

Failure to appeal at any step constitutes acceptance. Failure to answer is a denial to which an appeal may be made. By mutual agreement, the time limits and/or steps may be waived.

(l) It is the responsibility of each party to the grievance procedure at each step of the procedure to duplicate the grievance form prior to filing it with the employer or returning it to the employee and to retain one copy of the form.

(m) A grievance may start with a complaint or request by a permanent or temporary employee.

(n) An employee may be represented at every step of the grievance procedure by a party or organizational representative.

(o) An employee shall receive a copy of this grievance procedure upon employment at the University.

(p) Both parties shall make an effort to resolve the grievance at the lowest possible level.

(q) All grievance hearings shall be open hearings unless either party requests that the hearing be closed.

(r) At any step of the grievance procedure, either party may require that witnesses be excluded from the hearing room until called.

(s) Any party who elects to use this procedure for resolution of a problem is presumed to agree to abide by the final disposition arrived at in this procedure and the final disposition may not be subject to review under any other procedure within the University.

(t) Any question concerning the timeliness of a grievance or whether a complaint is subject to the grievance procedure shall be raised and resolved promptly, unless the person hearing the grievance or appeal determines that the decision on a motion to dismiss will be deferred pending a hearing on both the merits and the motion.

13-1A-07.

(a) The defense of sovereign immunity may not be available to the University, unless otherwise specifically provided by the laws of Maryland, in any administrative, arbitration, or judicial proceeding held pursuant to this section, to the rules and regulations of the Secretary of Personnel, or the personnel policies, rules, and regulations for classified employees of the University of Maryland SYSTEM involving any type of employee grievance or hearing, including, but not limited to charges for removal, disciplinary suspensions, involuntary demotions, or reclassifications.