

# UNIVERSITY OF BALTIMORE FACULTY GRIEVANCE PROCEDURES

*Approved by UB Faculty Senate April, 1990  
Corrected August 1995 to include section II.B.3. previously omitted by error  
Amended II.C. and approved by Provost Council September 24, 1997  
Approved by H. Mebane Turner, President, October 30, 1997  
Amended and approved by UB Faculty Senate, May 6, 2015  
Approved by Kurt L. Schmoke, President, May 20, 2015*

## **I. The University System of Maryland Policy on Faculty Grievances is as follows:**

“It is recognized that legitimate problems, differences of opinion, complaints, or grievances will occasionally arise in the relationship between the institution and its faculty. Many such complaints are resolved informally through discussions or formally through procedures available under institutional human relations codes and institutional or System policies on appointment, rank, and tenure. On occasion, however, complaints will arise that cannot be resolved through informal discussion or through formal procedures described above because they pertain to issues that are not within the subject matter of those documents.

Each institution shall adopt procedures whereby faculty grievances may be presented for formal review and resolution. This policy shall apply to anyone holding a recognized faculty rank, regardless of tenure status or percent time of employment.”

## **II. Coverage and Scope of University of Baltimore Grievance Procedure:**

- A. Definition - The term “grievance” shall refer to any complaint by a faculty member pertaining to his/her terms and conditions of employment except for tenure and promotion decisions (see University of Baltimore appeals procedure in the Promotion and Tenure Policies and Procedures - UB (<http://www.ubalt.edu/policies/faculty-affairs/appointment-rank-tenure-promotion-retention/promotion-tenure-UB.cfm>)).
- B. Exclusions - (required by University System of Maryland policy) – “No complaint shall be reviewed under faculty grievance procedures if:
1. The complaint pertains to a subject that is reviewable under or is specifically excluded from review by any other system or institutional policy;
  2. The complaint pertains to an official policy, regulation, or procedure of the System or the institution; a decision by the Board of Regents, the chancellor, or the president; or any matter the remedy for which would contravene or interfere with any such official policy, regulation, procedure, decision or action;
  3. The complaint pertains to broad areas of the fiscal management, staffing or structure of the University of Maryland System or constituent institutions; or
  4. The resolution of the complaint is not under the control of the institution and/or of the university system.”

- C. Deadline for Filing Grievance - No complaint shall be reviewed under this Faculty Grievance Procedure unless a written complaint is filed by the faculty member with his/her department or division chair (or with the dean, if there is no chair) within 180 calendar days after the event or events upon which the grievance is based or 180 days after the event or events were or should reasonably have been discovered. In cases involving promotion and/or tenure, the grievant shall follow the timing specifically laid out in "Appeal Procedure for Cases of Tenure and Promotion."

### III. Procedures

Any faculty member who wishes to file a grievance relating to any aspect of his/her terms and conditions of employment shall state his/her complaint in writing and follow the procedures set forth below:

#### Step 1. Meeting with Chair

- A. The grievant shall state his/her grievance in writing for presentation to his/her departmental / division chair.
- B. The grievant shall meet with the chair. The grievant may be accompanied by two members of the university community of his/her choosing or in the alternative by any two individuals designated by the grievant to discuss the grievance. The chair shall meet with the grievant within ten (10) calendar days of receipt of the grievance.
- C. At this stage the grievance may be resolved and terminated. If no resolution results at this step, the chair's recommendation with reasons and all relevant documents shall be forwarded to the college/school dean, and the grievance shall move up to Step 2. The chair's decision or recommendation shall be rendered in writing no later than ten (10) calendar days after the meeting.

#### Step 2. Meeting with Dean

The chair's recommendation with all documents from Step 1 shall be forwarded to the appropriate divisional dean. The grievant and, if desired, two persons selected by him/her (the ones who appeared with him/her in Step 1 or two others named by him/her) shall meet with the dean. The dean shall meet with the grievant and his/her chosen representatives within ten (10) calendar days of receipt of the grievance. The dean shall hear the case and render a decision or recommendation in writing no later than ten (10) calendar days after the meeting. At this stage the grievance may terminate with a resolution of the grievance. If no resolution results, the dean's recommendation with reasons and all relevant documents shall be forwarded to the provost, and the grievance shall move to Step 3.

#### Step 3. Meeting with Provost

All documents and written recommendations from Step 1 and 2 shall be submitted to the provost. The grievant shall appear before the provost with two persons of his/her choice. The provost shall meet with the grievant and his/her chosen representatives within ten (10) calendar days of receipt of the grievance. The grievance shall be discussed with the provost who shall render a written decision or recommendation with reasons no later than ten (10) calendar days after the meeting. If there is a settlement, the grievance shall terminate at this Step; if not, it moves to Step 4.

### ***Procedure for Faculty Members who are not Members of an Academic Department***

In such situations, the grievant shall institute the procedure at Step 2 as follows:

- A. The grievant shall state his/her grievance in writing for presentation to his/her divisional dean.
- B. The grievant shall meet with the dean in the presence of two persons named by the grievant. The dean shall meet with the grievant and his/her chosen representatives within ten (10) calendar days of receipt of the grievance.
- C. At this stage, the grievance may be resolved and terminated. If no resolution results at this step, the dean's recommendation with reasons and all relevant documents shall be forwarded to the provost, and the grievance shall move to Step 3, described above. The dean's decision or recommendation shall be rendered in writing no later than ten (10) calendar days after the hearing.

#### Step 4. The University Faculty Appeals Committee (UFAC)

The Faculty Appeals Committee operates under the University of Baltimore Grievance Procedure and is bound by it. In order to implement the policy mandate of the University System of Maryland requesting each university in the System to establish a grievance procedure for its faculty, the UFAC shall hear all grievances stemming from terms and conditions of employment. The UFAC shall hear grievances not resolved in Steps 1, 2, or 3 of the University of Baltimore Grievance Procedure when the grievant requests the president to convene it for this purpose.

The grievant shall have the right to appeal the case to the UFAC within ten (10) calendar days of the conclusion of Step 3, by requesting the president to convene the committee. The request to the president shall be in writing. Upon receipt of the request, the president shall convene the UFAC and forward to the committee a copy of the request.

The UFAC shall be a standing committee of the University Faculty Senate composed of one full-time tenured faculty member with the rank of associate or full professor from each college/school and a representative of the library (Langsdale or Law Library) faculty with permanent status. Each college/school shall elect its representative and the library faculty shall elect one representative to the UFAC. The UFAC shall elect its chairperson. Each member shall serve a two-year term, and terms shall be staggered.

The faculty of each academic division shall also elect an alternate, who must be a full-time tenured faculty member with the rank of associate or full professor and a library faculty member with permanent status. A regular member of the committee will be substituted by an alternate in the event the member disqualifies himself/herself or the committee determines one of its members should be disqualified because of some role in decision-making relating to the grievance, an illness or other incapacitating condition, or circumstance that could have unduly biased the member. Each member of the UFAC shall serve a two-year term, and terms shall be staggered.

An audio recording of the committee's formal hearing shall be made at the request of any party or witness. All or part of the audio recording shall be transcribed if any party requests the transcription and pays the costs thereof. In addition, any witness may transcribe his/her testimony in whole or part if he/she requests the transcription and pays the costs thereof.

The deliberations of the committee shall be confidential. There shall be no direct or indirect attempt to influence witnesses, committee members or the grievant by any university official or his/her agent(s). This applies particularly to persons in positions of authority over the above-mentioned individuals whose expressed opinions or actions can have the effect of influencing or intimidating them because of the power they can exercise through their positions. Such interference with the process, as well as reprisal when the deliberations have been completed, against any committee member, witness, the grievant, or any other participant in the proceedings shall constitute a flagrant disregard for the integrity of the grievance procedure and persons unfavorably affected shall have the right to file a complaint requesting appropriate sanctions.

Within 21 calendar days from the closing of deliberations, the chair of the committee shall submit to the president a written report of the committee's findings and conclusions signed by a majority of the seven committee members. A copy of the report shall be sent to the appellant. Within twenty one (21) calendar days of receipt of the committee's report, the president shall respond in writing to the report and in such response shall detail his/her reasons for accepting or rejecting the findings and conclusions contained therein.

Members of the committee wishing to file a grievance of their own shall be free to do so but must be replaced by an alternate until their grievance is disposed of.