without the written consent of the employee

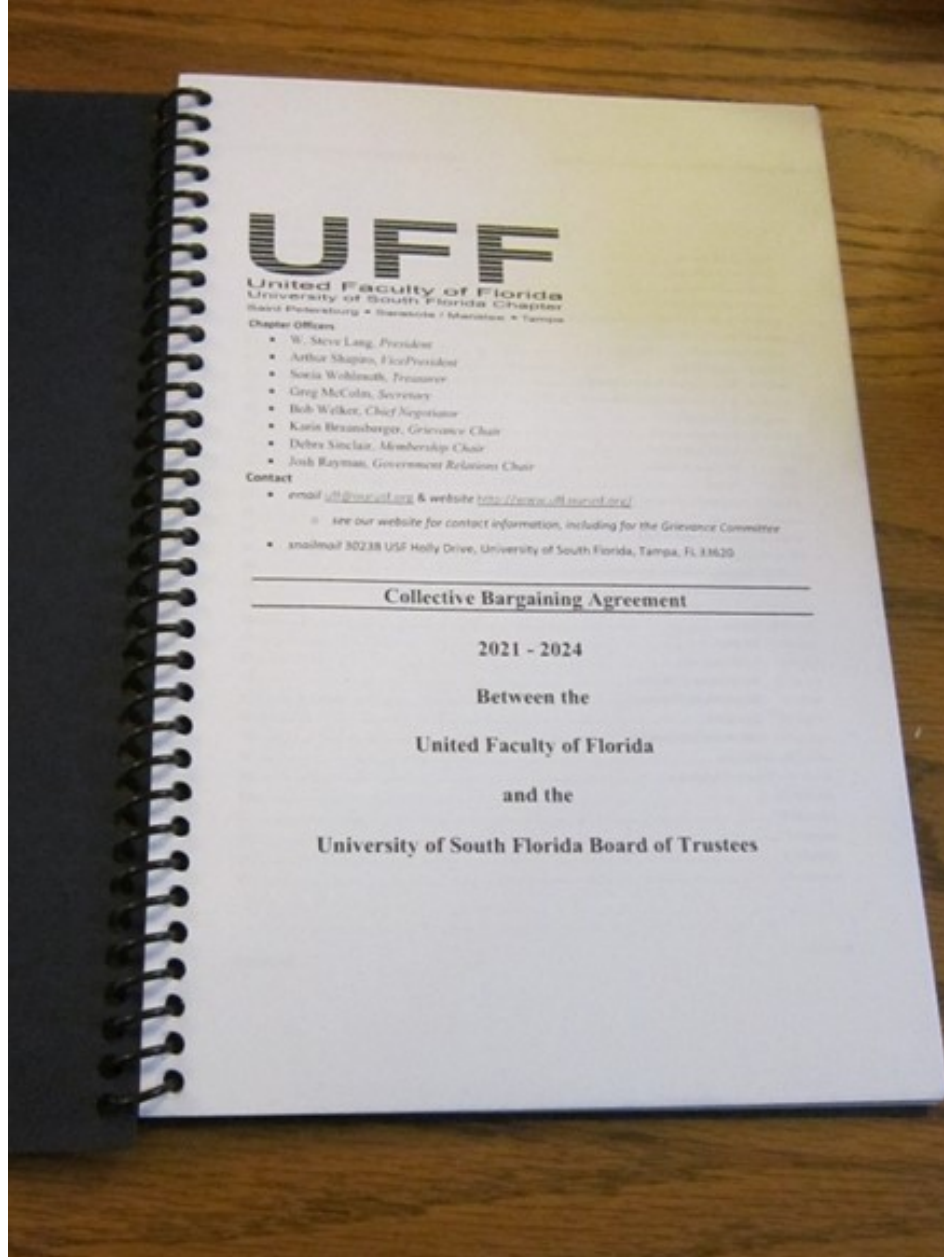
(see [Section 8.4 of the contract](#)). As for termination, tenured faculty have protections from layoffs (see [Article 13 of the contract](#)) and can only be fired for Just Cause (see [Section 16.1 of the contract](#)).

The USF Administration might argue that the state Board of Governors gave the trustees no choice, and the governors in turn might argue that the Legislature gave the governors no choice (hmmm), but now that the notices are out, the wheels are beginning to turn.

Since Post Tenure Review was not bargained, it is not in the contract, and the various irregularities in the process were not grievable under the contract. **But imposing a plan on a tenured faculty member for failing to "meet expectations" or dismissing an "unsatisfactory" tenured faculty member are contract violations and therefore grievable.**

And grievances are already underway. **The union will represent any union member facing a plan or dismissal, but [contact the union immediately](#) as a grievance must be filed within *thirty days* of a contract violation.** The union will not represent non-members in a grievance.

*Another dire long-term effect is the impression of bad faith that the university may make to the academic community. Academics knew what tenure meant, but now Florida says it means something else. Today it's tenure; what will it be tomorrow? Since Academia's time scale is in academic years, the damage will come slowly, but it will be severe and and longlasting.*



## Grievances

The union puts a lot of resources into grievances because they are the primary means of enforcing the contract. In fact, a grievance is a complaint that the contract has been violated. It is not a complaint that a supervisor has been unfair or stupid; unfairness and stupidity are not, in themselves, contract violations.

In fact, the [Grievance Form](#) asks for the specific articles and sections of the contract that were violated.

All UFF USF employees have access to the grievance process, but only union members have the right to union representation; non-members must go alone or hire a lawyer (who may or may not know any labor law).

Here is how the process works:

1. When an employee's contractual rights were violated, that employee has thirty days from the time the employee knew or should of known of the violation to file a grievance. **This time limit is strictly enforced, so don't delay.** The grievance starts in an informal *Step 1*, with an attempt to resolve the issue quietly. If it is not resolved, then...
2. ...the grievance goes to *Step 2*, with a hearing before Academic Affairs. If that does not resolve the issue, then...
3. ...the union may move the grievance to *arbitration* to have the issue resolved by a neutral outside arbitrator. Arbitration is what keeps Step 1 and Step 2 honest.

But now [Florida Statute 1001.741\(2\)](#) (instituted by [Senate Bill 266](#)) says that "personnel actions or decisions regarding faculty ... may not be appealed beyond the level of a university president or designee ... and are not subject to arbitration." In other words, the Legislature says that the Administration may fire faculty, who then have no recourse (and the USF Administration has done so). UFF is now [pursuing this case on numerous grounds](#), and we are hopeful that this law will be overturned.

*Like post tenure review, not only is the legal standing of the university at stake - so is its credibility. If the university leadership does not require professional and adult behavior from middle management while continuing to refuse arbitration, the situation will continue to deteriorate until it leads to public scandal.*

*And incidentally, the lack of arbitration means that the next step after Step 2 is the courts. Expect more lawsuits.*



## The First Social

Last Wednesday, USF faculty and professionals were invited to a social to meet the chapter leadership and talk about major issues.

The social was on Wednesday, April 17, the **Day of Action** of the [American Association of University Professors](#), which posted a statement on [The Future We Stand For](#) and invited organizations to endorse it (the statement is on tomorrow's agenda). *The statement says that We Stand for Democracy - and the System of Higher Education that Sustains it, for the Freedom to Teach and Learn, for the Democratic Value of Dissent, for Higher Education for All, for Job Security, for Democracy within Higher Education, and We Stand Together.* All UFF USF employees are invited to tomorrow's chapter meeting and discuss this statement.

Another topic was last year's [Senate Bill 846](#), which bars USF from getting involved with institutions in nations that the Legislature happens to dislike (this is not [the list of nations of particular concern](#) posted by the U.S. Department of State). According to [the USF website](#) on the subject, the [Statute 288.860](#) is followed by [State University System regulation 9.012](#), which is to appear as a USF policy.

USF has students from nations on the Legislature's little list, and USF has hired faculty from these nations. It is not clear how implementing this regulation will affect recruiting, but in an era of globalization, it is a prescription for mediocrity.

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## Grievances

If you have been the victim of a violation of the [Collective Bargaining Agreement](#), you have **thirty days from the time you knew or should have known of the violation to file a grievance**. If you are, and at the time of the violation were, a dues-paying member of the United Faculty of Florida, you have the right to union representation. To contact the UFF USF Grievance Committee, go to the [Grievances Page](#).

Don't forget: UFF can only represent an employee in a grievance if that employee was a member at the time of the contract violation. *And as of the end of last October, the FEA does not want its lawyers to assist any UFF members who are not on*

eDues, so if you are a UFF member but did not switch to eDues, that should be fixed TODAY. And don't forget that if there is a contract violation, the grievance must be filed within thirty days.



## **Follow us on Social Media &&& *Join us on Social Media***

We have a Facebook group: see [United Faculty of Florida at USF](#). This page is a place where UFF members can exchange thoughts and ideas. **The page is "public", but only dues-paying UFF members are eligible to post items on the page. If you are a UFF member, ask to join on the page, and the moderator will invite every UFF member that asks to join.** Non-members are welcome to look (but you need a Facebook account to do that). So check us out ... join the conversation.

- We have a blog: see [The USF Faculty Blog](#). This has news items as they come up.
- We are on Twitter (aka X), so follow us on Twitter / X via [@UffUsf](#).
- We even have a You-Tube channel: [check out our videos](#)

**We are revamping our publicity machine, and if you are interested in social media, in membership, or in conversations with you colleagues across campus, *come join the campaign.* Contact [the Communications Committee chair](#).**

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### **USF United Support Fund for Food Pantries**

Many of our students are struggling during with food insecurity, and the USF Foundation is supporting the [USF Food Pantries](#) to help out. They are accepting non-perishable donations, but one can also make monetary donations for the pantries at all three campuses.



## Details, Details

The USF-UFF Chapter website is <http://www.uff.ourusf.org>, and our e-mail address is [uff@ourusf.org](mailto:uff@ourusf.org). About this broadcast: This Newsletter was broadcast from Constant Contact, and is intended for all members of the UFF USF Bargaining unit (USF faculty and professionals at most departments). A (usually identical) version will be broadcast to USF-News and USF-Talk from [mccolm@usf.edu](mailto:mccolm@usf.edu).

If you do not want to receive the UFF Biweekly, you can unsubscribe below or contacting [the Chapter Secretary](#). If you do not receive the Biweekly, but want to, contact [the Chapter Secretary](#).

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