

NOTICE OF REGULATION REPEAL

Date: July 9, 2009

REGULATION TITLE:

Grievance Procedures for Non-unit Faculty and
A&P Staff Members

REGULATION NO.:

UCF-3.0132

SUMMARY OF REGULATION REPEAL: This regulation is being repealed. New regulations are being adopted that will cover the subject matter.

AUTHORITY: BOG Resolution dated January 7, 2003

NAME OF PERSON(S) WHO INITIATED PROPOSED REGULATION AMENDMENT:

Mark Roberts, Director, Human Resources and 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 REPEAL:

UCF-3.0132 Grievance Procedures for Non-unit Faculty and A&P Staff Members.

(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 and A&P 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 UCF-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 non-reappointment may 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 enter or 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 director of Human Resources or by mutual agreement of the parties.

Upon failure of the university or its representatives to 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 counsel 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’ rule, regulation, or policy except that an employee shall not have the right to file a grievance under the provisions of this regulation concerning performance appraisals or discrimination. The provisions of UCF-3.0134 apply to allegations of discrimination, and the employee will be expected to pursue his or her discrimination grievance under that procedure.

(b) The term “days” shall mean calendar days. In the event an action falls due on Saturday, Sunday or a State Holiday, 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 or A&P 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 termination.

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

(e) The term “Division” shall mean an area administered by a Vice President.

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

(5) Presentation of a Grievance.

(a) Informal resolution of grievances is encouraged with resort to formalized procedures established by this rule being utilized only when informal discussions and procedures at the appropriate lowest administrative level do not satisfactorily resolve differences.

(b) A Step One grievance within the meaning of these procedures shall be commenced upon filing with the appropriate Vice President a written grievance in a form approved by the Director of Human Resources, as follows. 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 grievant may, in writing, request the university President to appoint another Vice President described.

GRIEVANCE
STEP ONE

DATE: _____

NAME: _____

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.

This grievance was filed with the Vice President of _____ on the _____ day of _____, 20____, by (check one)

certified or registered, restricted delivery, return receipt requested mail

personal delivery _____

Signature of Grievant

Date

Received: _____

Office of the Vice President of _____

By: _____

(c) A 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.

(6) Step One Procedures.

(a) If informal resolution is not successful and the grievant wishes to pursue the matter, the grievance shall be committed to writing and submitted to the Vice President. Upon receipt of the written grievance the Vice President shall name three persons to serve on the grievance panel and shall designate one of the three persons to serve as a chair. The Panel shall be composed of three University of Central Florida non-unit Faculty or A&P employees. The Panel shall be selected from a pool of panelists consisting of at least twelve employees from at least five divisions of the University.

(b) The Grievance Panel shall meet with the Grievant and the Grievant's representative if the Grievant so desires, and establish the facts giving rise to the grievance through informal conferences which shall be completed within twenty-five (25) days following receipt of the grievance by the Vice President. The Panel shall interview the Step One reviewer and others in addition to the Grievant to seek out other evidence in order to recommend an appropriate resolution of the grievance. The investigation shall be as informal as possible, yet compatible with the interests of determining a rational resolution of the grievance. The Panel shall, within twenty-five (25) days following the conclusion of the informal conferences with the Grievant,

submit to the Vice President findings with respect to the grievance, together with a proposed resolution of the matter grieved. The report shall indicate what evidence is deemed pertinent, and upon what basis the proposed resolution was reached.

(c) Within twenty-five (25) days following the receipt of the findings and proposed resolution, the Vice President shall render a decision in writing which shall either:

1. Accept the findings and proposed resolution as submitted, or
2. Modify the findings and proposed resolution, but in such cases, shall state in writing the reasons for departing from the report, and distribute the decision to the Grievant.

(7) Step Two Procedures.

If the Grievant is unsatisfied with the decision in Step One, and wishes to pursue the matter, the Grievant may file a written appeal with the President within twenty-five (25) days from the date of the grievant's receipt of the Vice President's Step One decision. The President may elect to hear the matter personally or may appoint a representative to hear the matter. Any such conference 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 employee is permitted to bring a representative to assist or advise him or her, but discovery, cross-examination, and similar legal procedures are not permissible. The decision of the President or representative must be based on information presented in the grievance process. The decision of the President or representative shall be final and binding.

(8) Inactive status. A grievance that is not acted upon by the grievant or his/her representative for more than thirty (30) calendar days shall be deemed resolved in accordance with the decision issued at the prior step.

*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.*