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Panel: The Use of Mediation in Higher Education Contract Administration at Florida Gulf Coast University

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• Dr. Elizabeth Elliott – President, United Faculty of Florida - FGCU Chapter & Professor - College of Education

• Dr. Tony Barringer - Associate Provost for Faculty Affairs @ FGCU

• Mr. David Steckler, JD - Grievance Chair, United Faculty of Florida -FGCU Chapter & Instructor - College of Arts and Sciences
“INTEREST-BASED” CONFLICT RESOLUTION

MUST HAVES

A. Similar interests
B. Informal resolution
C. Recognition that issues do exist
D. Talking about issues can be beneficial for all parties
E. Must have mutual trust
F. Must be willing to accept the recommendations on both sides

SIGNS OF GRIEVANCE MELTDOWN

➤ CBA: Interest Based or Bunker Mentality?

➤ Impasse - Unfair Labor Practice (ULP):
More common than interest based agreements?
CREATING A CULTURE OF CHANGE:

1. Not a sign of weakness to suggest a better way for dispute resolution.

2. University Boards/Administrations are not fans of constant drama!

3. Faculty and Students ARE affected by a climate of tension and contention

4. Administration is perceived as overbearing and abusive of management rights/prerogative's whether grievances are won or lost
FOCUS ON DISPUTES WHICH ARE SETTLEABLE

• Administration and Union should agree that certain disputes:
  • terminations, layoffs, disciplinary actions, may have to go to formal grievance, given Union's obligation of fair representation

• Faculty/Departmental supervisor disputes:
  • assignments, professional development plans, annual evaluations, etc., should be more readily settled... IF...
Our Process

MEDIATION TO RESOLVE INTEREST-BASED ALTERNATIVE DISPUTES

FGCU CBA Grievance Article speaks to 'disputes'
Our focus was on pre-dispute resolution of issues and concerns brought forth by faculty and begin with an informal process

TWO PROCESSES: INFORMAL AND FORMAL

Informal Process:

Doesn't require a written factual statement alleging specific CBA violations. Administration appoints a senior point-of-contact with authority to settle.

Formal process:

Requires a full written and formal with specific deadlines and procedures.
We are proud to report that we have had four consecutive years without a formal grievance. With the process we’ve discussed today, we have been able to resolve myriad of disputes with faculty, supervisors, deans, and department heads in a much more collegial atmosphere.
Questions and Answers
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