

**MORGAN STATE UNIVERSITY
PROCEDURES GOVERNING THE FILING AND PROCESSING
OF GRIEVANCES FOR ADMINISTRATIVE STAFF PERSONNEL**

A. General

Morgan State University recognizes that legitimate problems, differences of opinion, complaints, and grievances may exist in the daily relationships between the university as an employer and its employees. It shall be the responsibility of all supervisors, administrators, managers, program directors, faculty, 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.

Each person involved has an obligation to make every effort to resolve employment relation problems as they arise on a working level basis. In any case where this effort fails, an appeal may be taken to higher authority in accordance with these procedures. Each university employee shall have the right to make known his problem or complaint without fear of coercion or reprisal. The right of an employee to representation, if desired, at any state in the consideration of his/her complaint or appeal, is also recognized.

All matters concerning discipline, promotion, suspension, assignment, and interpretation or application of university rules and departmental procedures over which management has control may be the source of an employee complaint or grievance, but no decision may be made at any step of the grievance procedure which conflicts with or modifies a policy approved by the Board of Regents of the University, or with any applicable statute, or with any administrative regulation issued by a superior official unless prior approval has been obtained from the responsible official.

B. Personnel Categories Excluded from these Procedures

The following categories of personnel in the employ of the university are excluded from these procedures governing the filing and processing of grievances:

Category I: University President

Category II: University Vice President

Category III: Full-time faculty members (i.e., persons appointed to full-time teaching and/or faculty research positions at the university), whose employment has been formalized by their having been tendered a "Faculty Member's Contract" irrespective of whether or not they may be assigned administrative

duties (i.e., Dean, Associate Dean, Assistant Dean, Director of a Program, Division/Department Chairperson) in conjunction with their “faculty” position.

E-2

Category IV: Full-time professional librarians whose employment has been formalized by their having been tendered a “Professional Librarian’s Contract”.

Category V: Classified employees in the State Merit System.

Category VI: Part-time employees occupying any position who who are not in the classified State Merit System to include student employees, graduate assistants, laboratory assistants, etc.

Category VII: Full or part-time emergency or “temporary” employees occupying any positions.

C. Filing and Processing of Grievances

Step One - Designated Supervisor Level

Grievances must be initiated within ten (10) working days of the action involved, or of the employee having reasonable knowledge of the act. The aggrieved employee and/or his designated representative at this step may:

1. Present his grievance orally to his designated supervisor for the purpose of informal discussion. If the grievance is unresolved after three days, the employee may appeal to Step 2. The appeal to Step 2 must be in writing and must be filed within three days; OR
2. Present his grievance in writing to his designated supervisor for formal consideration. If the grievance is presented to the designated supervisor, he shall within five days after the receipt of the written grievance hold a conference with the aggrieved and/or his designated representative. In the event the aggrieved employee is not satisfied with the decision rendered at this step, he and/or his designated representative may appeal in writing to Step 2 within five (5) days.

In the event of resolution at Step 1, it is the responsibility of both the employee and the designated supervisor to continue to review the matter thoroughly, earnestly, and in detail, either privately or with the help of others in the employee’s immediate work unit to insure satisfactory resolution.

It is the responsibility of each supervisor to use his judgment in keeping his superiors informed on the status of each grievance and as necessary, to request guidance, advisory committees, or other assistance consistent with departmental

policy. If after thorough discussion, either the employee or the supervisor feels the need for aid in arriving at a solution, they may request the University Personnel Department to provide resource staff, or they may invite any other available resource personnel to participate in further discussions. The addition of such participants shall not relieve the designated supervisor and the employee from responsibility for resolving the problem. Discussion, if followed in good faith by both parties, should lead to a fair and prompt solution of most employee-employer problems.

Step Two - Program Director - Procedure and Decision

The grievance appeal shall be presented in writing to the Program Director, or his designated representative, who shall process the appeal from the next lower level. Within five (5) days after receipt of the written grievance, the Program Director, or designated representative, shall hold a conference with the aggrieved and/or his designated representative and shall render a written decision within then (10) days after the conclusion of the conference. In the event the aggrieved is not satisfied with the decision, he may appeal in writing to the next step within five (5) days. It is the responsibility of the Program Director to use his judgment in keeping his superiors informed of the status of each grievance and, as necessary, to request guidance, advisory committees, or other assistance in finding solutions.

The University Personnel Department shall be available to serve as a resource at this level. This shall not, however, relieve the Program Director from the responsibility of issuing a written decision at Step 2 of this procedure.

Step Three - Vice President - Procedure and Decision

The grievance appeal shall be presented in writing to the Vice President administratively responsible for the direction of the employee and program director. A hearing shall be held within five (5) days of the receipt of the written grievance appeal, and a written decision shall be rendered within five (5) days after the conclusion of the hearing. The Personnel Director may be asked to participate in the hearing as an advisor to the Vice President.

Step Four - University President

The aggrieved employee at this step may present his grievance appeal, in writing, to the President of the University who may either:

1. Personally consider the grievance, in which case within ten (10) working days after receipt of the written appeal, he shall report his findings 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. Such findings shall be final and binding upon all parties; or

2. Determine the grievance to be one which properly should be considered by a hearing committee. In such instances, within five (5) work days after receipt of the written grievance appeal, he shall appoint a hearing committee consisting of three individuals (no two 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 of the University who, within three (3) work days after receipt of the advisory opinion, shall report his findings 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. Such findings shall be final and binding upon all parties.

D. Definitions and Conditions

Grievance - Any matter over which management has control pertaining to discipline, promotion, suspension, duties, termination, conditions of employment and interpretation or application of University rules and procedures which may arise between an employee covered under these procedures and his supervisor.

Appeal - Higher level redress of the grievance.

Work Day - A work day is defined as any day within the period encompassing Monday through Friday, regardless of work schedule, weekend work, holiday, or work day off.

Program Director - The level of management immediately above that of the first-line supervisor.

Condition - Grievance appeals shall be timed from receipt of the written opinion of the applicable level of management, or from when such opinion is due, whichever comes first.

E. Termination Notice

1. General

- a. Employees of Morgan State University who are not bona fide members of the University Faculty or Merit System participants, may be removed from positions by one of the following three procedures: reassignment, adequate notice of termination, or by action for just cause.

b. All non-classified employees shall be considered as being in a probationary status during the first year of employment with the university. The employee may be dismissed during the probationary year without recourse on his part upon either (a) a minimum of one month's advance notice, or (b) upon notice to the employee that the dismissal is for just cause(s) in which case the employee shall be deemed to have requested, and the university to have granted, two weeks administrative leave with pay.

2. Reassignment

Any non-classified employee may be removed at any time, including during the probationary period, from his position by reassignment. Neither adequate notice, nor action for just cause is required to effect a reassignment. The university's responsibility under reassignment shall be to offer a substitute position reasonably commensurate with the person's education, experience, and performance.

3. Requirements of Notice for Permanent Non-Classified Personnel

Upon the satisfactory completion of the probationary year, the following requirements of notice shall apply:

3. a. Employees with 1 through 3 years of completed university service may be removed from university employment by the issuance of a three (3) month notice of termination.
- b. Employees with 4 through 7 years of completed university service may be removed from university employment by the issuance of a six (6) month notice of termination.
- c. Employees with more than 7 years of completed university service may be removed from their position by reassignment, or may be removed from university employment by action for just cause and not by notice alone.

4. Removal by Action for Just Cause

a. A non-classified employee may be removed for cause. Substantial violation of reasonable standards of conduct for employees may be sufficient cause for removal, provided such substantial violation causes a loss to or otherwise jeopardizes the university, its reputation, programs, property, employees, and students.

b. The following are furnished only as examples of sufficient grounds for termination for cause and should not be construed as limitations upon

the discretion of the appointing authority to dismiss any non-classified employee, or any other reason deemed sufficient to it:

Failure to adhere strictly to the State Code of Ethics, as the same may be amended from time to time; engaging in outside activities which conflict with specified hours of work; job performance; excessive absenteeism; permanent or chronic disability which seriously jeopardizes or prevents performance of assigned duties; moral turpitude; willful misconduct; insubordination; or willful neglect of duty.

E. Filing Charges of Removal

Charges for the removal of an employee for just cause shall be filed in triplicate with the Director of Personnel who shall forthwith mail one copy by Registered or Certified Mail to the last known address of the employee against whom the charges are brought. Such charges shall state specifically the acts which constitute cause for removal. Such notice shall also advise the employee that he may, within five (5) days from the date on which the return receipt or other evidence of delivery is received by the Director of Personnel, request an opportunity to be heard in his own defense. An appointing authority may suspend any employee, pending the filing of charges for his dismissal with the Director of Personnel, with or without pay. In the event an employee is suspended without pay and the charges are not received by the Director of Personnel within ten (10) working days from the date of suspension, the department must then place the employee on leave with pay until such charges are received.

F. Hearings

If the employee shall request an opportunity to be heard, as provided above, the Director of Personnel shall, within ten (10) days if practicable and in any case within 30 days, investigate or cause to be investigated the charges and give the employee an opportunity to be heard in his own defense, in accordance with the PROCEDURES GOVERNING THE FILING AND PROCESSING OF GRIEVANCES FOR ALL PERSONNEL OF MORGAN STATE UNIVERSITY WITH THE EXCEPTION OF ADMINISTRATIVE STAFF, FACULTY AND MERIT SYSTEM EMPLOYEES: provided however, that such hearing may be postponed to a date after the expiration of such 30-day period upon written request for such postponement by the employee or his counsel and upon approval of the Director of Personnel. The Director of Personnel has the responsibility for coordinating all arrangements for hearings.

G. Other

Grievance Procedures

None of the above shall be construed to nullify the ability of the university to lay off a non-classified staff member from his position for reason of a demonstrably bona fide lack of supporting funds or change in program requirements. A minimum of a 30-day notice with pay shall be given any person laid off because of fund curtailment or change in program requirements, and the university shall make every effort to find substitute employment for a person losing salary support.