



University Policies and Procedures

**02-04.00 - RESPONSIBILITIES AND PROCEDURES OF  
THE FACULTY GRIEVANCE AND MEDIATION COMMITTEE  
AND THE FACULTY HEARING COMMITTEE**

**I. Policy Statement:** This policy provides procedures for presenting, reviewing and resolving faculty grievances. This policy implements University System of Maryland (“USM”) policy II-4.00, Policy on Faculty Grievances (<http://www.usmd.edu/regents/bylaws/SectionII/II400.html>).

**II. Definitions:**

- A. Grievant is defined in §§V.A.3 and V.B.2.
- B. Grievance Committee is defined in §§V.A.2 and V.B.2.
- C. Respondent is defined in §V.B.2.
- D. Written Report is defined in §V.B.6.

**III. Responsible Executive and Office:**

Responsible Executive: Provost and Vice President for Academic Affairs

Responsible Office: Office of the Provost

**IV. Entities Affected by this Policy:** All Towson University (“University”) faculty with a recognized faculty rank as provided in §V.A.3.

**V. Procedures:**

- A. Faculty Grievance and Mediation Committee
  - 1. The USM Policy on Faculty Grievances ([http://www.usmd.edu/regents/bylaws/SectionII/II400.html?t=print.php&zoom\\_highlight=grievance](http://www.usmd.edu/regents/bylaws/SectionII/II400.html?t=print.php&zoom_highlight=grievance)) requires the University to adopt procedures for the presentation, review and resolution of faculty grievances. The procedures set forth below follow regulation 15 of the *Recommended Institutional Regulations on Academic Freedom and Tenure*.

2. The Faculty Grievance and Mediation Committee is an elected committee of the Faculty Association (“AAUP”) established to review faculty grievances consisting of 5 members. In the event a committee member fails to serve or cannot serve, the President of the Faculty Association shall have the authority temporarily to appoint faculty to fill the unexpired term.
3. Faculty holding a recognized faculty rank, including lecturers, regardless of tenure status and/or percent time of employment, may file a grievance.
4. Grievances include, but are not limited to, disputes involving academic freedom, merit, teaching load, discipline and other administrative actions that are not excluded in §V.A.6 below.
5. Faculty are encouraged to resolve disputes informally. Where disputes cannot be resolved informally, a faculty member may file a grievance.
6. The following matters cannot be grieved:
  - a. Matters covered by another USM or University policy including appointment, rank and tenure and retrenchment policies  
<http://inside.towson.edu/generalcampus/tupolicies/documents/02-01.00%20Towson%20University%20Policy%20on%20Appointment,%20Rank%20and%20Tenure%20of%20Faculty.pdf>;  
[http://www.usmd.edu/regents/bylaws/SectionII/II800.html?t=print.php&zoom\\_highlight=retrenchment](http://www.usmd.edu/regents/bylaws/SectionII/II800.html?t=print.php&zoom_highlight=retrenchment)) and policies relating to the filing of discrimination complaints (<https://inside.towson.edu/generalcampus/tupolicies/documents/06-01.00%20Discrimination%20Race%20Color%20Religion%20Age%20Origin%20Sex%20Disability.pdf>).
  - b. Matters involving alleged violations of academic freedom or discrimination resulting in the non-reappointment of tenure-track faculty or lecturers (such complaints may be filed with the Faculty Hearing Committee under §V.C.1 of this Chapter).
  - c. Any matter the remedy for which would contravene or interfere with any official policy, regulation, procedure,

decision or action of the USM, the University or the Board of Regents.

- d. Matters pertaining to broad areas of fiscal management, staffing or structure of the USM or the University.
- e. Matters not under the control of the University and/or of the USM.

B. Grievance Procedures:

1. The grievance shall be filed no later than 180 calendar days of the action(s) giving rise to the grievance.
2. The faculty member (“Grievant”) shall file a written grievance with the Grievance and Mediation Committee of the AAUP/Faculty Association (“Grievance Committee”). The grievance shall include the following information: the person against whom the grievance is filed (“Respondent”); a detailed description of the grievance; the facts supporting the grievance; and, pertinent documentation. The Grievance Committee shall provide the Respondent a copy of the grievance and any supporting documentation the Grievant provides. In addition, the Grievance Committee shall notify the AAUP President that a grievance has been filed.
3. Each party to a grievance shall have the opportunity to challenge a member of the Grievance Committee on grounds that the member cannot be fair and impartial. The party challenging a member must set forth the basis for the challenge in writing. The Grievance Committee shall decide any such challenge by majority vote. The President of the Faculty Association shall have the authority temporarily to appoint members to replace committee members who are removed or who recuse themselves from considering a grievance.
4. The Grievant shall have the burden of demonstrating the merits of the grievance.
5. If the Grievance Committee determines the grievance to be without merit, it will dismiss the grievance in whole or in part and advise the parties in writing. A decision by the Grievance Committee dismissing the grievance is final. If the Grievance Committee determines that review is warranted, it will provide Respondent the opportunity to submit information supporting his/her action(s).

6. As part of its review, the Grievance Committee is authorized to request documents, question the parties and interview persons with relevant information. Upon completion of its review, the Grievance Committee shall make written findings of fact and recommendations (“Written Report”) to the Dean. However, if the Dean is either a party to the grievance, or approved the actions giving rise to the grievance, or if the grievance involves different Colleges, the University President shall select a designee, other than the Dean, or the Deans of the respective Colleges, to review the Written Report.
7. The Grievance Committee may consult with the University Counsel’s office at any time during the grievance process.
8. The Grievance Committee’s Written Report shall be based upon a majority vote. Copies of the Written Report shall be provided the Grievant and Respondent.
9. The Dean or designee shall review the Grievance Committee’s Written Report and decide whether to accept, modify or reject it. If the Dean or designee rejects or modifies the Written Report, she/he shall state in writing the basis for the modification or rejection. The parties shall be notified in writing of the Dean’s or designee’s decision and the basis for any modification or rejection of the Grievance Committee’s Written Report. The Dean or designee’s decision shall be either hand-delivered to the parties or mailed to them by registered mail, return receipt requested (hereafter “by hand-delivery or registered mail”). If there is no timely appeal to the Provost as provided in ¶10 below, the Dean’s decision is final.
10. Either party may file a written appeal of the Dean’s or designee’s decision to the Provost within 15 calendar days of the date of the Dean’s or designee’s decision. The Provost shall review the appeal and issue a written decision on the grievance which shall be sent to the parties by hand-delivery or registered mail. If there is no timely appeal to the Faculty Hearing Committee as provided in ¶11 below, the Provost’s decision is final.
11. Either party may file a written appeal of the Provost’s decision to the Faculty Hearing Committee pursuant to §C.2.b.iii. within 15 calendar days of the date of the Provost’s decision. A duly elected Faculty Hearing Panel shall review the appeal and issue a written decision on the grievance which shall be sent to the parties by either hand delivery or registered mail. If there is no timely appeal of the Faculty Hearing Panel’s decision to the President as

provided in ¶12 below, the Faculty Hearing Panel's decision is final.

12. Either party may file a written appeal of the Faculty Hearing Panel's decision to the President within 15 calendar days of the date of the Faculty Hearing Panel's decision. The President's decision on the grievance shall be final and sent to the parties by either hand-delivery or by registered mail.
13. Neither party shall have the right to have counsel present at any stage of the grievance process.

C. Faculty Hearing Committee

1. The Faculty Hearing Committee shall have the following authority: to hear and make recommendations to the University President in faculty termination cases instituted pursuant to §I.C.7 of the USM Policy on Appointment, Rank and Tenure of Faculty and to consider complaints of tenure-track faculty and lecturers alleging violations of academic freedom or of discrimination resulting in non-reappointment, as more specifically provided in Section 10 of the *AAUP Recommended Institutional Regulations on Academic Freedom and Tenure*; and, to consider grievance appeals as provided in §V.C.2.b.iii.
2. Faculty Hearing Panels
  - a. Election
    - i. If a request is made for Faculty Hearing Committee review, the Committee shall elect a chair who shall preside over the election of a Faculty Hearing Panel consisting of five members receiving the highest number of votes. Each Faculty Hearing Panel shall elect a chair by majority vote.
    - ii. The parties to a matter before an elected Faculty Hearing Panel may challenge an elected member on grounds that the member cannot be fair and impartial; the party challenging a member must set forth the basis for the challenge in writing. The Faculty Hearing Panel shall rule on the challenge by majority vote. If a member of the Faculty Hearing Panel is removed for cause, that member shall be replaced by the Faculty Hearing Committee member receiving the next highest number of votes.

- b. Hearing and Review Procedures
- i. In cases involving the termination of tenured or tenure-track faculty, the Faculty Hearing Panel shall conduct a hearing and make recommendations pursuant to the procedures set forth in §I.C.7 of the USM Policy on Appointment, Rank and Tenure.
  - ii. In cases involving complaints alleging a violation of academic freedom or of discrimination resulting in non-reappointment, a Faculty Hearing Panel shall determine whether to review the complaint pursuant to the procedures set forth in §V.B. of this policy or conduct a hearing as provided in Section 5 of the *AAUP Recommended Institutional Regulations on Academic Freedom and Tenure*. Complaints filed pursuant to this subparagraph b.ii shall be filed within 180 calendar days of the actions giving rise to the complaint.
  - iii. In cases involving grievance appeals, a Faculty Hearing Panel shall determine whether the Provost's decision is rationally based and factually supported.

**Related Policies:** USM Policy II-4.00

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