

ARTICLE 29

OTHER RIGHTS AND RESPONSIBILITIES OF FACULTY MEMBERS

29.1 **Constitutional Rights of Faculty.** The federal and state constitutional and statutory rights accorded to a faculty member employed by the University of North Florida are not diminished by this Agreement or by the fact of his/her employment by the University of North Florida, and nothing herein shall be construed 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. However, this shall not prohibit a faculty member from contesting proper cause for disciplinary action in a grievance or arbitration proceeding on the grounds that the discipline was imposed in retaliation for the faculty member's exercise of his/her constitutional or statutory rights.

29.2 **Postal Services.** The University Administration shall pay for reasonable postal services related to teaching, scholarship/research/creative activity, service or other assigned duties.

29.3 **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(9), 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 University Administration may fulfill its obligation. Failure to notify the President's office promptly may affect the rights of the parties.
- (b) For information purposes, a copy of the current full-text of Section 768.28(9), Florida Statutes, is included for reference in Appendix "F".
- (c) The University Administration shall provide a legal defense for any faculty member who is sued for alleged acts, events, or omissions of actions within the scope of his or her employment with the University. The University Administration shall have no obligation to provide a defense when the faculty member acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Nor shall the University Administration have any obligation to provide a defense to any faculty member who is sued by another faculty member or any employee, agent, or official of the University, unless the faculty member is a co-defendant with either the University or a member of the University Administration.