Information

Appeals

Effective

May 1, 1992

Number

PER-5.04

Applicability

This policy applies to University staff.

Administrative Authority

Vice President for Human Resources

Responsible Unit

Human Resources

Miller Information Technology Center Rm 02C

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History

Revision Date(s): November 1, 2011; August 16, 2019 (minor revisions); February 22, 2021; December 7, 2021 (minor edits); August 24, 2022 (minor edit); May 11, 2023; April 9, 2026 (minor revision); August 14, 2026; August 21, 2026

Reviewed Date(s): March 9, 2016; August 13, 2026

Comment & Review Record:

Endorsed by Staff Senate Grievance Committee

March 7, 2011

Endorsed by Staff Senate - Preliminary Draft

April 11, 2011

Approved by University Counsel as to Form & Legality

June 28, 2011

Vice President & Dean Comment Period

June 28, 2011 - July 15, 2011

Open Sessions for Community Comment

July 5 - 12, 2011

Re-Posted for Information (No Changes)

September 2, 2011

Endorsed by Staff Senate

September 12, 2011

Reviewed by EC of Faculty Senate - No Action Required

October 19, 2011

Approved by Executive Vice President & Provost:

October 31, 2011

Categories

Statement:

A regular status staff employee may appeal a permanent reduction in salary, demotion in grade, or termination.

STAFF GRIEVANCE OFFICER

The Staff Grievance Officer is available to consult with staff employees during each step of the appeal process, including the initial formulation of the written notice of appeal. The Staff Grievance Officer may work closely with staff employees, departments, and the Human Resources Department to seek equitable resolutions of all appeals. The Staff Grievance Officer may serve as a personal advisor for the staff employee during an appeal process (if requested by the employee), but may not serve as an advocate on behalf of the employee.

STANDARD FOR REVIEW

An appealable action may be reversed on appeal for only two reasons: (1) there was no reasonable basis for the university action; or (2) there was a substantial deviation from university procedures and the deviation created a prejudice against the employee.

Note: As provided at PER-4.16 “A staff member adversely affected by a RIF may appeal the action through the Appeal process only if the staff member believes that the action was based on inconsistent or improper application of the Reduction in Force Policy or Procedure.”

Procedures:

1. **Notice of Appeal**

1. The employee shall submit a written Notice of Appeal to the Vice President for Human Resources or designee within ten (10) workdays of the receipt of the notice of action taken if the notice was handed to the employee personally, or within ten (10) workdays of the date on which the notice of action taken was mailed to the employee. If the notice of action taken was both handed to the employee personally and mailed to the employee, the time for submitting the Notice of Appeal shall be ten (10) workdays from the date that the notice of action taken was handed to the employee personally.
2. In order for a written Notice of Appeal to be considered submitted to the Vice President for Human Resources or designee, the Notice of Appeal must be delivered, either by mail, electronically or in person, to the Office of the Vice President for Human Resources.
3. The Notice of Appeal shall include a full statement indicating the basis for the appeal, the facts on which the appeal is based, and the remedy that the employee is seeking.
4. The Vice President for Human Resources or designee shall forward a copy of the Notice of Appeal to the employee's supervisor and to other appropriate individuals.

2. **Determination of Eligibility**
    1. Upon receipt of the Notice of Appeal, the Vice President for Human Resources or designee shall review the appeal to determine whether it meets the eligibility requirements of this policy. A written eligibility determination shall be provided to the employee within ten (10) workdays of receipt of the Notice of Appeal, unless additional time is necessary to make the determination.
    2. If additional time is required to obtain information or documentation necessary to make the eligibility determination, the Vice President for Human Resources or designee may extend this timeframe. The employee will be notified in writing of the extension and the anticipated date of the determination within the ten (10) workday timeframe.
    3. If the Notice of Appeal is incomplete or does not contain sufficient information to determine eligibility under this policy, the Vice President for Human Resources or designee may request additional information from the employee before issuing an eligibility determination. The employee shall provide the requested information within five (5) workdays of the request unless an extension is approved by the Vice President for Human

Resources or designee.

4. If the employee is found not to be eligible to file an appeal, the employee's Notice of Appeal shall be dismissed by the Vice President for Human Resources or designee. The written determination shall state the reason for the ineligibility.
5. If the employee is found to be eligible to file an appeal, the appeal will move forward in the process and a hearing officer will be assigned. The employee's department will be responsible for the costs incurred. The fee for a hearing officer is $125/hour.

3. **Hearing Officers**
    1. The Vice President for Human Resources or designee shall give written notification to the employee, the employee's supervisor, and other appropriate individuals of the name of the hearing officer who is assigned to hear the employee's appeal.
    2. The hearing officer shall conduct all pre-hearing conferences and hearings.
4. **Pre-Hearing Conferences and Hearings**
    1. There shall be an initial pre-hearing conference at which the parties to the appeal and the hearing officer in consultation with the Vice President for Human Resources or designee shall decide the issues to be addressed in the appeal, the advisors to be present at the hearings, the extent of the advisors' participation at the hearings, and any other relevant procedures. The final decision on these and all other procedural matters rests with the Vice President for Human Resources or designee.
    2. There shall be a hearing at which the employee and the university shall have the opportunity to present evidence regarding the action taken, including testimony of witnesses. The hearing shall be informal; strict rules of evidence shall not apply.
    3. The Vice President for Human Resources or designee shall be present at all hearings and pre-hearing conferences. The Staff Grievance Officer shall be informed in writing of all hearings and pre-hearing conferences and may attend all such meetings at his or her discretion.
    4. The employee may be represented by an attorney (at the employee's own expense) or have a personal advisor of his or her choice present at all pre-hearing conferences and hearings. If an employee wishes to be assisted by an advisor but is unable to locate an advisor, the employee may contact either the Staff Grievance Officer or the Vice President for Human Resources or designee, who will help the employee locate a university

faculty or staff member to act as the employee's advisor. Employee advisors are not assigned in this process, but remain the sole choice of the employee.

[Note: Employees should be aware that personal advisors may not participate in the examination of witnesses or the presentation of evidence to the hearing officer. If the employee anticipates needing assistance in these functions, the employee will need to be represented by an attorney, at the employee's own expense.]

5. Supervisors shall be represented by an attorney from the Office of General Counsel or outside counsel, as determined by the Office of General Counsel.

5. **Hearing Officer's Report**
    1. After the hearing has been completed, the hearing officer shall issue a written report which shall:
        1. Summarize the evidence presented at the hearing;
        2. State the hearing officer's Findings of Fact and the basis for those findings; and
        3. State the hearing officer's Recommendations for Action.
    2. This written report shall be submitted to the Vice President for Human Resources or designee within ten (10) workdays of the completion of the hearing, unless the Vice President for Human Resources extends that time period. An extension of time may also be granted under extenuating circumstances if the appellee approves of the extension.
    3. The Vice President for Human Resources or designee shall submit the Hearing Officer's Report to the President or designee within three (3) workdays of the receipt of the report.
6. **Appeal Decision**
    1. The Vice President for Human Resources exercises authority on behalf of the President to review the Hearing Officer's report and render an appeal decision on behalf of the University. Note: In the instance of an appeal being directed against the VPHR, the Executive Vice President and Provost shall act in such manner.
    2. The Hearing Officer's Report shall become the Appeal Decision seven (7) workdays after the Report has been submitted to the Vice President for Human Resources unless the Vice President for Human Resources determines that the report, or any part of it is not in the best interest of the university.

3. If the Vice President for Human Resources determines that the Hearing Officer's report, or any part of it, is not in the best interest of the university, the Vice President shall issue an Appeal Decision within seven (7) workdays of receipt of the Hearing Officer's Report.
4. The Vice President for Human Resources or designee shall forward the Hearing Officer's report or Appeal Decision, if any, to the employee, the employee's supervisors, and any other appropriate individuals.
5. The Vice President for Human Resources or designee shall be in charge of implementing the Appeal Decision and may take whatever action is necessary to do so.
6. The Appeal Decision shall be final.

7. **Administrative Timeframes and Extensions**

   The Vice President for Human Resources or designee may extend any administrative timeframe established in this policy when additional time is reasonably necessary to gather information, obtain documentation, consult with appropriate University officials, accommodate scheduling conflicts, or address other extenuating circumstances. The parties shall be notified in writing of any approved extension and the anticipated revised timeframe.