

## NOTICE OF PROPOSED REGULATION AMENDMENT

Date: August 19, 2005

**REGULATION TITLE:** Grievance Procedure for Non-unit Faculty and A&P Staff Members  
**REGULATION NO.:** 6C7-3.0132

**SUMMARY OF REGULATION AMENDMENT:** The only change to this regulation is to add a provision administratively closing a grievance file in the event the grievant does not act on the grievance for an extended period of time. This change is made to buttress the expedited nature of the grievance process.

**AUTHORITY:** BOG Resolution dated January 7, 2003

**NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:**  
Mark Roberts, Director of Human Resources

**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 IS:**

Regulations Administrator  
4000 Central Florida Blvd.  
Millican Hall, Suite 360  
Orlando, FL 32816-0015  
Phone: (407) 823-2482  
Fax: (407) 823-6155  
e-mail: [regulations@mail.ucf.edu](mailto:regulations@mail.ucf.edu)

**FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:**

**6C7-3.0132 Grievance Procedures for Non-unit Faculty and A&P Staff Members.**

(1)(a) The purpose of this rule 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 Rule 6C7-3.0124, F.A.C., 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 rule 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 rule, 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's response to a recommended order of a hearing officer acting pursuant to Chapter 120, F.S., or to other individuals or groups having appropriate jurisdiction in any other procedure, shall not be an act of omission giving rise to a grievance under this procedure. Nothing in this rule shall be construed to restrict the rights of employees to seek redress or remedy under Chapter 120, F.S., where substantial interests of a party are involved. 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 rule 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 rule 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 rule 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 Education rule, regulation, or policy.

(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 Rule 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 do ( ) do not ( ) want a postponement for up to 25 days to seek further informal resolution of this grievance.

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 shall be 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 three employees from each division 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.

(a) 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, may appoint a representative to hear the matter, or, if the matter grieved involves a substantial interest of the grievant, may request that a hearing officer be appointed from the Division of Administrative Hearings. In any event, a hearing shall be commenced and conducted in accordance with Section 120.57, F.S. Such hearings shall be open to the public. Time limits shall be as established by law. The report of the president's designee or hearing officer shall be considered by the President in accordance with the procedures established by Chapter 120, F.S., and may be adopted, modified, or rejected by the President or designee. The decision of the President or designee shall be a final agency order.

(b) For the purpose of the hearing conducted pursuant to Step Two, the grievant shall be deemed the petitioner, and the University the respondent, except in those instances where the grievant has been charged with misconduct, whereupon the University shall prepare the petition and carry the initial burden of proceeding with the evidence before the hearing party.

(8) In addition to the foregoing procedures, whenever a written grievance alleges discrimination against an employee, the provisions of UCF Rule 6C7-3.0134, F.A.C., also apply.

(9) Inactive status. A grievance or arbitration request 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.

Specific Authority: ~~1001.74(4), 1001.75(3) FS. Law Implemented 1001.74(19), 1001.75(3) FS.~~BOG Resolution dated January 7, 2003. History--New 4-30-81, Amended 12-27-83, Formerly 6C7-3.132, Amended 3-16-03,

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