

**ARTICLE 26
OTHER FACULTY MEMBER RIGHTS**

26.1 Constitutional Rights of Faculty. Nothing in this Agreement, or in the fact of their employment by the University of Florida, shall be understood to diminish the constitutional rights faculty members have as citizens of the United States or the State of Florida, or to diminish the right of such faculty member to exercise those rights. Any alleged violation of such rights shall not be subject to the grievance and arbitration procedure of this Agreement, but shall be subject to vindication only by a court of competent jurisdiction. This shall not prohibit a faculty member from contesting proper cause for disciplinary action in a grievance or arbitration.

26.2 Limitation on Personal Liability.

(a) In the event a faculty member is sued for an act, event, or omission which may fall within the scope of Section 768.28, Florida Statutes, the faculty member should notify the President's office as soon as possible after receipt of the summons commencing the action in order that the Board of Trustees may fulfill its obligation. Failure to notify the employer promptly may affect the rights of the parties.

(b) For information purposes, the pertinent language of Section 768.28(9), Florida Statutes, is reproduced below, as follows:

No officer, employee, or agent of the State or of any of its sub-divisions shall be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event or omission of action in the scope of her or his employment or function, unless such officer, employee or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton or willful disregard of human rights, safety or property.

26.3 Protection for Whistleblowers. Faculty members who report unlawful conduct in writing shall be protected from retaliation for having made that report.

26.4 Postal Services. The Trustees shall pay for reasonable and customary postal services required by a faculty member's assigned duties.

26.5 Free University Courses.

(a) Full-time faculty members may enroll for up to six (6) credit hours of instruction at the University per term (Fall, Spring, or Summer) without payment of tuition or fees, subject only to the restrictions listed in subsections (1) through (5), below. Visiting faculty members are

excluded under this section, but faculty members who are on sabbaticals or on professional development or grants-in-aid leave are included.

(1) To qualify for this benefit, the faculty member must have completed six (6) months of continuous employment and be employed by the University on the date the course begins. Faculty members with a principal place of employment outside of Alachua County are eligible to apply for enrollment in up to 6 hours of instruction per semester at the state university in Florida closest to the place of employment.

(2) The following types of courses are excluded: thesis, dissertation, internships, directed individual study, individual performance courses, non-credit courses, and sponsored credit programs, off-book programs, and some distance education course offerings.

(3) Courses taken in a non-degree seeking status may not apply to a degree program.

(4) If a faculty member enrolls for a course that meets during hours of the faculty member's regularly scheduled duties, all time taken during that period, including time taken in traveling to and from classes, shall be charged to annual or compensatory leave or leave without pay, unless the work schedule has been adjusted to accommodate the class, subject to approval by the appropriate supervisor or administrator. Faculty members must have permission of the supervisor to enroll for a course that meets during hours the faculty member is scheduled to teach. Supervisors shall endeavor to rearrange the teaching schedules of faculty members who wish to take a class.

(5) In order for a course to be paid for under this provision, the faculty member must complete the application form, available from the Division of Human Resources at 317 Stadium West and from the Division's website, during the period for enrollment in the course and submit the completed form to University Financial Services, S113 Criser Hall by the published fee payment deadline.

(b) A faculty member may attend any University course on a non-credit and space available basis, subject to the instructor's permission.

(c) The benefits under this section shall not be treated in accordance with the University's section 127 Plan.

26.6 Tuition Exchange Benefits. The Tuition Exchange Program (TEP), which provides an opportunity for dependent children of full-time faculty to receive a Tuition Exchange scholarship to attend a participating TEP college or university at no tuition charge or at a reduced tuition rate, shall continue as an option.

26.7 Parking.

(a) The Trustees shall provide pre-tax payroll deductions for on-campus parking permits.

(b) On-campus parking permits shall be offered annually to the bargaining-unit faculty at prices not exceeding those charged the University workforce generally.

(c) **Carpool Program.** A carpool decal, which shall each cost no more than one-fourth of the cost of an Orange faculty parking decal, shall be issued to any full-time faculty member when two faculty members and/or staff members register as members of a carpool group. Only two members of the carpool group must purchase the decals. Car pool participants are expected to reside along a reasonable commuting path.

(1) Both carpool decals must be displayed together in the vehicle in order to park in a designated carpool zone.

(2) Carpool decals are not interchangeable between carpool groups. If a carpool group disbands, both decals must be returned before a new carpool group can be formed.

(3) **Emergency Ride Home.** A faculty member of a carpool group shall be provided, upon request, with a ride home without cost, or shall be reimbursed for cab fare home upon submission of a valid receipt, in the event of an unexpected personal or family emergency. Approval for cab fare reimbursement must be obtained from Transportation and Parking Services prior to arranging the emergency cab ride home.

(4) Registered carpool members may purchase up to six (6) one-day permits per semester at half price for use in any decal restricted parking areas.

26.8 Bus Service. Faculty members may ride any Regional Transit System bus fare-free with a valid UF ID.

26.9 P. K. Yonge Developmental Research School (DRS) Advisory Board. The Trustees shall appoint a P. K. Yonge faculty member to the DRS advisory board.

26.10 If a P. K. Yonge faculty member is designated to transport students consistent with the requirements of Chapter 89-282, Laws of Florida (Florida Uniform Classified Commercial Driver's License Act), the Trustees shall pay the costs associated with the faculty member's licensure and endorsement.