

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: April 16, 2009

REGULATION TITLE:
Grievances Alleging Discrimination

REGULATION NO.:
UCF-3.0134

SUMMARY OF REGULATION AMENDMENT: This regulation is amended to provide information about unlawful retaliation, reports of discrimination, and the Discrimination Grievance Procedure. Amendments also include technical changes, specifically renumbering the regulation.

AUTHORITY: BOG Resolution dated January 7, 2003

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:
Janet Balanoff, Director, Equal Opportunity/Affirmative Action Programs

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:

UCF6C7-3.0134 Grievances Alleging Discrimination.

(1) This ~~rule-regulation applies to all university faculty, A&P and USPS employees~~outlines the procedures to be used for processing grievances alleging unlawful discrimination or

retaliation. Federal and state laws protect employees, students, and invitees against discrimination. University policies have been developed to explain that protection and to offer solutions when discrimination is alleged on the basis of race, sex, national origin, religion, disability, age, veteran status, marital status or parental status.

~~— (2) General. UCF Rules 6C7-3.0131, 6C7-3.0132 and 6C7-3.0133, F.A.C., provide the administrative procedures to be used for processing employee grievances. In addition to those procedures, employee grievances alleging discrimination against the employee are subject to the additional regulations shown in subsection (3) below.~~

(2) —The Discrimination Grievance Procedure is the university procedure for addressing discrimination based on sex, race, national origin, religion, disability, age, veteran status, sexual orientation, marital status, or parental status. It responds to the University’s obligations under various laws to provide equal opportunity in employment and programs and to provide access, including but not limited to Title IX, Title VII, Title VI, Age Discrimination in Employment Act, Section 504, Executive Order 11246, ADA-AA, and the Florida Educational Equity Act. A complete list of statutory and regulatory authorities is maintained on the EO/AA Office’s homepage.

(3) Processing Grievances Alleging Discrimination.

(a) When an allegation of unlawful discrimination or retaliation is involved, the grievant individual may elect to submit a written grievance ~~as follows~~under this procedure. ∴

~~— 1. Through the channels prescribed by the applicable rule listed in subsection (2) above,~~
~~OR~~

~~— 2. Unless specifically prohibited by the terms of an applicable collective bargaining agreement, the grievant may submit a grievance directly to the university’s Office of Equal~~

Opportunity and Affirmative Action (EO/AA). A representative of that office will communicate with those involved in the grievance.

(b) ~~If the~~An employee grievance ~~is~~ submitted through other grievance procedures but which alleges discrimination will be submitted to the ~~the channels prescribed by subsection (2) above, the supervisor or other official first receiving the written grievance shall bring the matter to the attention of the~~ Director of EO/AA ~~and that director's recommendations shall be considered during the formal processing procedure.~~

(c) Where a grievance is submitted to ~~If the grievance is submitted directly to the Director of~~ EO/AA, the grievant will be notified in writing of the findings of the investigation. Findings from this procedure may be considered in an employee grievance initiated under other procedures process initiated in subsection (2) above, but no grievance will ~~be~~ be processed through ~~considered in~~ more than one university administrative forum at a time.

(d) Reports of discrimination or retaliation will be reviewed and resolved appropriately. Reports are differentiated from grievances alleging discrimination. Reports are defined as information conveyed directly to EO/AA, or to that office from another university representative receiving information. That information ~~An individual using that format may forego an individual remedy in favor of a generalized corrective action or may describe a situation that does not meet the definition of discrimination or retaliation.~~

(4) —Unlawful Retaliation. Federal and state laws protect every individual who files a discrimination grievance, or assists in the investigation, from acts of retaliation. Retaliation is defined as adverse actions taken against an individual who ~~the grievant or individual who assists when those actions are based on the filing of, or assistances with, thea discrimination grievance.~~

(5) —Substantiated discrimination grievances or retaliation grievances will be addressed with appropriate corrective action. EO/AA will inform the President, Provost, or appropriate Vice President when an investigation concludes with findings of unlawful discrimination or retaliation. The President, Provost, or appropriate Vice President will take steps to implement actions that will correct the unlawful discrimination or retaliation. These include but are not limited to changes in regulations, policies, or procedures; discipline administered through standard procedures; changes in the grievant's status to achieve a non-discriminatory environment; or other remedies deemed appropriate.

Authority: BOG-Florida Board of Governors Resolution dated January 7, 2003. History—New 12-27-83, Formerly 6C7-3.134, Amended 1-6-93, 4-23-03; Formerly 6C7-3.0134, Amended -09.