

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 13, 2009

REGULATION TITLE:

Affirmative Action; Complaints and Appeal Procedures for Academic Personnel (AP), Technical, Executive, Administrative And Managerial Support (TEAMS) Staff Members, and University Support Personnel System (USPS) Employees

REGULATION NO.:

6C1-1.0063

SUMMARY: The amendments update and identify the person and the office responsible for investigating complaints of discrimination and sexual harassment. The Director of University Equal Employment Opportunity will investigate discrimination complaints and issue an appropriate report.

AUTHORITY: BOG Resolution dated January 7, 2003.

COMMENTS CONCERNING THE PROPOSED REGULATION 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: Rebecca J. Holt, Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Paula Fussell, Interim Vice President for Human Resource Services

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS~~RULES~~ OF
UNIVERSITY OF FLORIDA

6C1-1.0063 ~~University of Florida;~~ Affirmative Action; Complaints and Appeal Procedures for Academic Personnel (AP), Technical, Executive, Administrative and Managerial Support (TEAMS) Staff Members, and University Support Personnel System (USPS) Employees.

(1) The following procedures are available to Academic Personnel (AP), Technical, Executive, Administrative and Managerial Support (TEAMS) staff, and USPS employees to seek resolution of alleged discrimination in the employment practices of the University. The existence of these appeal procedures do not preclude use of the formal grievance procedures for Academic Personnel and TEAMS staff set forth in Regulations~~Rules~~ 6C1-7.041 and 6C1-3.051, ~~F.A.C.~~, and applicable grievance procedures for USPS employees; however, such grievance procedures must be initiated within applicable time limits, subject to authorized extensions. In no event will any individual be entitled to or permitted to institute proceedings under this regulation~~rule~~ and Regulations~~Rule~~ 6C1-7.041, 6C1-7.042, or 6C1-3.051, ~~F.A.C.~~, as filing under any one of these regulations~~rules~~ constitutes a waiver of any right the individual might otherwise have to another University grievance procedure.

(2) AP and exempt TEAMS employees, and applicants for these positions, alleging discrimination in employment practices should seek ~~informal~~ resolution of any such grievance by contacting the ~~administrative officer responsible for the appointment, and/or by filing a written complaint with the~~ Director of University Equal Employment Opportunity ~~Programs~~ or by filing a grievance under an applicable collective bargaining agreement. The Director of University

Equal Employment Opportunity ~~Programs~~ shall investigate~~forward~~ any such written complaint and forward a final investigatory report to the head of the college or unit in which the alleged discriminatory act occurred. If the head of the college or unit in which the alleged discriminatory act occurred is the alleged harasser, the final investigatory report~~complaint~~ will be forwarded to the appropriate hiring authority~~next higher administrator~~. ~~If an acceptable solution cannot be achieved, an appeal may be made to successively higher levels of authority, including the appropriate Vice President. Prompt consideration shall be given to the complaint at each level of appeal. If resolution does not occur by these appeals, the Director of University Equal Opportunity Programs shall consider all available information on the matter and submit a report to the Provost describing and recommending what action, if any, should be taken by the University. The Provost shall issue a final decision on the appeal.~~

(3) USPS employees and non-exempt TEAMS employees and applicants for these positions, alleging discrimination in the employment practices of the University, should seek ~~informal~~ resolution by ~~first~~ contacting the University Equal Employment Opportunity ~~Programs~~ ~~Office~~ which shall determine the nature of the alleged discrimination. The Director of University Equal Employment Opportunity ~~Programs~~ ~~Office~~ shall review the complaint with the complainant to assure that it is fully understood and conduct an investigation into the complaint and forward a final investigatory report to the hiring authority in which the alleged discriminatory act occurred. If that hiring authority is the alleged harasser, the final investigatory report will be forwarded to the next higher administrator. The Director of University Equal Employment Opportunity shall issue the final decision on behalf of the University of Florida.~~to determine if an acceptable solution can be achieved. If resolution does not occur, the University Equal Opportunity Programs Office shall request that the complainant file a written complaint~~

~~immediately. After the written complaint is received, the University Equal Opportunity Programs Office shall consider all available information about the matter and submit a report to the Provost describing and recommending what action, if any, should be taken by the University. The Provost shall take final action.~~

(4) This complaint ~~and appeal procedure~~ shall not prevent the aggrieved party from seeking resolution of a complaint through procedures available in other State and Federal agencies.

Specific Authority: [BOG Resolution dated January 7, 2003](#) ~~1001.74(4) FS.~~

~~Law Implemented 1001.74(19) FS.~~

History--New 2-23-82, Amended 3-6-85, Formerly 6C1-1.063, Amended 3-2-87, 11-13-90, 1-7-03, _____.