Florida Gulf Coast University Board of Trustees
October 21, 2008

SUBJECT: Complaint Review Procedure for USPS Employees (FGCU-PR-5.011)
Disciplinary Actions (FGCU-PR5.016)
Grievance Regulation (FGCU-PR5.020)

PROPOSED BOARD ACTION

Approve revisions to university regulations referenced above, as well as the repeal of the Complaint Review Procedure for USPS Employees (FGCU-PR5.011)

BACKGROUND INFORMATION

The regulations, FGCU-PR-0.16, Disciplinary Actions and FGCU-PR5.020, Grievance Regulation, are being updated in order to apply to Out of Unit Faculty, Administrative & Professional (A&P) and Support Personnel employees. This change is in conjunction with the repeal of the Complaint Review Procedure for USPS Employees.

All state universities are required to utilize the Board of Governors’ Regulation Development Procedure. This updated FGCU measure assists in handling matters based upon today’s current practices and expectations.


Prepared by: Director of Human Resources Steven Belcher

Legal Review by: General Counsel Vee Leonard (9/19/08)

Submitted by: Vice President for Administrative Services and Finance Joe Shepard
REGULATION TITLE:
Complaint Review Procedure for USPS Employees

REGULATION NO.:
FGCU-PR5.011

SUMMARY:
Approve repeal of Regulation FGCU-PR5.011 Complaint Review Procedure for USPS Employees. This regulation will be replaced by FGCU-PR5.020 Grievance Procedures. Previously the Grievance Procedure only applied to Administrative & Professional (A&P) and Non-Unit Faculty. With this change, FGCU-PR5.020 now applies to USPS employees as well.

FULL TEXT:
The full text of the regulation being proposed is attached and can also be found at http://www.fgcu.edu/generalcounsel/promulgation.asp

LAW IMPLEMENTED:
Not applicable.

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:
Director Human Resources

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:
Vice President for Administration and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:
Diane St. John, Administrative Assistant, dstjohn@fgcu.edu; (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE SEPTEMBER 26, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: SEPTEMBER 12, 2008.
REGULATION: FGCU-PR5.011

Complaint Review Procedures for
USPS Employees

Effective Date of Regulation: 4/17/1997
REPEAL

(1) General. This complaint review procedure is available to University Support Personnel System (USPS) employees. The purpose of this procedure is to provide a prompt and efficient process for the investigation and resolution of workplace complaints filed by USPS employees. The University encourages informal resolution of workplace disputes and encourages open communication so that resort to formal complaint procedures can be avoided.

   a. Exclusions. Suspensions, reductions in pay, transfers, layoffs, demotions and dismissals shall not be considered as complaints under this process. Review of those actions shall be handled under the provisions governing arbitration appeals for USPS employees. An employee also has no right to file a complaint concerning performance evaluations unless it is alleged that the evaluation was based on factors other than the employee’s performance on the job.

   b. Time Limitations. Time limitations contained in this rule are established to ensure timely consideration and response management to the complaint. The employee and the Director of Human Resources may mutually agree to extend any time limitation.

   c. Available Review. Employees with permanent status in the USPS shall have access to the full complaint review procedure. Employees who have not achieved permanent status in the USPS, may utilize the complaint review procedure through Step 2.

   d. The FGCU Complaint Review Procedure Form, Form BR-G100 (10/26), which is incorporated by reference, has been approved by the University President and is available upon request at the Office of Human Resources, 10501 FGCU Blvd., South, Fort Myers, FL 33965-6565.

(2) Definitions.

   a. A "complaint" for the purposes of this process, is the allegation by an employee that any condition affecting the employee’s terms and conditions of employment is unjust, inequitable, or creates a problem.

   b. The terms "days" shall mean calendar days. In the event a time limit expires on a Saturday, Sunday, or on a State holiday, an action will be
considered timely if it is accomplished by 5:00 p.m. on the following business day.

(3) STEP 1.
   a. When a complaint arises, an employee should arrange a meeting with the immediate supervisor within seven days from the date that the employee became aware of the act or conditions which form the basis of the complaint. The complaint may be expressed orally or in writing.
   b. The immediate supervisor must respond to the employee's complaint within seven (7) days of the first meeting. If a written complaint is provided to the supervisor, the response shall be in writing. If the complaint is provided orally, the response may be provided in writing at the discretion of the supervisor.

(4) STEP 2.
   a. If an employee is dissatisfied with the response of his or her immediate supervisor then the employee can advance the complaint by completing PART A of the Complaint Review Procedure Form. The complaint will not be reviewed by supervisors above the level of the immediate supervisor unless the complaint is filed in written form. A member of the staff of the Office of Human Resources shall assist the employee in completing the written complaint form upon request. The employee shall specifically state the nature of his or her complaint and the action desired to resolve the complaint.
   b. The complaint at Step 2 should be filed with the employee's immediate supervisor within seven (7) days of receiving the immediate supervisor's Step 1 response. The employee also shall furnish a copy of the written complaint to the Director of Human Resources who will determine if the complaint can be resolved at the University level. If the complaint is denied at Step 2, the employee shall be notified in writing. Copies of the complaint and the letter of denial will be sent to the employee, department head and University President.
   c. Upon receiving Form HR-G100 (10/26), incorporated by reference, from the employee, the immediate supervisor shall complete Part B of the form and forward it to the next level of supervision.
   d. The second level supervisor is encouraged to consult with others including other levels of management as necessary in order to fully investigate the complaint where it is considered appropriate. The second level supervisor may also arrange a meeting with the employee and either party may request that a member of the Human Resources staff be present at the meeting to provide assistance as needed. If the second level supervisor
deems it appropriate, the written complaint may be forwarded to the next higher level of supervision for review.

e. Part C of form HR-G100 (10/26), incorporated by reference, shall be completed by the second level supervisor and returned to the employee within fourteen (14) calendar days of receipt of the written complaint.

(5) STEP 3.

a. If an employee is dissatisfied with the response at Step 2, the employee may request a Step 3 review by a complaint hearing officer within seven (7) days of receiving the Step 2 response.

b. The employee shall submit the request for a Step 3 review (Part D of Form HR-G100 (10/26), incorporated by reference) together with the complete file of the complaint to the Director of Human Resources, and provide a copy to his or her immediate supervisor. The employee may submit any additional information deemed pertinent for consideration by the hearing officer, including the name(s), job titles and telephone number(s) of individuals who have first-hand information concerning the complaint. The employee shall indicate, in detail, the information that can be provided by the listed individuals. If the employee desires to have a representative present, the name, title, and telephone number of the representative shall be included in the documentation submitted to the Director of Human Resources.

c. Upon notification that the employee has requested a Step 3 review, the employee’s department head shall immediately submit to the Director of Human Resources, the names of those who participated in the departmental review. The department shall also specify the name, title, and telephone number of the departmental employee who will act as a representative by completing Part E of form HR-G100 (10/26), incorporated by reference.

d. All information and materials submitted for the complaint review hearing officer must be complete and concise, identifying the problem and stating the action or remedy that the employee desires. The Director of Human Resources may request additional information or clarification from all parties to the complaint.

e. The Director of Human Resources shall be responsible for ensuring a complaint review hearing officer is appointed to hear the complaint within fourteen (14) days from the date that the employee filed for Step 3 review.

(6) Selection of Complaint Review Hearing Officer.

a. Upon receipt of a request for Step 3 review, the University President, or designee, shall appoint an individual from the University Community outside the division of the complaining employee, to act as the complaint review hearing officer.
b. The complaint review hearing officer may conduct a formal complaint hearing, perform further investigative interviews, or review the written record, in order to establish facts, conclusions and recommendations.

c. The complaint hearing officer shall:

   i. Assure the review is thorough and objective.

   ii. Arrange for a suitable place to conduct the investigative interviews, or if a complaint hearing is conducted, provide reasonable advance notice to the parties.

   iii. Assure that all interviews or hearings are conducted in an orderly manner.

   iv. Tape record investigative interviews, or the complaint hearing, if conducted.

   v. Prepare a written report containing findings of fact, conclusions of law, and a recommendation for the resolution of the complaint by the President.

(7) Final Decision by President.

   a. The President shall furnish the employee with a written decision on the complaint within sixty (60) days from the date it is filed at Step 2.

   b. The decision of the President shall be final in all complaints.

Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (5) FS. History—New 4-17-97.
FLORIDA GULF COAST UNIVERSITY
NOTICE OF REGULATORY ACTION
September 12, 2008

REGULATION TITLE:
Disciplinary Actions

REGULATION NO.:
FGCU-PR5.016

SUMMARY:
The regulation, Disciplinary Actions, is being updated in order to reflect and align with the revised regulation, Grievance Procedure FGCU-PR5.020 as it applies to Out of Unit Faculty, Administrative & Professional (A&P) and Support Personnel employees.

FULL TEXT:
The full text of the regulation being proposed is attached and can also be found at http://www.fgcu.edu/generalcounsel/promulgation.asp

LAW IMPLEMENTED:
Law Implemented: §1001.74, Florida Statutes

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:
Steve Belcher, Director, Human Resources

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:
Dr. Joseph Shepard, Vice President for Administrative Services

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:
Diane St. John, Administrative Assistant, dstjohn@fgcu.edu; (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

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THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: SEPTEMBER 12, 2008.
(1) Scope and Authority.

(a) This rule applies to all out-of-unit Non-Unit Faculty, Administrative and Professional (A&P) and University Support Personnel System (USPS) employees of the University. Employee discipline is considered to be a very serious action that is undertaken with care, objectivity and full consideration for the rights and interests of both the employee and the University. Discipline shall be administered in a judicious manner that strives to achieve equitable treatment for all employees.

(b) The authority to discipline employees is vested in the University President. The level of delegation authority varies with the severity of the particular disciplinary action. The President has delegated authority to Vice Presidents to approve disciplinary actions within the administrative area for which he/she is responsible, regarding the demotion, suspension and termination of any USPS Support Personnel and A&P employee. In the case of Executive Service employees, disciplinary action remains with the President. Authority has been delegated to Department Heads and/or immediate supervisors to administer oral and written reprimands.

(2) Standards of Conduct. Employees shall respect the rights of others, exhibit a level of behavior supporting the University Mission, Guiding Principles and best interests of the University, perform assigned duties in an orderly and efficient manner, and adhere to all University regulations, policies and directives.

(3) Disciplinary Procedures. An employee, who repeatedly violates the University’s standards of conduct, whether of the same or different nature, and who, despite repeated warnings, fails to correct his or her behavior to conform to reasonable conduct or work standards may be subject to progressive and cumulative disciplinary action.

In general, disciplinary actions are based on the concept of progressive and cumulative discipline. Progressive discipline is based on the principle that employees have been informed of the performance and behavior expected of them. As offenses occur appropriate discipline will be administered in a progressive manner. Penalties shall be appropriate to the circumstances of the offense.

These standards do not preclude the imposition of more or less severe penalties depending upon all circumstances surrounding a particular incident.

(a) Job-related offenses. Generally, the standards for disciplinary action apply to offenses that occur while the employee is at work. For Offenses occurring off the job, disciplinary action will be determined based on the facts and circumstances of each situation, including but not limited to, the employee’s ability to continue to perform his/her current job, and whether it adversely affects the University’s ability to carry out its assigned mission.

(b) Counseling. Except for offenses which warrant immediate disciplinary action, supervisors may counsel an employee and provide an opportunity for him or her to comply with the instructions before administering disciplinary action. If the problem is not resolved, the supervisor will notify the employee that disciplinary action will be taken.
(c) Investigatory Interview. Investigatory interviews may be used by the supervisor to determine whether the employee committed the alleged offense. The employee shall be advised prior to an interview that the supervisor will be conducting an investigatory interview. The provisions of Part VI of Chapter 112, F. S., shall apply to law enforcement employees covered by that statute.

(d) USPS Probationary Employees. The probationary period for each USPS Support Personnel employee is intended to be a working test period following appointment to any class in which the employee does not hold regular status. Probationary employees may be disciplined without a right of appeal and are subject to dismissal for any single offense or for failure to meet required performance levels during the probationary period. For purposes of discipline, regular status refers to an employee's status in the USPS Support Personnel and not a specific job. Consequently, an employee with regular status in USPS Support Personnel, but serving in probationary status in a class may be removed from the class during this probationary period, without the application of these standards. New employees, in probationary status in the USPS, may be dismissed during this probationary period without the use of these standards and without the right of appeal.

(4) Types and Guidelines for Disciplinary Action.

(a) All forms of disciplinary action shall be in a memorandum format, informing the employee of the nature of the offense that was violated, briefly noting the specific incident, the corrective action expected, and the possible consequences if the offense is repeated. This document shall be signed by the immediate supervisor with a signature line for the employee to acknowledge receipt. A copy shall be provided to the employee with a copy to Human Resources for inclusion in the employee's personnel file.

(b) Oral Reprimand. This is the least severe type of disciplinary action and is administered to bring about a change in inappropriate behavior.

(c) Written Reprimand. A written reprimand is a more significant type of disciplinary action designed to correct continued or more serious offenses.

(d) Suspension. This is a severe form of discipline which can be administered as a step in the progressive and cumulative discipline procedure following one or more written reprimands, or for the first commission of a serious offense. Suspension is defined as an action taken by the University to temporarily relieve the employee of duties and place the employee on leave without pay. Notice shall be given, offering the employee the opportunity for a predetermination conference pursuant to section PR5.016(5) below.

(e) Dismissal. This is the final and most severe form of discipline that can be imposed on an employee. Dismissal is defined as the action taken by the University to separate an employee from employment. Notice shall be given, offering the employee the opportunity for a predetermination conference pursuant to section PR5.016(5) below.

(5) Predetermination Procedures. (a) Written Notice. Following written notice but prior to the date of dismissal or suspension without pay of an out-of-unit non-unit faculty, regular USPS Support Personnel or A&P employee, the University shall provide the employee written notice prior to the date the action is to be taken. If the employee is available, the notice shall be hand delivered to the employee and duly receipted by the employee or the notice shall be mailed to the employee by certified mail, return receipt requested. The mailed notice shall be considered received by the employee even if refused or ignored.
(b) Contents of Notice. The notice shall be signed by the person authorized to make the final decision or his/her designated representative and shall include the following:

1. The effective date of the University's proposed final action;
2. The specific charges or reasons for the action;
3. A list of documents on which the charges or other reasons are based; and a statement that documents shall be available to the employee upon request;
4. A statement that the employee may, within five (5) workdays of receipt of the notice, submit a request in writing for a conference at which the employee may make an oral or written statement, or both, to the University to refute or explain the charges or reasons for the action; and the name, address, and telephone number of the person to whom the request for a conference shall be directed;
5. A statement that the requested conference must be held prior to the proposed effective date of the action, at a time and place determined by the University, normally during regular business hours, and that the employee may bring a representative to advise and assist;
6. A statement that the University desires to reduce the risk of error in taking the action against the employee and to avoid damaging the employee's reputation by untrue or erroneous charges, and therefore, the University is interested in receiving and considering the employee response; and
7. A copy or summary of the predetermination procedures shall be enclosed with the notice.

(c) Conference. If a conference is requested by the employee, it shall be conducted by the person authorized to make the final decision or his/her designated representative as follows:

1. The person conducting the conference shall explain that the purpose of the conference is to hear the employee's response to the charges in order to protect the employee from erroneous or arbitrary adverse action, to afford the University an opportunity to reevaluate its position after reviewing the information presented by the employee, and to thereafter affirm or alter the disciplinary action as may be warranted.
2. The conference shall be informal and shall not be in the nature of an evidentiary hearing. Discovery, cross-examination, and similar legal procedures are not permissible.
3. The employee shall be permitted to submit relevant information, orally or in writing, or both, with the privilege being reserved to the University to give such information the weight it deems proper.
4. After the conference is conducted, the employee shall be notified in writing, as soon as practicable, that the proposed final action will be effective on a specific date, that the proposed final action has been revised, or that no action will occur.

(d) Decision. If the University determines after the conference that it will proceed with the reduction in pay, suspension, or dismissal of the employee, the employee shall be notified in writing by personal delivery or by certified mail, return receipt requested, within five (5) workdays from the date the action is effective.

(e) During the period between the first notice and the effective date of the action, one of the following options may be used by the University: retain the employee in his/her usual duties; temporarily assign the employee to other duties; place the employee on administrative leave with pay; or opt to provide a lump sum amount to be paid to the employee in lieu of providing the applicable time as notice of separation. In the case of exigent circumstances, the University reserves the right to suspend or terminate an employee without notice.

(6) Standards for Disciplinary Action. The following standards for disciplinary action shall be used by supervisors to strive to achieve uniformity in treatment in the most common disciplinary problems. The list of offenses is not exclusive and the disciplinary action selected for a particular offense will be chosen based on the facts of the specific situation taking into consideration any extenuating circumstances. These standards do not preclude the imposition of more or less severe penalties depending upon all circumstances surrounding a particular incident. In
prescribing disciplinary actions it is recognized that some offenses are so serious that suspension or dismissal may be warranted on the first occurrence even though the employee has no prior record of having been disciplined. All offenses can have a cumulative effect and offenses need not be identical to impose a penalty more severe than prescribed for a similar offense. These standards are meant to be illustrative of the most common disciplinary problems and the actions to be taken. Failure to follow the standards for disciplinary action shall not be grounds to invalidate the disciplinary action unless the failure materially prejudices the employee’s rights.

(a) Employees who violate the University’s standards with respect to the following offenses will be subject to disciplinary action:

1. Excessive Tardiness. As determined by the workplace supervisor, the repeated failure of an employee to follow established work schedules including, reporting late at the beginning of the work schedule, or leaving early or returning late from breaks or lunch, or leaving work early at the end of the schedule, without approval, shall constitute tardiness, subject to disciplinary action.

2. Excessive Absenteeism. Excessive absenteeism is the inability or unwillingness of an employee to report to work with a reasonable degree of regularity. It also occurs when an employee demonstrates a pattern of absences, whether necessary or excusable, or in instances where the employee does not have sufficient accrued leave to cover the period of absence.

3. Loafing. Frequent or significant idleness or non-productiveness during working hours which diverts the employee from performing assigned tasks. This includes, but is not limited to, wasting time when there is assigned work to be performed, engaging in idle talk or gossip, or conducting personal business during the work period.

4. Unauthorized Distribution and Solicitation. The distribution of written, printed or reproduced material of any kind, sales to, or solicitation of, students or employees by another employee, for any purpose not specifically authorized by the University, while either employee is on duty shall constitute unauthorized distribution and solicitation.

5. Improper Uniform or Untidy Appearance. Non-compliance with a Department’s uniform and dress appearance code shall be subject to disciplinary action.

6. Leaving the Work Station or Duty Assignment Without Authorization. The unauthorized absence by an employee from the work station or duty assignment during the established work period, or the leaving of the work station without being properly relieved, if that station must be maintained during such period.

7. Horseplay. Inappropriate acts, such as pranks, whether intended to be mischievous or malicious, that result in disruption or have the effect of disrupting the work place. If any personal injury or damage to property results, more severe disciplinary actions may be taken on the first occurrence.

8. Violation of Safety Practices. The failure to adhere to or follow established safety practices. This includes the performance of unsafe acts or failure to wear or use safety equipment, including but not limited to vehicle safety belts.

9. Negligence. Carelessness in, omission of, or inattention to, the performance of assigned duties and responsibilities. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence, or discretion.
10. Disruptive Conduct. Behavior that interferes with the employee’s work performance or the work performance of others. This may include but is not limited to: loud, boisterous language; creating a disturbance; throwing objects; slamming doors, or other activities which would have a detrimental effect on the work environment.

11. Failure to Report Revocation or Suspension of Driver's License. The failure to immediately report the revocation or suspension of an employee's driver's license to a supervisor shall be subject to disciplinary action where driving is a job-related function or the employee operates University owned vehicles.

12. Improper or Careless Use or Operation of State Property or Equipment. The negligent, improper or careless use of State property or equipment, abuse or misuse, including but not limited to failure to observe the established speed limit while driving a State vehicle. If the violation causes personal injury, more severe discipline may be imposed.

13. Absence Without Authorized Leave. Failure to obtain approval prior to any absence from work, to notify or call the appropriate supervisor or the supervisor’s designee on the first day of an absence or obtaining leave based upon a misrepresentation or falsification. In the case of a proven emergency, an employee who must be absent, prior to receiving approval from the proper authority, shall not be subject to disciplinary action. This regulation shall apply, but shall not be limited to, employees who fail to return to work as specified in an approved leave of absence.

14. Unauthorized Use of State Property, Equipment or Personnel. The use of any State property, equipment or personnel for any purpose other than official University business.

15. Sleeping on Duty. The failure of an employee to remain awake or alert while on duty during the established work period.

16. Insubordination. The deliberate and indefensible refusal or failure to obey a reasonable order which relates to an employee's job function. An unwillingness to submit to authority, and both an expressed refusal to obey a proper order, as well as a deliberate failure to carry out an order.

17. Threatening or Abusive Language. The use of language which is threatening or abusive, whether directed towards a supervisor, fellow employee or any other person. It includes but is not limited to offensive language, whether or not directed towards anyone in particular, regardless of the intent.

18. Conduct Unbecoming a Public Employee. Conduct, whether on or off the job, which adversely affects the employee's ability to continue to perform his/her assigned duties, the University's ability to carry out its assigned mission, or which tends to promote mistrust or embarrassment of the University.

19. Failure to Report Bribe. Failure of an employee to immediately report any bribe or attempted bribe of a department employee or public official.

20. Abuse of Position or Unauthorized Use of Department Identification. The abuse of an employee's University position or identification to obtain personal gain or influence or to avoid the consequences of unlawful acts, including but not limited to, soliciting or accepting any gratuity, gift, loan, reward, promise of future employment, favor or service that would cause the employee to be influenced in the exercise of official duties or that is based on any understanding that any official action or judgment of the employee may be influenced thereby or the use of name, photograph, or title which identifies one as an employee of the University or a department in connection with
testimonial, advertisements of any commodity or service, commercial enterprise, charity or other public or private uses without the written approval of the University.

21. Unlawful or Careless Use or Display of a Weapon. The failure of an employee who is required to carry a weapon during the performance of duties to use or display the weapon in a lawful manner or under circumstances which negligently endanger the lives or safety of others.

22. Handling of Evidence by Law Enforcement Officers. Failure by a University law enforcement officer to inventory, process and reasonably care for recovered or seized property or any act which displays an intent to convert, falsify, conceal, destroy or withhold any property or evidence which belongs to another or which is taken into custody by the University.

23. Failure to Give Truthful or Requested Information during Internal Investigation. Failure of an employee, including a law enforcement officer, to timely respond to or give truthful information during the course of an internal investigation concerning matters which occurred during the performance of his or her duties.

24. Possession of Unauthorized Weapons and/or Firearms on University Property. Possession or use of firearms, fireworks of any description, explosives, chemicals which are disruptive, explosive, or corrosive in nature, or any weapon other than a common pocket knife on University premises or during University-related activities.

25. Display of Uncooperative or Antagonistic Attitude. Display of words or actions by an employee which flouts authority, is disruptive to the work place and/or has the effect of causing dissension among fellow employees and/or which is rude to the public.

26. Failure to Make Restitution of Debts. Failure upon the accumulation of debts owed to the University or State of Florida by an employee to make appropriate arrangements for payment or for restitution. Nothing herein restricts the right of the University or the State to set off debts owed by the employee against wages or any sums due to the employee.

27. Falsification of Records. The willful and deliberate misrepresentation, falsification or omission of any fact whether verbal, written, or communicated in some other medium, including but not limited to application, time and attendance, employment status, travel, or work and production records.

28. Violation of a Provision of Law or University Regulation. The violation of the provisions of law or University regulation including, but is not limited to discrimination in employment, sexual harassment, illegal campaigning, or any other act or omission which could constitute a violation of Federal, State Laws or University Regulations or Policy.

29. Fighting on the Job, Battery or Threat. The commission of any oral or written threat of injury to another, or the commission of an actual physical battery against another employee or member of the public, except when justified in the interest of self-defense.

30. Drinking on the Job or Reporting to Work under the Influence of Alcohol. Drinking of any alcoholic beverage on the job or reporting to work under the influence of alcohol is prohibited and subject to disciplinary action. An employee exhibiting a pattern of alcohol abuse to the extent that it affects work performance shall not be subject to disciplinary action, unless the employee has refused to recognize his or her alcoholism and cooperate by seeking help, fails to complete the program of treatment, or unless treatment has proved unsuccessful.
31. Reporting to Work Under the Influence or Use of Illegal Drugs. The use of any illegal drug on the job or reporting to work under its influence is prohibited.

32. Misdemeanor or Felony Incident. A conviction for, or plea of nolo contendere (no contest), to a misdemeanor or felony which substantially affects an employee’s ability to perform his or her job duties or for a crime which involving moral turpitude or which would tend to promote public mistrust or embarrassment to the University.

33. Possession, Sale, Distribution of Alcoholic Beverages or Illegal Drugs. The possession, sale, or distribution of illegal drugs on University property or on the job is prohibited at all times. Possession, sale or distribution of alcoholic beverages except at authorized events is prohibited.

34. Divulging Confidential Information or Unauthorized Release of Records. The dissemination, release, alteration, defacement or removal of official University records by an employee without proper authorization.

35. Sabotage. Participation in a deliberate act of destruction or attempted destruction of University property or equipment which obstructs University operations.

36. Theft or Stealing. The unauthorized taking of any property of the University, including surplus or salvage, or of any other person or entity.

37. Strike or Concerted Activity. Instigating or supporting in any manner a strike, as defined in Chapter 447, Florida Statutes.

38. Substandard Performance of Assigned Duties or Failure to Maintain Minimum Qualifications for Job. The failure to satisfactorily meet the minimum performance standards that specifically relate to the employee’s duties and responsibilities, with or without use of progressive discipline, failure to follow oral or written instructions from supervisory personnel, or failure to maintain the minimum qualifications set for a position by either the University or a certifying agency.

(7) Extraordinary Situations. When circumstances exist whereby the retention of an employee would result in imminent injury or the threat of imminent injury to the employee or another person, damage to property, or be detrimental to the best interests of the University.

(8) Investigatory Leave. An employee may be placed on administrative leave when the employee is under investigation by the University for violation of the University’s Standard of Conduct and it is determined that the employee’s absence from the worksite is determined to be in the best interest of the University.

(9) Demotion. Demotion is defined as moving an employee from a position in one class to a different position in another class having a lesser degree of responsibility and a lower salary range maximum. An employee shall not be demoted as a form of disciplinary action. Demotion shall be used to remove an employee from his or her class when the employee fails to achieve performance standards in his or her assigned duties.
Guidelines for Progressive Disciplinary Action

The following chart is intended to provide suggested guidelines for progressive disciplinary action with reference to procedures fully outlined in section (6) Standards for Disciplinary Action of Regulation PR5.016 Disciplinary Actions.

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<td>Leaving the Workstation or Duty Assignment Without Authorization</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
<td>Suspension</td>
<td>Dismissal</td>
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<tr>
<td>Horseplay</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
<td>Suspension</td>
<td>Dismissal</td>
</tr>
<tr>
<td>Violation of Safety Practice</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
<td>Suspension</td>
<td>Dismissal</td>
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<tr>
<td>Negligence</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
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<tr>
<td>Disruptive Conduct</td>
<td>Oral to written reprimand</td>
<td>Written reprimand</td>
<td>Suspension</td>
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<tr>
<td>Failure to Report Revocation or Suspension of Driver’s License</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
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<tr>
<td>Improper or Careless Use or Operation of State Property</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<td>Absence Without Authorized Leave</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Unauthorized Use of State Property, Equipment or Personnel</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Sleeping on Duty</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Insubordination</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Threatening or Abusive Language</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Conduct Unbecoming a Public Employee</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Failure to Report Bribe</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Abuse of Position or Unauthorized Use of Department Identification</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Unlawful or Careless Use or Display of a Weapon</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<tr>
<td>Handling of Evidence by Law Enforcement Officers</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
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<td>Failure to Give</td>
<td>Oral reprimand to</td>
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<tr>
<td>Truthful or Requested Information During Internal Investigation</td>
<td>suspension</td>
<td>suspension</td>
<td>Dismissal</td>
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<tr>
<td>Possession of Unauthorized Weapons and/or Firearms on University Property</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>Display of Uncooperative or Antagonistic Attitude</td>
<td>Oral reprimand to suspension</td>
<td>Written reprimand to suspension</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>Failure to Make Restitution of Debts</td>
<td>Written reprimand if restitution is not arranged to the satisfaction of the University.</td>
<td>Dismissal of restitution is not made after second notice to pay the debt.</td>
<td>Dismissal</td>
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<tr>
<td>Falsification</td>
<td>Written reprimand to dismissal</td>
<td>Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>Violation of a Provision of Law or University Regulation</td>
<td>Written reprimand to dismissal</td>
<td>Dismissal</td>
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<tr>
<td>Fighting on the Job, Battery or Threat</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<td>Drinking on the Job or Reporting to Work under the Influence of Alcohol</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>Drinking on the Job or Reporting to Work under the Influence of Alcohol</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>Reporting to Work Under the Influence or Use of Illegal</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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</tbody>
</table>

**Examples of Offenses**

1. Truthful or Requested Information During Internal Investigation
2. Possession of Unauthorized Weapons and/or Firearms on University Property
3. Display of Uncooperative or Antagonistic Attitude
4. Failure to Make Restitution of Debts
5. Falsification
6. Violation of a Provision of Law or University Regulation
7. Fighting on the Job, Battery or Threat
8. Drinking on the Job or Reporting to Work under the Influence of Alcohol
9. Drinking on the Job or Reporting to Work under the Influence of Alcohol
10. Reporting to Work Under the Influence or Use of Illegal
<table>
<thead>
<tr>
<th>Examples of Offenses</th>
<th>1&lt;sup&gt;st&lt;/sup&gt; Offense</th>
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<tr>
<td>Drugs</td>
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<tr>
<td>Misdemeanor or Felony Incident</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>Possession, Sale, Distribution of Alcoholic Beverages or Illegal Drugs</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>Divulging Confidential Information or Unauthorized Release of Records</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<td>Sabotage</td>
<td>Dismissal</td>
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<td>Theft or Stealing</td>
<td>Dismissal</td>
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<td>Strike or Concerted Activity</td>
<td>Dismissal</td>
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<tr>
<td>Substandard Performance of Assigned Duties or Failure to Maintain Minimum Qualifications for Job</td>
<td>Dismissal</td>
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</tbody>
</table>

Action by Florida Gulf Coast University Board of Trustees:
Approved: 06/17/08, ______________

Law Implemented:
§1001.74 F.S.

History of Rule:
New 04/17/97

History of Regulation:
New 01/15/08, Amended 06/17/08, ______________

Effective Date of Regulation:
06/17/08 ______________
FLORIDA GULF COAST UNIVERSITY
NOTICE OF REGULATORY ACTION
September 19, 2008

REGULATION TITLE:
Grievance Regulation

REGULATION NO.: FGCU-PR5.020

SUMMARY:
The regulation, FGCU-PR5.020, Grievance Regulation, is being updated in order to apply to Out-of-Unit Faculty, Administrative & Professional (A&P) and Support Personnel employees. This change is in conjunction with the repeal of the regulation on Complaint Review Procedure for USPS Employees.

FULL TEXT:
The full text of the regulation being proposed is attached and can also be found at http://www.fgcu.edu/generalcounsel/promulgation.asp

LAW IMPLEMENTED:
§1001.74, F.S.

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:
Steve Belcher, Director Human Resources

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:
Dr. Joseph Shepard, Vice President for Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:
Diane St. John, Administrative Assistant, dstjohn@fgcu.edu; (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE OCTOBER 3, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: SEPTEMBER 19, 2008.
REGULATION: FGCU-PR5.020

Grievance Regulation

Non-Unit Faculty and A&P

(1) General. This grievance procedure is applicable to all Faculty and Administrative and Professional (A & P) employees who are not covered by the BOR/UFF Collective Bargaining Agreement. Grievances of bargaining unit faculty and A & P staff are governed by the BOR/UFF Collective Bargaining Agreement.

a. The purpose of this procedure is to promote a prompt and efficient process for the investigation and resolution of grievances filed by faculty and A & P staff.

b. The University encourages the informal resolution of all problems whenever possible before the filing of a grievance, and encourages open communication so that resorting to the formal grievance procedure normally will not be necessary. The failure to resolve a matter informally prior to the filing of a grievance shall not be an act or omission giving rise to a grievance and shall not operate to extend the time limits for processing the grievance.

c. The burden of proof shall be on the University in a grievance concerning reprimands, suspension, termination for cause, and other disciplinary actions. In all other grievances, the burden of proof shall be on the grievant.

d. The intent of this procedure is to provide a complete response to a grievance but not to encourage multiple processing of the same issue. Therefore, except as noted below, if prior to, or while seeking resolution of, a dispute under this procedure, a grievant seeks resolution of the matter in any other forum, administrative or judicial, the University shall have no obligation to entertain or to proceed further with the matter pursuant to this procedure. The grievant shall immediately notify the University in writing if he or she has sought resolution of the matter in any other forum. As an exception to this provision, a grievant may file an EEOC charge while the grievance is in process when such filing becomes necessary to meet federal filing deadlines pursuant to 42 U.S.C. § 2000e et seq. Further, since it is not intended that the grievance procedure be a device for appellate review, the response of the president or representative to a recommended order of a presiding officer acting pursuant to Chapter 120, FS., or to any other individual or group having appropriate jurisdiction in any other procedure shall not be an act or omission giving rise to a grievance under this procedure.
A grievance shall be filed no later than twenty-five (25) days from the date following the act or omission giving rise to the grievance, or twenty-five (25) days from the date the grievant acquires knowledge, or could have reasonably been expected to have acquired knowledge, of the act or omission.

All time limits contained in this rule may be extended by mutual agreement of the parties. Upon failure of the University or its representative to provide a decision within the time limits, 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, the grievance shall be deemed to have been resolved at the prior step.

A grievant whose substantial interests have been affected by University action may file a petition for a hearing pursuant to and in accordance with Section 120.569, FS., unless a written grievance has been or is being filed under this procedure. Filing of a written grievance under this procedure constitutes a waiver of any right the grievant might otherwise have to request a hearing pursuant to Section 120.569, F.S.

The written grievance shall be filed on a STEP ONE GRIEVANCE FORM—NON-UNIT FACULTY AND A & P STAFF, Form HR-G200 (10/26). Form HR-G200 (10/26) which is incorporated by reference, has been approved by the University President and is available upon request at the Office of Human Resources, 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565. The grievance shall contain the following information: grievant’s name; name and address of counsel, if any; specific provision(s) of BOG 5 and FGCU Regulations or other statute claimed to have been violated; a statement of the grievance, including the acts or omissions which are claimed to have given rise to the grievance; the date of such acts or omissions; remedy sought; signature of the grievant.

(2) Definitions.

Days The term "days" shall mean calendar days. In the event that the time for taking an action falls 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 calendar day.

Grievance The term "grievance" shall mean a dispute concerning promotion, non-renewal and termination of employment contracts, discipline, salary, work assignment, annual evaluation, layoff and recall, and other rights accruing to grievants pursuant to BOG 5 and FGCU-PR5. The term "work assignment" does not include the reallocation or transfer to another campus of the University.

Grievant The term "grievant" shall mean a non-bargaining unit member or members of the University’s faculty and Administrative and Professional staff
whose rights have been directly affected an act or omission of the University or representative, and who has timely filed a grievance.

d. Grievance Officer. The term "grievance officer" shall mean a University employee appointed to conduct the Step 1 meeting by the Vice President responsible for the division in which the grievant is employed.

e. Technical Advisor. The term "technical advisor" shall mean a representative of the Office of Human Resources appointed to assist the grievant and the grievance officer in administrative duties and interpretation of policies and procedures.

(3) Step 1 Procedures.

a. Upon receipt of the written grievance, the Vice President responsible for the division in which the grievant is employed shall appoint a University employee to serve as grievance officer. The Vice President may ask the Director of Human Resources to appoint a grievance technical advisor. The grievance officer and the technical advisor, if the grievance officer deems it necessary, shall within twenty-five (25) days following receipt of the grievance, meet with the grievant in informal conference(s) to establish the facts giving rise to the grievance.

b. The grievance officer shall consult with the parties directly involved in the grievance and interview others in addition to the grievant and seek any other material as necessary in order to determine an appropriate resolution of the grievance. The investigation shall be as informal as possible, yet compatible with the interest of resolving the grievance in a timely manner.

c. The grievance officer shall, within twenty-five (25) days following the conclusion of the investigation and informal conference(s) with the grievant, issue a written decision to the grievant giving reasons for the conclusions reached and attaching all documents presented at the Step 1 meeting. The grievance officer will provide a copy of the written decision with attachments to the respective divisional Vice President.

(4) Step 2 Procedures.

a. If the grievant is dissatisfied with the decision in Step 1, and wishes to pursue the matter, the grievant shall send a letter to the President within twenty-five (25) days following receipt of the decision in Step 1 requesting a Step 2 review.

b. The President may conduct the Step 2 review personally or may refer the grievance to the appropriate Vice President for a Step 2 review.

c. The Step 2 review may be based solely on the Step 1 report or may include a meeting with the grievant as deemed necessary by the Step 2 reviewer.
d. A written decision shall be furnished to the grievant within twenty-five (25) days following completion of the Step 2 review. The decision of the President or Vice President conducting the Step 2 review shall be final.

(1) GRIEVANCE POLICY STATEMENT

(a) Florida Gulf Coast University (FGCU) encourages a pro-active, collegial work environment in which employees have the opportunity to discuss and resolve work related concerns with the appropriate supervisor. In those cases where an employee has an unresolved dispute concerning that employee’s terms or conditions of employment, the employee may choose to file a grievance. The purpose of this Regulation is to set out a procedure for the consideration and resolution of grievances filed by out-of-unit faculty, Administrative and Professional (A&P) staff, or support personnel employees, not governed by a collective bargaining agreement.

(b) Job-related problems should be resolved, whenever possible, before the filing of a grievance. Open communication and informal resolution between the employee and supervisor are encouraged so as to avoid the necessity for formal grievances.

(c) The burden of proof in grievances concerning disciplinary actions, including reprimands, suspension, and termination for cause, shall be on the University. In all other cases, the burden of proving a grievance, by a preponderance of evidence, shall be on the grievant.

(d) All time limits contained in this Regulation may be extended by mutual agreement of the parties. Upon failure of the grievant to file any step of the grievance within the time limits provided in this Regulation, the grievance shall be deemed to have been resolved at the prior step, or in the case of an untimely filing of the initial grievance, the grievance shall not be accepted. Upon failure of the University or its representative to provide a decision within the time limits, the grievant may appeal to the next appropriate step.

(e) Any decision made as a result of the grievance process shall apply only to the individual who submitted the grievance, based on the specific unique facts of the matter, and shall not serve as a precedent for future matters.

(f) Definitions:

1. The term “grievance” means a dispute concerning the grievant’s rights regarding the terms and conditions of employment and must specify an adverse employment action. The following actions shall not be grieved through the process:

   a. Administrative leave with pay:
b. Voluntary reduction in pay;

c. Voluntary demotion;

d. Notice of layoff;

e. Performance evaluations - unless it is alleged that the evaluation is based on factors other than performance or conduct;

f. Assignment of work;

g. Reassignment of work space;

h. Complaints of discrimination, harassment, or retaliation based on a legally protected class.

2. The term “grievant” means employee or employees who are appointed to an out-of-unit faculty, Administrative and Professional (A&P), or support personnel position not governed by a collective bargaining agreement, who has filed a grievance and whose rights may have been directly affected by an act or omission of a supervisor or administrator at FGCU. In instances where the University determines that grievances filed are essentially the same, the University, at its sole discretion, may consolidate the grievances and notify the grievants in writing. Only employees who hold regular appointment status are eligible to file a grievance. A probationary employee may file a grievance concerning only non-disciplinary matters affecting the employee’s terms and conditions of employment. A grievance filed by a probationary employee shall be heard only by the immediate supervisor and the next level supervisor.

3. The term “days” means calendar days. In the event an action falls due on Saturday, Sunday or a University holiday, the action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.

4. The term “party” means FGCU or the grievant(s).

5. Complaints of discrimination, harassment, related retaliation and protected activity are filed in the Office of Institutional Equity and Compliance.

(2) GENERAL GRIEVANCE PROCEDURE

(a) This procedure applies to any grievance as defined above except for a grievance concerning a suspension or termination.
(b) The procedure is as follows; and is administered by the Director of Human Resources or designee for all other eligible employees:

(1) Step One

a. Employees are encouraged to seek informal resolution before the formal filing of a grievance. All grievances shall be filed with the Human Resources Department on a Request for Grievance form, within fourteen (14) days following the act or omission giving rise to the grievance, or the date on which the grievant knew or reasonably should have known of such act or omission.

b. The written grievance shall contain the following information: The grievant’s name, position, work unit, specific provision(s) of FGCU Regulations, policies, or statute claimed to have been violated, a statement of the grievance, including the acts or omissions which are claimed to have given rise to the grievance, the remedy sought, and the grievant’s signature. The Director of Human Resources or designee, as applicable, will determine the sufficiency of the grievance consistent with this regulation. The determination shall be provided to the grievant(s) in writing within seven (7) days. This determination is not reviewable; however, if denied, the grievant has five (5) calendar days from the date of notice (excluding holidays or school closings) to resubmit the grievance to the decision maker with additional information or argument for reconsideration of the decision. The final determination shall be submitted in writing within five (5) days.

c. The designated Step One Representative shall be the Dean, Director or next level administrator, or their designees, to whom the grievant reports.

d. The Step One Representative shall arrange a meeting, to be held within fourteen (14) days from notification that the matter is grievable, for the purpose of resolving the grievance. In advance of the Step One meeting, the grievant shall have the right, upon written request, to a copy of identifiable documents relevant to the grievance. The Step One Representative shall have seven (7) days from the meeting to make the determination. The Step One Representative shall notify the grievant in writing of the decision with copy to the President, the respective Vice President or President’s Direct Report, as appropriate, and Director of Human Resources, or their designees.

e. Upon request of the grievant, and if determined to be reasonable by the Step One Representative, such Representative may direct that the grievant proceed directly to Step Two.

2. Step Two

a. If the grievant is dissatisfied with the Step One decision and wishes to pursue the matter, the grievant may request in writing that the grievance proceed to Step Two. This request must be made within seven (7) days of the date of the Step One decision. The Step
Two Representative shall be, as appropriate, the highest level supervisor under the President, or their designee.

b. The Step Two Representative shall schedule a meeting, to be held within seven (7) days of the written request for a Step Two meeting, with the grievant, and any other persons believed to be necessary to the settlement of the grievance. The Step Two Representative will make a determination and notify the grievant of the Step Two decision in writing within seven (7) days of the meeting. The Step Two decision is final and binding upon the parties.

(3) GRIEVANCE PROCEDURES FOR SUSPENSIONS AND TERMINATIONS

(a) This procedure applies to all grievances concerning a suspension without pay or termination with cause whether it is a proposed or immediate action.

(b) Unless exigent circumstances require immediate suspension or termination, individuals will receive written notice of a proposed action.

(c) All grievances shall be filed with the Director of Human Resources or designee on a Request for Grievance form – Suspensions or Terminations, within seven (7) days following the Notice of Suspension or Notice of Termination.

(d) The Step One Representative shall be, as appropriate, the highest level supervisor under the President, or their designee. The Step One Representative shall schedule a meeting, to be held within seven (7) days of the written request, with the grievant. The grievant must submit a written statement as a response to the suspension or termination action, and may be accompanied to the Step One meeting by a representative. The representative may assist, advise and confer with the grievant but may not speak for the grievant. The meeting is not a legal proceeding but shall be informal and shall not be in the nature of an evidentiary hearing. The Rules of Civil Procedure do not apply and discovery, cross-examinations and other legal procedures are not permissible. The Step One Representative will make a determination and notify the grievant of the Step One decision in writing within seven (7) days of the meeting. If the suspension or termination action is upheld by this Step One decision, the University may implement the aggrieved action if it has not already done so. Upon request of the grievant, and if determined to be reasonable by the Step One Representative, such Representative may direct that the grievant proceed directly to Step Two.

(e) Step Two - If the grievant is not satisfied with the decision of the Step One Representative, the grievant may, within seven (7) days of the date of the Step One decision, appeal such decision and request in writing that the grievance proceed to Step Two. The request for a Step Two Meeting must be submitted on a Request for Step Two Grievance form – Suspensions or Terminations. The President or the President’s designee
shall schedule a meeting to be held no later than ten (10) days of the request for such meeting.

1. The employee shall have the right at the meeting to:
   a. A review of all allegations against the employee;
   b. Present a response to the allegations and provide a rationale on all the issues;
   c. Submit a rebuttal to the allegations;
   d. Be represented by counsel (Again, employee's counsel may not speak for the employee); and
   e. Witnesses, at the sole discretion of the President or designee.

2. The President or the President's designee shall issue a decision within fifteen (15) days of the conclusion of the Step Two Meeting, which shall be final and binding.

Specific Authority:
240.227(1) FS
Law Implemented:
240.227(5) FS §1001.74, F.S.
History of Rule:
New 4/17/97, Amended 8/18/99
History of Regulation:
New 01/15/08, Amended__________
Effective Date of Regulation:
August 18, 1999,______________