

Note: This is a draft of the Grievance Procedure.
The current procedures can be found
at: www.salisbury.edu/students/grievanceproc.html

- DRAFT REPORT

(February 1999

(This document has been approved by the Faculty Welfare Committee.)

SALISBURY STATE UNIVERSITY GRIEVANCE PROCEDURES

INTRODUCTION

Salisbury State University has established the University Grievance Policy to give members of the University community a forum in which to express concerns related to matters involving discipline unlawful discrimination or the interpretation or application of University policies. The Policy provides a method for aggrieved individuals from all sectors of campus life including students employees and faculty to express substantive complaints about University faculty or administrators and have them resolved by disinterested parties in a timely fashion.

The following matters are not covered by these grievance procedures:

1. Claims involving sexual harassment;
2. Claims relating only to alleged violations of policies which were promulgated exclusively by the University system of Maryland actions of the Board of Regents or actions of the chancellor of the System over which SSU has no jurisdiction;
3. Retrenchment appeals.
4. Student disciplinary matters handled through the Judicial Board

The following groups shall have jurisdiction over grievances:

Grievances filed by faculty: In all matters involving denials of tenure and any complaints that a faculty member's academic freedom has been directly restricted including disputes with other faculty or administrators over grades or grading policies the grievance shall be referred to the Academic Freedom and Tenure Committee. In matters related to other academic policy concerns the grievance shall be referred to the Academic Policies Committee.

In all other matters the grievance shall be referred to the Faculty Welfare Committee.

Grievances filed by students: In all academic matters including grade disputes with faculty the grievance shall be referred to the Academic Policies Committee. In campus life matters the grievance shall be referred to the Student Campus Life Grievance Committee.

Grievances filed by regular⁽¹⁾ nonexempt employees: These grievances shall be handled in accordance with University System of Maryland Policies.

Grievances filed by administrative exempt employees: These grievances shall be handled in accordance with Procedures Governing the filing and Processing of Grievances for Administrative Staff Personnel found in Appendix M of Laws Relating to and Governing Policies and Procedures of the Board of Trustees of State Universities and Colleges of Maryland.

Jurisdictional Disputes: If a dispute arises over the jurisdiction of the committee assigned to decide the matter the jurisdictional dispute shall be resolved as follows: for a grievance filed by faculty it shall be resolved by the president of the Salisbury State University Faculty Senate; for a grievance filed by a student it shall be resolved by the Office of the Vice President for Student Affairs.

PROCEDURES

The Policy includes two different avenues through which a grievant at his or her option may initiate a complaint. Nothing in this policy is to be construed to inhibit or prevent the grievant from reconsidering a less formal option once the formal grievance procedures have begun.

1. Informal Process

All members of the University community are encouraged to attempt to resolve differences between themselves and others in an informal manner. This may entail only a conversation in which the views of both parties are aired in a mutually satisfactory manner or a conversation using a neutral third party for mediation. If this step does not satisfy the grievant a written complaint should be prepared which should be provided by the grievant to the person alleged to be responsible either directly or because of a supervisory role for the alleged wrong. The complaint should set forth a chronology of events leading up to the grievance and should include the names of persons with knowledge of the events in question pertinent dates a description of the actions taken against the grievant which led to dissatisfaction and a proposed resolution to the problem. If known information about relevant University policies should be provided. The responsible individual should respond in writing to the complaint. If the response is not satisfactory to the grievant he or she may solicit the assistance of the supervisor of the responsible person to resolve the complaint. If no resolution is possible the grievant may elect to not proceed with the complaint or may begin the formal grievance process.

2. Formal Process

A. Filing the Grievance

If the informal process is not successful in resolving a complaint or if the grievant chooses not to utilize that process a formal grievance may be initiated. To initiate the process a student or faculty grievant shall file a written complaint similar in content to that filed in an informal grievance with the Office of the Vice President for Student Affairs or Office of the Provost respectively. An exempt or nonexempt employee grievant shall file a written complaint in accordance with System policy.

B. Referral to Committee

The Provost or Vice President for Student Affairs or his or her designee shall refer the grievance to the appropriate University committee for review and recommendation.

The committee shall meet and determine in its sole discretion whether sufficiently significant questions have been raised and remain unresolved so that the grievance should be resolved through an investigation and/or hearing. Committees then have the following options: 1) to initiate an investigation which may or may not need to be followed by a formal hearing 2) to forego an investigation and initiate a formal hearing or 3) to render a written decision based on evidence submitted.

C. Committee Investigation

If the committee determines that an investigation and a possible hearing should be undertaken to resolve the grievance it shall send written notice to all parties that the committee will be investigating the grievance further through a series of interviews at which the committee will collect additional information and evidence necessary for it to render an informed and reasoned judgement. The investigation may include interviews with the parties to the grievance and with any witnesses to the events a review of any pertinent documents and any other actions that the Committee deems appropriate.

D. Hearing

If a hearing is to be held the committee shall send written notice of the time date and location to all parties. The hearing shall be conducted as follows:

1. The hearing shall be held at a reasonable time when all parties are available or have an opportunity to be present.
2. The parties shall be entitled to make opening and closing statements.
3. The parties shall be entitled to present evidence through witnesses and documents and shall be entitled to cross examine the opponent's witnesses.

4. The hearing shall be closed to all persons but the grievant the alleged responsible person and the committee unless all of the above persons agree otherwise.

5. No one may be represented by an attorney at the hearing unless the accused is facing or may face criminal charges relating to the subject of the grievance. If so both parties may elect to have counsel assist them. In **this case** counsel for the committee may be present. The role of legal counsel in these hearings shall be limited to the role of advocate for their party in procedural concerns and assistance in the process. At no time may legal counsel give statements or participate in questioning witnesses and committee members. In all other grievances the grievant and the subject of the grievance may be accompanied to the hearing by a non-legal advocate of his or her choosing who may provide support to the individual but otherwise shall not participate formally in the proceedings. The advocate shall be a member of the University student body faculty staff or administration.

6. Formal rules of evidence need not be followed at the hearing. The committee may receive such evidence as a reasonable person would consider reliable in making important decisions. If a question arises about the authenticity of a document or the reasonableness relevance or redundancy of evidence the chair of the committee shall be the final decision-maker on the evidence's admissibility.

7. The parties may request in writing that the committee contact specified persons to appear at the hearing to testify on behalf of the parties. The request must be made at least five working days before the scheduled hearing in order to allow ample time for the committee to make the requests.

8. The chair of the committee shall be responsible for conducting the hearing in an efficient and decorous manner and shall rule on all disputes related to the procedures used throughout the proceedings. The chair may set reasonable limits on the length and nature of the opening statements the evidence presented and on the duration of the hearing. At any time the chair may seek the advice of legal counsel.

9. The grievant has the burden to prove by a preponderance of the evidence that the action or inaction complained about did occur and that it was contrary to University policy or procedures.

E. Findings

After the investigation and/or hearing have been held the committee shall meet to consider the merits of the grievance. It shall consider only that evidence that was admitted in the investigation and/or hearing and only those grievances which were formally part of the process. The deliberations shall be private and no recordings shall be made nor shall any notes be kept other than purely personal notes of the members.

Upon the conclusion of its deliberations the committee shall send a brief written notice of a preliminary finding of adequate or inadequate support for the grievance to the Provost or Vice President for Student Affairs and to the parties.

Upon receipt of the written notice the grievant shall have five working days to decide to pursue or withdraw the grievance. In order for a sanction to be imposed or a decision reversed the grievance must be pursued beyond the committee's deliberations. The grievant may confer with the chair of the committee before making this decision at which time the chair will explain the committee's rationale for its decision.

If the grievance is pursued the committee shall issue a full report of its findings and its recommendations including any dissenting views after the report has been reviewed by all committee members. The report shall be sent to the Provost or Vice President for Student Affairs who will send a copy to the grievant and the allegedly responsible party.

The Provost in instances of grievances filed by faculty or the Vice President for Student Affairs in instances of grievances filed by students will make a final determination as to findings and sanctions will make a final report and convey it to the parties and the chair of the committee.

F. Appeal

If either party dissatisfied with the findings of the committee Provost or Vice President of Student Affairs may file an appeal to the President of the University. The bases for an appeal are only the following: (1) committee's failure to follow the procedures set forth in this Policy in a way which could have significantly prejudiced the appellant; (2) bias on the part of a committee member; or (3) the decision was based on a clearly erroneous interpretation of the evidence. The President may review the matter at his or her discretion and shall issue a decision upholding or rejecting in whole or in part the findings of the committee. The decision of the President shall be final.

G. Time Frame

The following suggested deadlines shall be used for the various events that occur during the grievance process. They shall be followed unless unforeseen circumstances prevent compliance. Failure to adhere strictly to the suggested deadlines shall not be grounds for appeal unless significant prejudice has occurred.

1. Filing the formal grievance: this must occur within thirty (30) working days⁽²⁾ of the date on which the **grievant** knew or should have known of the grievable incident. There must be strict compliance with this deadline. Unless the grievant and

responsible party agree in writing to stay the enforcement of this deadline the thirty working day period applies even if the informal process has not been completed.

2. Response to the informal complaint: within ten working days of the receipt of the complaint.
3. Decision to proceed with an investigation and possible hearing: within ten working days of the receipt of the formal complaint by the committee.
4. Investigation interviews **and/or hearings: Completion** within thirty working days of the decision to proceed with an investigation **or hearing**.
5. Issuance of committee's decisions and recommendation to the Office of the Provost or the Office of the Vice President for Student Affairs: within ten working days of the decision to proceed without an investigation or **hearing** or within ten working days of the last interview **or hearing**.
6. Issuance of committee report: within ten working days **after the request of the grievant**.
7. Issuance of the Provost's or vice President's determination to the parties: within **five** working days of issuance of the committee's findings to that Office.
8. Filing of appeal: within five working days of the issuance of the Provost's or Vice President's determination.
9. President's final ruling: within **ten** working days of the receipt of the appeal.

[The total amount of time from incident through a final decision from the President is 150 working days assuming a hearing takes place in one day. All time limitations contained within this policy may be extended for good cause shown **by the relevant committees or administrative offices.**]

H. Miscellaneous

The matters addressed in any grievance will be kept in confidence by the parties directly involved. Under no circumstances shall any findings be provided to anyone other than the committee **members** the Office of the Provost the Office of the Vice President of Student Affairs the Office of the President the grievant the person(s) allegedly responsible and their attorneys if such have been consulted.

The committee may seek the advice of legal counsel at any time during the process.

1. "Regular" means noncontingent employees.

2. For faculty the applicable period for "working days" is the contract year August 15th through June 15th. For students the applicable period includes the fall and spring semesters of the academic year.

Comments and questions about this page can be directed to the [Senate Webmaster](#).