

Representation Decisions & Appeal Policy

SFUFA recognizes its duty of fair representation and undertakes to represent its members fairly, in good faith, and without discrimination. There will be situations when SFUFA must, for specific reasons, make the decision to not represent a member on a particular matter, or to cease to represent a member in a particular matter.

1. SFUFA may make the decision to not represent a member in a particular matter or to cease to represent a member in a particular matter in any of the following circumstances: the matter is not within the ambit of SFUFA's responsibilities as bargaining agent;
 - the matter lies outside of the Association's jurisdiction, i.e. is not arbitrable under the law;
 - the case lacks sufficient merit to proceed;
 - the interests of the individual run counter to the interests of faculty members in general or SFUFA as an organization;
 - the costs of the case, financial and otherwise, outweigh the benefits that may reasonably be expected to accrue to the member and/or SFUFA;
 - the member refuses to follow reasonable advice provided by SFUFA, its staff or its counsel;
 - the member's behavior is abusive;
 - the member refuses to accept a settlement deemed reasonable by SFUFA taking into account all circumstances;
 - other reasons deemed appropriate by the President of SFUFA and consistent with the law, given the prevailing circumstances leading to the issues in dispute.

Staff Decision to Not Represent or to Discontinue Representing

2. The decision to not represent a member on a particular matter or cessation of representation on a particular matter will normally be made by SFUFA staff in consultation with the SFUFA President and/or President-Elect.
3. Should the member disagree with the decision to not represent or to cease to represent, the member shall be entitled to appeal the decision to a panel of three past presidents of the Association who have not been involved in the matter (the "Appeal Panel"). The immediate past president will be responsible for convening the panel (whether or not he/she will be part of the Appeal Panel.) If three past presidents are not available, past Executive members who do not have a conflict in the matter can be chosen for the Appeal Panel.
4. The Appeal Panel shall conduct a hearing to hear from both the member and the staff person. The hearing shall normally be limited to one hour in length. The hearing format

shall be as follows:

2. Staff presentation
3. Member presentation
4. Staff rebuttal
5. Member rebuttal
6. Questions from the panel

5. The Appeal Panel will issue recommendations, in writing, to the Executive Committee within 5 working days of the hearing.

6. The Member and the Staff will have five working days in which to provide the Executive Committee with their response(s) to the recommendations of the Appeal Panel.

7. The Executive Committee will make the final decision regarding a decision to not represent or to cease to represent a member taking into consideration the recommendations of the Appeal Panel and the responses. The decision will be made “in committee” without staff members present. Their decision will be final and binding. Written reasons for the decision will be provided.

Decision of the Executive Committee Not to Provide Funding for a Matter

8. The decision to not provide funding or to not continue to provide funding for a matter (including funding for legal representation) will normally be made by the Executive Committee.

9. Should the member(s) disagree with the decision to not provide funding for a matter or to not continue to provide funding for a matter, the member(s) shall be entitled to appeal the decision to a panel of three past presidents of the Association who have not been involved in the matter (the “Appeal Panel”). The immediate past president will be responsible for convening the panel (whether or not he/she will be part of the Appeal Panel.) If three past presidents are not available, past Executive members who do not have a conflict in the matter can be chosen for the Appeal Panel.

10. The Appeal Panel shall conduct a hearing to hear from both the member(s) and the Executive. The hearing shall normally be limited to one hour in length. The hearing format shall be as follows:

1. Executive Member presentation
2. Member(s) presentation
3. Executive Member rebuttal
4. Member(s) rebuttal
5. Questions from the panel

11. The Appeal Panel will issue recommendations, in writing, to the Executive Committee within 5 working days of the hearing.

12. The member(s) will have five working days in which to provide the Executive Committee with their response(s) to the recommendations of the Appeal Panel.

13. The Executive Committee will reconsider their initial decision taking into consideration the recommendations of the Appeal Panel and the response of the member(s). The decision will be made “in committee.” Their decision will be final and binding. Written reasons for the decision will be provided to the member(s).