

Subject: Re: Response to 11-10-15 Notice of Discipline
From: [James Tracy](#)
Date: Tuesday, November 24, 2015 7:59 PM
To: president@uff-fau.org
Cc: [Doug McGetchin](#), [Mike Budd](#)

Greetings Rob and Doug,

Thanks for your responses. As far as date of filing, this was also my impression, and it makes sense. However, after reviewing the contract on this my present understanding is that the trigger date would be when the letter was mailed, which was November 12. However, they're the party with proof of mailing, so it may as well be Nov. 10. In my letter of 11/22 I have a date of December 1 where I asked to hear back from them if they wish to settle the matter informally. We can also by mutual agreement extend the window for filing the grievance. I don't know how often this is done or if they would be accepting of such a request.

The essence of my lengthy letter is that 1) the administration needs to better explain its policies, 2) I never received notification from the Dean or her representative before formal discipline was meted out, and 3) I have a pre-existing agreement with the administration based on a Settlement of a grievance from 2013 on this very matter, that filing Report of Outside Activity forms at this stage would breach that agreement, and even with the agreement in place the administration's treatment of my specific situation is ambiguous. The administration drew up the offer of settlement, and the Provost's authority supersedes that of any dean. (I realize I need to obtain a signed copy of this document from the Provost.) The agreement was also forged within the grievance parameters of the CBA.

More broadly, our contract is weak on the matter of outside activities, as Rob and I have briefly discussed. For example, Tim recommends caution, suggesting that everyone fill out a Report of Outside Activity that does anything apart from traditional research/teaching/service--that the way the policy and contract read now he would have to fill out the document every time he goes fishing on Friday evening--and suggested the same for me. Doug Broadfield also suggested this in early 2013. Yet Michael Moats interpreted the affair in terms of personal activity/free speech and that's the route I've taken. As academics we know that there's a vast grey area between what we do for recreation and what we do professionally, which is why this is also closely related to Article 5.3(d). I don't know how closely Tim has looked at my case and I wouldn't necessarily expect for him to. I was unaware Doug M. had taken over when I contacted him last week until the conclusion of our conversation.

So Doug, yes, I am interested in going through the necessary grievance procedure and would appreciate your help. I don't know if the union will support the case to arbitration, because in terms of the specific description of "insubordination" and my actions it's cut-and-dry, the admin is like a mule regardless of how irrational its stances may be, and the union might not think we can prevail. Then again it could be resolved before arbitration. In any event, there's a lot more at stake here, particularly in terms of academic freedom, free speech, which I think all of us value much more so than the present administration, and simply being able to request and obtain reasonable, accurate and consistent information from our superiors on policies without fear of reprisal.

Doug my phone numbers are 561-620-2595, and cell 561-945-5590 if you'd like to talk over the next week or so. I can call you as well if a particular time works, or meet as necessary.

Thanks again.

Jim

On Tuesday, November 24, 2015 5:30 PM, president@uff-fau.org wrote:

Doug et al

My understanding is that while the letter is dated Nov 10, Jim didn't

receive it until the 19th. Therefore, it's my understanding that the clock would begin then. Jim - Am I correct about the date of receipt?

Bob

On 24.11.2015 13:06, Doug McGetchin wrote:

Dear Jim,

Remember there is a tight time window for grievances, 30 days. Consider the triggering event date for a potential grievance, looks like Nov 10 in this case so Dec 10 (or 9 to be safe) would be the deadline.

Let me know if you think you might want to go forward with something.

Doug

FROM: James Tracy <jamestracy@startmail.com>
TO: Mike Budd <mbudd44@gmail.com>
CC: dmcgetch@yahoo.com
SENT: Tuesday, November 24, 2015 11:01 AM
SUBJECT: Re: Response to 11-10-15 Notice of Discipline

Hi Mike,

Thanks for your response. I have bcc'd other relevant UFF officers, including Doug McGetchin. I talked with Tim at some length Friday before finalizing the letter, and have also consulted an attorney. They diverge on what the remedy might be. The Outside Activity policy is ambiguous--both the administration's understanding and our interpretation in the CBA.

Best,

Jim

On Monday, November 23, 2015 11:53 AM, Mike Budd <mbudd44@gmail.com> wrote:

Hi Jim,

I got the string of documents you sent, but haven't read them all. I hope you notified the union grievance chair when the conflict over outside employment/income started. If not, please contact Doug McGetchin right away at dmcgetch@yahoo.com.

Mike

On Nov 22, 2015, at 10:11 PM, James Tracy <jamestracy@startmail.com> wrote:

Dear Dean Coltman,

Please find attached my response to your Notice of Discipline dated 11/10/2015 .

Sincerely,

James F. Tracy, Ph.D. <Tracy_Coltman-11-22-15.pdf>