



# Appeal Policy and Procedure for Staff

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## 1. Overview

There may be times when an employee disagrees with a decision made by his/her manager (or supervisor) in the application or interpretation of Kardan University or department policy, which results in the employee receiving a disciplinary action or in a decision affecting the individual's employment status.

This Appeal Policy and Procedure is designed to allow the manager an opportunity to reevaluate his/her decision and to provide a way for the employee to appeal the decision through other levels of management.

Topics for appeal include written warnings, performance reviews and merit increases, layoff decisions and termination from employment and other types of decisions affecting an individual's employment status. In all situations, employees may meet with the Office of Human Resources to discuss their concerns and available options.

Sexual harassment or other harassment/discrimination concerns are addressed under a separate policy, against staff or faculty. Any appeal that raises a harassment or discrimination issue will be handled pursuant to the university's "Non- Discrimination Policy".

## 2. Policy Scope

This policy applies to all Kardan University staff including faculty, administration and support staff.

## 3. Guidelines

### A. Problem Resolution

If a manager makes a decision with which the employee disagrees, the employee is encouraged to resolve the problem through discussion with the manager. The employee should initiate this discussion within a week of the action that led to the disagreement. The manager is expected to consider the employee's point of view and make efforts to resolve the issue informally while following university policies. Human Resources Office may be consulted with regard to current policy/practice and options for resolution.

### B. Appeal Process

If the matter cannot be resolved informally, or if the employee chooses to appeal without discussing the issue with his/her manager, then the appeal procedure may be initiated.

To initiate an appeal, the employee must give written notice to the Human Resources. The Human Resources is responsible for coordinating the formal appeal meetings and providing relevant documentation to the parties involved.

The manager may request that the employee meet with him or her, even if earlier discussions and attempts to resolve the issue failed. However, if the manager feels that a thorough review has already occurred, then the appeal would go to the next managerial level.

### C. Levels of Review

The number of levels in the review process is generally based upon the level of manager to whom the employee reports. Given the complex nature of some reporting relationships, the next level of review may at times be unclear. In light of any uncertainty, the Human Resources Manager will determine the appropriate level of review.

The appeals process may involve up to four levels of review including:

**Level One:** A review by the manager making the decision under appeal.

**Level Two:** A review by the next-level manager. If there is more than one manager between the Level One manager and the department head or chair, the Human Resources Manager will consult with the particular area to determine which manager is most appropriate to hear the appeal.

**Level Three: (Final and binding)** A review by the executive manager of the University.

**a. Level One Review:** The employee must submit the appeal to the Human Resources department within 10 workdays of the situation forming the basis for the appeal or after informal attempts fail to resolve the issue. The written appeal must include:

- Statement of the problem.
- What, if any, efforts or alternatives have been suggested to resolve the problem informally.
- Why, in the employee's opinion, any efforts and/or suggested resolution failed.
- The resolution sought.

The Human Resources representative will forward relevant documentation to the appropriate manager and arrange a meeting between the employee and that manager to discuss the appeal. The manager may also meet with anyone who has firsthand knowledge of the circumstances and decision under appeal. The manager will provide a response to the employee, in writing and through the Human Resources representative within five workdays of meeting with the appealing employee.

If the appeal is not resolved to the employee's satisfaction, the employee must notify the Human Resources Office within three workdays of receiving the response.

The second level of appeal will be coordinated by the Human Resources Office.

**b. Level Two and Next Level of Review:** The Human Resources representative will schedule a meeting between the employee and the Level Two manager and will provide all relevant documentation to this manager for his/her review. In addition to the appeal meeting with the employee, the Level Two manager is encouraged to meet with the Level One manager to seek clarity about the appeal. The Level Two manager may also meet with anyone else who may have firsthand knowledge of the circumstances and decision under appeal. The Level Two manager will then provide a response to the employee, in writing and through the Human Resources Office, within six workdays following the meeting.

If the appeal is not resolved to the employee's satisfaction, the employee must notify the Human Resources Office within three workdays of receiving the response. The Human Resources Office will then initiate the Level Three appeal.

- c. Final Level:** The Chief Operating Officer will make the final decision in the formal appeal process for the following areas: administration, Operations and communications.

The Vice Chancellor Academics will be the final decision-maker in the formal appeal process for all academic areas and within the student life division.

If the appeal is brought against the Chief Operating Officer, Vice Chancellor Academics, Chief Finance Officer, Chief Strategic and Growth Officer and Registrar the Chancellor will serve as the final decision-maker.

The Human Resources Office will provide the Chancellor, Chief Operating Officer and Vice Chancellor Academics, as appropriate, with all documentation related to the employee's appeal. He/she will review the materials and, at his/her discretion, may or may not meet with the appealing employee or manager(s) involved.

Within 10 workdays, the Chancellor, Chief Operating Officer and Vice Chancellor Academics will notify Human Resources Office in writing of his/her decision to uphold the decision, modify the decision or overturn the decision.

The Human Resources Office will provide the employee and relevant managers with a copy of the final and binding decision.

## **4. Miscellaneous**

### **A. Scope of Appeal**

The appeal is intended to review whether or not a decision made by the supervisor/manager was fair and consistent with departmental or university policy as it applies to an individual employee. Employees may appeal a decision that applies only to him/her personally and not on behalf of others.

The appeal will focus exclusively on the decision under appeal. Broader issues related to university policies, management style and other such issues will not be considered as part of the appeal.

### **B. Outcome of the Decision**

Questions will sometimes arise regarding the process used by the original decision-maker to reach the decision under appeal. In evaluating whether the decision was fair, managers at the various levels should evaluate whether the outcome (the decision being appealed) was warranted, regardless of the process, unless there was a violation of policy used to reach the decision.

### **C. Written Appeal to Next Level**

Following the initial written appeal, employees may verbally appeal to the next level of review by contacting the Human Resources Office. However, there are situations in which a written appeal to the next level is required. For instance, at times managers may suggest a remedy, compromise or modification that is different from the employee's requested outcome. If an employee is dissatisfied with the suggested remedy and wishes to appeal to the next level, he/she may be asked to put his/her appeal in writing to explain the reasons why he/she is dissatisfied with the proposed solution.

### **D. Remedy**

The remedy that an employee seeks is an important part of the appeal. The initial written appeal must address what the employee seeks as an outcome, i.e., withdrawal of warning, reducing a written warning to a verbal warning, and so on. Back pay, benefits, placement in another department or other such employment conditions are not appropriate for appeal and will not be addressed by the appeal process.

## **E. Time Frames**

The time frames contained in this policy are intended as guidelines. Although reasonable efforts will be made to adhere to these time frames, scheduling difficulties or other reasons may require flexibility on the part of the appealing employee, managers and others involved.

## **F. Documentation**

Documentation relevant to the appeal is assembled by the Human Resources Office and will be provided to the employee, managers and the Chancellor, Chief Operating Officer and Vice Chancellor Academics, as appropriate. Documentation may include, but is not necessarily limited to:

- Documentation related to the decision under review (i.e., memos, warnings, performance reviews, etc.).
- Employee's written appeal.
- Written responses from managers.
- Related policies.

The Human Resources Manager or designee will review the employee's entire personnel file to ensure that all pertinent documentation is made available to the employee and those hearing the appeal. The Human Resources Manager or designee will determine the appropriateness of any information and/or documentation to be submitted during the appeal process.

## **G. Third-Party Assistance/Moral Support**

The appeals policy and procedure was voluntarily established by Kardan University to address issues raised by employees concerning the application or interpretation of policy in their individual case. Therefore, representation of employees by nonemployees and/or attorneys during the appeals process is not permitted.

At any step in the appeal process, the employee may bring another employee of his or her choice to meetings to provide moral support, to serve as an informal adviser and/or to take notes. The employee must notify the Human Resources Manager or designee in advance of the appeal that a fellow employee will be serving as moral support. The individual must be employed by the university at the time of the appeal. Employees who do not wish to accompany the appealing employee are under no obligation to do so.

The accompanying employee may not speak on behalf of the employee and is not permitted to speak during the appeal meetings. If either the appealing employee or accompanying employee wishes to confer during the meeting, they may be temporarily excused from the meeting.

No one employed in the Office of Human Resources may serve as the accompanying employee. No one who is in a subordinate position to the appealing employee may serve as the accompanying employee.

## **H. Withdrawal of Appeal**

Per written notice, the appeal may be withdrawn or ended by the employee at any time.

## **I. Confidentiality**

It is expected that information related to the employee or others involved in the appeal be treated as confidentially as possible.

## **J. Pay**

Appeals will generally be held during normal working hours. Employees will be paid as if they worked during this time. There will be no loss of pay for any employee involved.

## **K. Retaliation**

Retaliation is prohibited against any person who in good faith initiates an appeal, provides information during an appeal or serves in the role of providing moral support. Retaliation against any such employee may result in disciplinary action, up to and including termination from employment or loss of privileges.

## **L. Appeal Records**

Appeals are not included in the employee's personnel file. These records are maintained separately in the Human Resources Office.

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