07-08.05 – POLICY ON GRIEVANCES AND SPECIAL ACTION APPEALS FOR REGULAR EXEMPT EMPLOYEES

I. Policy Statement: To set forth the grievance and special action appeal procedure applicable for Regular Exempt Employees, except the President, Vice Presidents, Associate Vice Presidents, Assistant Vice Presidents, Deans and Associate Deans.

II. Reason for Policy: To establish procedures to implement USM Policy VII-8.00 (http://www.usmd.edu/regents/bylaws/SectionVII/VII800.html) as it applies to regular exempt employees.

III. Definitions

A. “University” or “Institution” means Towson University.

B. “Work day” for purposes of this policy is defined as any day within the period encompassing Monday through Friday regardless of work schedule, weekend work, holiday, or work day off.

C. “Grievance” means any cause of dispute arising between an employee and employer on a matter concerning discipline, alleged discrimination, promotion, assignment, or interpretation or application of institution policies, rules or departmental procedures over which institution management has control except that if the complaint pertains to the general level of wages, wage patterns, fringe benefits or to other broad areas of financial management and staffing, it is not a grievable issue.

D. “Special Action Appeal” means an appeal of a major personnel action, for which special timelines and other procedures that provide for more timely review are required. Such major personnel actions include: suspension; demotion; termination for cause; notice termination; and rejection on exempt probation.

IV. Responsible Executive and Office:

Responsible Executive: Associate Vice President for Human Resources

Responsible Office: Office of Human Resources

V. Entities Affected by this Policy: All departments, all regular exempt employees (except the President, Vice Presidents, Associate Vice Presidents, Assistant Vice Presidents, Deans and Associate Deans).
VI. Procedures:

A. General

1. The University recognizes that legitimate problems, differences of opinion, complaints, and grievances may exist in the daily relationship between the employee and the employer. It is the responsibility of all supervisors and employees to establish and maintain a work climate within which an employee problem or complaint may be promptly identified, presented, discussed and given fair, timely consideration and resolution.

2. The University’s failure to respond to a grievance or special action appeal within the time limit specified at a particular step shall not affect the University’s right to act with respect to the grievance.

B. Procedure for Grievances

1. Step One – At this step, the aggrieved employee may present his or her grievance in writing to his or her immediate supervisor for the purpose of informal discussion. Grievances must be initiated within thirty (30) calendar days after the employee either knew of the act or reasonably should have known of the act. The employee shall send a copy of the grievance to the Employee/Labor Relations Manager in the Office of Human Resources. It shall be the responsibility of the immediate supervisor to investigate the grievance and attempt to resolve the matter satisfactorily at that time. The immediate supervisor, within three (3) work days after receipt of the grievance, shall hold a conference with the aggrieved employee. The supervisor shall confer with the Employee/Labor Relations Manager prior to making a decision regarding the grievance. Within three (3) work days after the conclusion of the conference, the supervisor shall render his or her decision in writing to the aggrieved employee. The supervisor shall send a copy of the decision to the Employee/Labor Relations Manager. In the event the aggrieved employee is not satisfied with the decision rendered at this step, he or she may appeal in writing to Step Two within three (3) work days.

2. Step Two – The aggrieved employee at this step may present his or her grievance in writing to the Vice President or designee of the respective division who, within five (5) work days after receipt of the written grievance, shall hold a conference with the aggrieved employee and, within three (3) work days after the conclusion of the conference, shall render his or her decision in writing to the aggrieved employee. The employee shall send a copy of the
written grievance to the Employee/Labor Relations Manager in the Office of Human Resources. The Vice President or designee shall consult with the Employee/Labor Relations Manager prior to making a decision regarding the grievance. A copy of the written decision shall be sent to the Employee/Labor Relations Manager. In the event the aggrieved employee is not satisfied with the decision rendered at this step, he or she may appeal in writing to Step Three within three (3) work days. In the event the Vice President also happens to be the immediate supervisor, Step Two does not apply and the aggrieved employee shall proceed directly to Step Three.

3. Step Three – The aggrieved employee at this step may present his or her grievance in writing to the President’s designee with a copy to the Employee/Labor Relations Manager in the Office of Human Resources. The President’s designee may either:

a. Personally consider the grievance in which case, within ten (10) work days after receipt of the written grievance, he or she shall report their decision in writing to the aggrieved employee and to the employee’s immediate supervisor outlining the measures, if any, to be initiated to remedy the grievance. A copy of the decision shall be sent to the Employee/Labor Relations Manager. The decision shall be final and binding upon all parties; or

b. Determine the grievance to be one, which more properly should be considered by a hearing committee. In such instances, within five (5) work days after receipt of the written grievance, he or she shall appoint a hearing committee consisting of three (3) individuals (no two (2) of whom shall have a broad functional area of responsibility encompassing the sphere of activity engaged in by the aggrieved employee). The hearing committee, within ten (10) work days after its appointment, shall hold a conference with the aggrieved employee and, within five (5) work days after conclusion of the conference, shall render its advisory opinion (which must be concurred in by no less than two members) in writing to the President’s designee who, within three (3) work days after receipt of the advisory opinion, shall report his or her decision in writing to the aggrieved employee and the employee’s immediate supervisor outlining the measures, if any, to be initiated to remedy the grievance. A copy of the decision shall be sent to the Employee/Labor Relations Manager and shall be final and binding upon all parties.
C. Procedure for Special Action Appeals

1. Special Action Appeals shall proceed directly to Step-Two as set forth in section VI.B.2 of this policy. Special Action Appeals must be filed in writing within five (5) work days after the employee receives notice of the personnel action. In the event the Vice President also happens to be the immediate supervisor, Step Two does not apply and the aggrieved employee shall proceed directly to Step Three as set forth in section VI.B.3 of this policy.

2. Failure to file a written Special Action Appeal in accordance with this section within five (5) workdays renders the personnel action a final decision of the University.

3. If the personnel action to be appealed is a “notice termination,” the right to appeal is limited to the institution’s failure to provide the period of notice set forth in TU policy 07-1.22.

4. If the personnel action to be appealed is “termination for cause” or “rejection on exempt probation,” the right to appeal is based solely on grounds of procedural deficiency or violation of law.

5. The employee bears the burden of proof in Special Action Appeals.

6. The finding at the conclusion of the Special Action Appeal shall be final and binding upon all parties.

Related Policies: USM Policy VII-8.00 – Policy on Grievances for Nonexempt and Exempt Staff Employees
USM Policy VII-1.21 – Policy on Probation for Regular Nonexempt and Exempt Staff Employees
USM Policy VII-1.22 – Policy on Separation for Regular Exempt Staff Employees
TU Policy 07-01.22 – Separation for Regular Exempt Employees

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