



<b>Policy:</b> Review and Appeal of Employment Action Policy	<b>Policy No:</b> I-6.3
<b>Policy Owner(s):</b> Human Resources	<b>Original Date:</b> 4/1/2016
<b>Last Review Date:</b> 9/19/2023 (DRAFT)	<b>Approved Date:</b> 12/12/2023

- I. **POLICY:** John Carroll University provides staff employees with an internal process to appeal specified employment-related actions as defined in this policy. Employees who would like to appeal certain specified actions taken by the University or by a University employee related to their employment may use this review and appeal procedure. While all steps of this review and appeal process are available to employees, employees are encouraged to resolve the appeal at the lowest level possible, when possible and appropriate. The Human Resources Department is available to offer assistance and advice to employees regarding employment-related actions and the review and appeal process.
  
- II. **PURPOSE:** To provide staff employees with an effective method to review and appeal employment-related actions.
  
- III. **SCOPE:** All staff employees of John Carroll University.
  
- IV. **DEFINITIONS:**
  - A. **Formal Appeal:** A written request from the employee seeking redress for an employment-based action specified in this policy, including termination, corrective action, and/or a violation or misapplication of University policy or procedure.
  
  - B. **Final Appeal Committee (“Committee”):** A committee of three (3) staff members selected by Human Resources from a pool of staff members appointed by the University’s Vice Presidents for each division of the University.
  
- V. **PROCEDURES:**
  - A. **Initial Informal Review and Resolution of Employment Action**
    - 1. If an employee wishes to appeal an employment action, they should first initiate an informal review of the employment action

with their immediate supervisor, when feasible and appropriate for the issue involved, within 5 business days of the action that led to the disagreement.

2. The employee and supervisor may work with the Human Resources Department to review the issue or appeal.
3. The supervisor is expected to consider the employee's point of view and make efforts to resolve the issue informally while following university policies. The immediate supervisor may meet with other parties to gather information regarding the appeal.
4. If the immediate supervisor is the subject of the appeal, the employee should attempt to review the employment action with the next-level supervisor, the department head, or the Human Resources Department.
5. If the employee wishes to appeal a suspension or termination through this policy, the employee should start the process at the Formal Review stage by filing a [Formal Appeal](#) with the Human Resources Department.

#### B. Next-Level Informal Review of Employment Action

1. If the employee is unable to resolve the appeal with the immediate supervisor, the employee should attempt to resolve the appeal with the next-level supervisor.
2. The employee and the next-level supervisor may work with the Human Resources Department to resolve the appeal.
3. The next-level supervisor may meet with other parties to gather information regarding the appeal.
4. If the next-level supervisor is the subject of the appeal or attempted to resolve the appeal with the employee in the first informal review attempt, then the employee should attempt to resolve the appeal with the Human Resources Department.

#### C. Formal Review of Employment Action

1. If the employee is unsatisfied with the outcome of the informal review process, if issues persist despite the informal review process, or if the issue is not appropriate for informal review at the discretion of Human Resources, the employee may submit a written [Formal Appeal](#) to the Human Resources Department to initiate the formal review process. The written [Formal Appeal](#) must include:
  - a. Statement of the employment-related problem and/or basis for appeal;
  - b. A summary of facts regarding the reasons for appeal; and

- c. The remedy or resolution sought by the employee as an outcome, i.e. withdrawal of warning, reducing the level of the warning, etc.
2. Upon receipt of the [Formal Appeal](#), the Human Resources Department will make the final determination as to whether an employment action is appealable under this policy.
  - a. Appealable employment actions include but are not limited to termination; suspension; corrective action; misapplication or violation of University policy; and retaliation claims.
  - b. The following employment actions may not be appealed under this policy: layoff or restructuring; salary; or performance evaluation rating, unless related to a retaliation claim.
3. Allegations of sexual harassment must be addressed through the Sexual Harassment and Interpersonal Violence Policy and Complaint Resolution Process. This staff Review and Appeal of Employment Action Policy may not be used in conjunction with, to replace, or to appeal the Sexual Harassment and Interpersonal Violence Policy process.
4. Allegations of discrimination must be addressed through the Non-Discrimination, Non-Harassment and Bias-Related Incident Policy. This staff Review and Appeal of Employment Action Policy may not be used in conjunction with, to replace, or to appeal the Non-Discrimination, Non-Harassment and Bias-Related Incident process.
5. Separate University policies and procedures address performance evaluations; layoffs and restructurings; Ethics Point complaints; and other personnel actions. The staff Review and Appeal of Employment Action Policy may not be used in conjunction with, to replace, or appeal other Human Resources or University processes.
6. [Formal Appeals](#) may not be anonymous and may not be filed by a third person on behalf of another employee.

D. [Formal Appeal File Compilation](#)

1. Human Resources or an appropriate designated office by Human Resources will compile a file containing all information concerning the employment action including any new and relevant information provided by the employee, supervisors and other relevant parties, as appropriate. Documentation may include, but is not necessarily limited to:
  - a. Documentation related to the decision under review (i.e., memos, emails, warnings, performance reviews, etc.) as

determined to be relevant in the discretion of Human Resources.

- b. Employee's written appeal.
  - c. Written responses from managers.
  - d. Related policies.
2. Human Resources may meet with the employee who is appealing ("Appellant"), the subject of the [Formal Appeal](#) ("the Responding Party"), and any witnesses to review the [Formal Appeal](#) and gather additional, relevant information.
  3. Human Resources will provide the [Formal Appeal](#) File to the applicable Vice President, or in the case of Athletics, the Director of Athletics, who will make a decision on the [Formal Appeal](#). The Vice President typically determines the appeal based on the documents presented. Depending on the circumstances, the Vice President may meet with the Appellant, the Responding Party or the party best able to respond to the [Formal Appeal](#), or other relevant witnesses, if necessary. However, there is no requirement for the Vice President to meet with any party or witness prior to making a determination.
  4. Human Resources will communicate the written determination to the Appellant and the Responding Party. The notice of determination for the Appellant and Responding Party may be different, depending on Human Resources' assessment of the [Formal Appeal](#) and issues of privacy or appropriate disclosure of information.
  5. If Human Resources is the subject of the [Formal Appeal](#), an alternative office will be designated to compile the [Formal Appeal](#) file.

#### E. Final Appeal Committee and Final Decision

1. If the Appellant is not satisfied with the determination made by the applicable Vice President, the employee may make a final appeal of the decision within five (5) business days of receiving the written determination from the Vice President, or decision maker, in writing. The Responding Party may be provided the opportunity to utilize the final appeal process to appeal the final determination, depending on the particular circumstances.
2. The sole basis for a final appeal include the following:
  - a. A procedural error or omission occurred that significantly impacts the outcome of the [Formal Appeal](#) process (e.g., substantial bias, material deviation from established procedures, etc.). Specific procedures and procedural errors must be cited; and/or

- b. To consider new information, unknown or unavailable during the initial appeal process, that could substantially impact the original employment action, finding or corrective action. A summary of this new information and its potential impact must be included; and/or
  - c. The termination or corrective action(s) imposed are substantially outside the parameters or guidelines set by the University for this type of violation or the cumulative record of the employee alleged to have violated expectations.
- 3. The Human Resources Department will oversee the formation of a Final Appeal [Committee](#) to review the final appeal.
- 4. The Human Resources Department will determine whether any of the selected [Committee](#) members have a conflict of interest related to the appeal. The Human Resources Department will replace any [Committee](#) member who is found to have a conflict of interest.
- 5. The [Committee](#) will review the [Formal Appeal](#) file compiled by the Human Resources Department. The [Committee](#) determines the final appeal outcome based on the documents presented.
- 6. If the final appeal is made on the basis of consideration new information, Human Resources will compile the new information and add it to the [Formal Appeal](#) file.
- 7. Within ten (10) business days of the [Committee](#) review meeting, the [Committee](#) will make a determination on the appeal. Human Resources will provide written notice of the determination to the Appellant and, if applicable, the Responding Party. The notice of determination for the Appellant and Responding Party may be different, depending on Human Resources' assessment of the [Formal Appeal](#) and issues of privacy or appropriate disclosure of information.
- 8. The [Committee](#)'s decision will be final.

**VI. GENERAL:**

- A. Neither a University employee nor non-University representative may accompany the employee/Appellant or the Responding Party to a meeting relating to the review and appeal process.
- B. Employees are obligated to participate in the review and appeal process or resolution of any appeal under this policy. Students may be

asked, but are not required, to participate in the review and appeal process.

- C. The appeal will focus exclusively on the employment action or decision under appeal. Broader issues related to university policies, management style and other such issues that are not relevant to the action being appealed will not be considered as part of the appeal.
- D. All time frames stated above are subject to modification on a case-by-case basis. Time frames may be modified due to operational requirements, travel away from campus, University academic breaks and holidays, and other extenuating circumstances. The Human Resources Department will have the final authority to resolve any disputes or issues regarding the implementation of the review and appeal procedures, including extending the stated time frames.
- E. Appropriate corrective action, up to and including termination, will be administered to any employee who is found to have intentionally submitted a false or bad faith report or [Formal Appeal](#) against another individual.

**VII. STATEMENT OF NON-RETALIATION:** All employees are prohibited from retaliating against any employee who has either filed a [Formal Appeal](#) or has assisted or participated in any manner in an investigation or proceeding related to this Review and Appeal of Employment Action Policy. Appropriate corrective action, up to and including termination, will be administered to any employee who is found to have retaliated against an employee related to this Review and Appeal of Employment Action Policy.

**VIII. CONFIDENTIALITY AND RECORD KEEPING:**

- A. All participants in the review and appeal process are expected to treat all proceedings with respect to this policy as confidential. This provision of this policy is not intended in any way to be inconsistent with any rights of employees under applicable federal or state labor laws regarding collective organization.
- B. Typically, records of appeals will not be placed in an employee's personnel file. If an appeal results in a resolution, corrective action, or amendment that affects items in the personnel file, the resolution or appropriate document will be placed in the personnel file. The Human Resources Department will maintain separate files of all appeals.

**IX. CROSS REFERENCE:**

- A. Non-Discrimination, Non-Harassment and Bias-Related Incident Policy
- B. Non-Retaliation Policy

- C. Sexual Harassment and Interpersonal Violence Policy and Complaint Resolution Process
- D. Corrective Action Policy
- E. Bias Reporting System
- F. Ethics Point