

STAFF APPEAL PROCEDURE

An employee is expected to attempt resolution to an adverse action through informal process prior to initiating a formal appeal. Informal process may include discussion with their immediate supervisor or Human Resources. The formal process for staff members is listed below. Faculty members should follow the Grievance Procedure outlined in the ESEA Agreement.

To initiate a formal appeal the following actions are taken:

PHASE ONE

1. An appeal must be filed with Human Resources (“HR”) in writing within 45 business days following the first occurrence of the event that led to the appeal.

If the appeal involves an employee of the HR office, an employee may submit the written appeal to the Provost and advance to phase two of this process.

2. The written appeal must be signed by the employee, establish the nature of the appeal, and provide:
 - a. the facts on which it is based;
 - b. the alleged policy violation;
 - c. the previous efforts to resolve the issue; and
 - d. the relief requested
3. Human Resources shall discuss the appeal form with the employee, at a time mutually agreeable to both parties.
4. If the appeal is resolved at this stage, the resolution shall be reduced to writing and signed by the employee and HR.
5. In the event that a resolution could not be reached, HR will present the College’s written answer to the employee within five (5) business days following the meeting referenced in step three (3), a copy of both the appeal and the answer will be forwarded to the designated vice president.

PHASE TWO

1. Phase two shall be conducted by the Vice President or Provost designated in paragraph (1.) (a) or paragraph (1.) (b) below:
 - a. If no resolution is reached in phase one, the employee shall submit the appeal form, along with any attachments, to the Vice President of Finance & Institutional Effectiveness within five (5) business days following receipt of the college’s answer in step five (5) of phase one.
 - b. If no resolution is reached in phase one and the appeal involves a direct report of the Vice President of Finance & Institutional Effectiveness, phase two shall be conducted by the Provost after receipt of the college’s answer in step five (5) of phase one.

2. The designated Vice President or Provost will submit to the College president and to the employee a formal report containing a summary of relevant facts, interpretations of relevant policies, and a recommendation for disposition of the appeal within ten (10) business days of the commencement of phase two.
3. If a resolution is reached at this stage, the resolution shall be reduced to writing and signed by the employee and the designated Vice President or Provost.
4. If there continues to be no resolution reached, the designated Vice President or Provost will provide the College's written answer to the employee within twenty (20) business days following the commencement of phase two and a copy of both the appeal and the College's answer will be forwarded to the College President.

PHASE THREE

1. The employee shall have ten (10) business days after receipt of the College's answer in step four (4) of phase two to present to the College President, in writing, any objections or comments regarding the report submitted by the designated Vice President or Provost in step two (2) of phase two.
2. The College President shall review the employee's objections in accordance with the designated Vice President or Provost report and provide the employee a written statement of the College President's findings and decision within ten (10) business days of the receipt of the employee's objections in step one (1) of phase three.
3. The decision of the College President is final.

Time Limits

1. If an appeal is not presented within the time limits set forth above, it shall be considered waived.
2. If an appeal is not appealed to the next step within the specific time limit or any agreed extension thereof, it shall be considered settled on the basis of the College's last answer.
3. If the College does not answer an appeal or an appeal thereof within the specific time limits, the employee may elect to treat the appeal as denied at that step and immediately appeal to the next step.
4. The time limit in each step, except the time limit for filing the appeal in phase one, may be extended by mutual written agreement of the College and the employee; which extension shall not be unduly withheld by either party.
5. The term "business days" as used in this procedure shall mean the days Monday through Friday excluding holidays observed by the college.