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

Elizabeth Elliott
Florida Gulf Coast University

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USING MEDIATION TO RESOLVE GRIEVANCE AT FLORIDA GULF COAST UNIVERSITY

NATIONAL CENTER
for the **Study of Collective Bargaining in Higher**
Education and the Professions
HUNTER
The City University of New York

5th Annual Conference Panel
March 26-28, 2017
New York, NY

- **Dr. Ron Toll – VPAA and Provost @ Florida Gulf Coast University (FGCU)**
- **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.

THE RESULTS

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



Contact information:

Dr. Ron Toll – rtoll@fgcu.edu

Dr. Beth Elliott – eelliott@fgcu.edu

Dr. Tony Barringer – tbarringer@fgcu.edu

Mr. David Steckler – dsteckle@fgcu.edu