

NOTICE OF PROPOSED REGULATION

Date: July 9, 2009

REGULATION TITLE:
Grievance Procedure for Non-Unit Faculty Employees

REGULATION NO.:
UCF-3.036

SUMMARY OF REGULATION AMENDMENT: This new regulation replaces in part the material previously contained in UCF-3.0132. This regulation outlines the procedures for the resolution of grievances filed by non-unit faculty employees.

AUTHORITY: BOG Resolution dated January 7, 2003

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:
Dr. Michael D. Johnson, Assistant to the Provost, Academic Affairs

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:

Regulations Administrator
4000 Central Florida Blvd.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
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FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-3.036 Grievance Procedure for Non-Unit Faculty Employees.

(1)(a) The purpose of the grievance procedure is to promote a prompt and efficient procedure for the investigation and resolution of grievances filed by non-unit faculty employees of the University.

(b) All problems should be resolved, whenever possible, before the filing of a grievance, and open communication is encouraged so that resort to the formal grievance procedure will not be necessary. Informal resolution of grievances is encouraged, and may be continued throughout the process.

(c) The burden of proof shall be on the University in a grievance alleging violation of University Regulation 3.0124, entitled “Discipline and Termination for Cause of Non-Unit Faculty and Administrative and Professional Staff Members.” In all other grievances, the burden of proof shall be on the grievant.

(d) An employee who receives written notice of nonrenewal may only grieve the decision because of an alleged violation of a specific University regulation or because of an alleged violation of law.

(2) Resort to Other Procedures. It is the intent of this procedure to provide a complete response to a grievance but not to encourage multiple processing of the same issue. Therefore, if, prior to seeking resolution of a dispute by filing a grievance under this regulation, or while the grievance proceeding is in progress, a grievant seeks resolution of the matter in any other forum, administrative or judicial, the University has no obligation to proceed further with the matter pursuant to this grievance procedure. It is not intended that the grievance procedure be a device for appellate review. The University shall not entertain a grievance based upon the same issue adjudicated in another forum.

(3) Time limits. All time limits contained in this regulation may be extended either upon approval by the Office of Faculty Relations or by mutual written agreement of the parties. Upon failure of the University or its representatives provide a decision within the time limits provided in this regulation or any extension thereof, the grievant may appeal to

the next appropriate step. Upon the failure of the grievant or representative to file an appeal within the time limits provided in this regulation or any extension thereof, the grievance shall be deemed to have been resolved at the prior step.

(4) Definitions.

(a) The term “grievance” shall mean a dispute concerning the interpretation or application of a university or State Board of Governors’ regulation or policy, except that an employee shall not have the right to file a grievance under the provisions of this regulation concerning discrimination. The provisions of University Regulation 3.0134 apply to allegations of discrimination, and the employee will be expected to pursue a discrimination grievance under that procedure.

(b) The term “days” shall mean calendar days. In the event an action falls due on Saturday, Sunday, university holiday, or a day on which the university is administratively closed, the action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.

(c) The term “grievant” shall mean a non-unit faculty employee who has been directly affected by an act or omission and who has filed a grievance. The term “grievant” shall not mean a former employee, except that a terminated employee may present a grievance within the time limit set forth below following his or her notice of termination.

(d) The term “Vice President” shall mean the University of Central Florida Vice President of the division in which the grievant is employed or the President in the case of the President’s Division.

(e) The term “counsel” shall mean an attorney or lay advisor.

(5) Step One Procedures.

(a) If informal resolution is not successful, the grievant may initiate a grievance by filing the form below with the Office of Faculty Relations.

(b) A Step One written grievance shall be filed no later than 25 days from the date following the act or omission giving rise to the grievance, or 25 days from the date the grievant acquires knowledge, or could have reasonably been expected to have acquired knowledge, of the act or omission.

(c) The grievance will be investigated by a Step One Reviewer appointed by the Vice President. If the act or omission on which the grievance is based is alleged to have been made personally by the grievant's Vice President, the grievance must be initiated at Step Two.

(d) The Step One Reviewer shall meet with the grievant and the grievant's counsel, and others, as appropriate, in order to fully investigate the grievance. The Office of Faculty Relations will be available to assist. The Step One Reviewer shall provide a written decision within 25 days after meeting with the grievant.

NON-UNIT FACULTY GRIEVANCE FORM

Deliver to the Office of Faculty Relations MH 338

This grievance was received on _____ (date) by _____
and was delivered by (check one)

- certified or registered, restricted delivery, return receipt requested mail;
- personal delivery

GRIEVANT NAME: _____ DATE: _____

DIVISION: _____

DEPARTMENT: _____

HOME ADDRESS: _____

HOME PHONE: _____

CAMPUS ADDRESS: _____

CAMPUS PHONE: _____

University Policy or Regulation Violated:

Statement of grievance including date of act(s) or omission(s) complained of:

Remedy Sought:

I will be represented in this grievance by: (check one)

Myself Legal Counsel Other, specify _____.

I understand that this grievance will not be processed if the act(s) or omission(s) complained of herein are, or become, the subject of any other administrative or judicial proceeding.

Signature of Grievant

(6) Step Two Procedures.

(a) A grievant who considers the Step One decision unsatisfactory may seek review of the response by filing the written grievance and decision, along with a written statement of the reason(s) that the grievant believes the response is incorrect, with the Office of Faculty Relations. This filing must occur within fourteen days after receiving the Step One decision.

(b) The grievance will be investigated by a Step Two Reviewer appointed by the President or designee.

(c) The Step Two Reviewer shall meet with the grievant and the grievant's counsel, and others, as appropriate, in order to fully investigate the grievance. The Step Two Reviewer should issue a written decision within 25 days after meeting with the grievant. The Step Two Reviewer's decision shall be final.

(7) Any grievance meeting shall be informal and shall not be in the nature of an evidentiary hearing. While either party may present information, the rules of evidence shall not apply. The grievant is permitted to bring counsel to assist or advise him or her, but discovery, cross-examination, and similar legal procedures are not permissible. The decision of the grievance reviewers must be based on information presented in the grievance process.

(8) Once a grievance is filed, no revisions or additions to the grievance are permitted in later steps.

Authority: Florida Board of Governors Resolution dated January 7, 2003; History—New 4-30-81, Amended 12-27-83, Formerly 6C7-3.132, Amended 3-16-03, 10-18-05; Formerly 6C7-3.0132, Amended _____-09.