

## **Appeal Procedure for a Continuing Employment, Performance Development System (PDS) or General Purpose Dispute Resolution Decision**

The Appeals Committee is assembled by the MSUE Associate Director/Operations. The committee consists of two members, plus the chair: one member is selected by the MSUE Director and one member is selected by the appellant. Members of the committee are selected from outside the unit/region in which the appellant is currently working. Diversity (race, gender, ability) and demographics (urban/rural, county size and the like) need to be considered. The Michigan State University Faculty Grievance Official serves as the third member and Chair of the MSUE Appeals Committee. The Faculty Grievance Official is a neutral third party from outside CANR/MSUE and has experience in conducting such hearings. The MSUE Human Resources Manager serves as the facilitator of the Appeals process.

1. The procedures for the Appeals Hearing are as follows:
  - A. Role of the Committee - The role of the committee is not as an advocate for the employee or administration. The committee's charge is to be as thorough and impartial as possible in its approach to the hearing, in its deliberation and in rendering its recommendation.
  - B. The Chair will be charged with assuring the proceedings offer each party adequate opportunity to present their respective accounts. Both parties are allotted similar time to present testimony, not to exceed one hour each, excluding testimony by witnesses.
  - C. A simple majority among committee members comprises the committee recommendation.
  - D. Witnesses are called to present testimony and, following testimony, are excused from the hearing room. Witnesses are present in the hearing room only to give testimony. The total time allocated for presentation by all witnesses for a party ordinarily does not exceed 30 minutes for each of the parties.
  - E. The hearing may be recorded by mutual consent and a copy of the recording is available to the appellant.
2. The agenda for the hearing follows:
  - A. Introduction of the Committee and Statement of Committee Role
  - B. Brief Opening Outline of Remarks
    1. Administration
    2. Appellant
    3. Questions by Committee (if needed)

- C. Full Presentation
  - 1. Administration
    - A. Questions by committee during the presentation for clarification
    - B. Questions by committee and appellant following presentation.
  - 2. Witnesses for the Administration
    - A. Questions by committee and appellant following witness presentation
  - 3. Academic Staff Appellant
    - A. Questions by committee during the presentation for clarification.
    - B. Questions by committee and administration following presentation.
  - 4. Witnesses by the Appellant
    - A. Questions by committee and administration following witness presentation.
- D. Summary Statements
  - 1. Administration
  - 2. Appellant
- E. Final Questions by the Committee
- F. Hearing Adjourned for Committee Deliberation

For performance appraisal appeals (PDS)/dispute resolutions (GPDRP), the committee's written recommendation is sent within five (5) working days following the hearing to the MSUE Director for final decision. The Director notifies the parties in writing of the final decision within 10 working days of receiving the committee recommendation.

For Continuing Employment (CE), the same process/timeline applies. However, the MSUE Director submits his/her recommendation within 10 working days of receiving the committee's recommendation to the Dean of the College of Agriculture and Natural Resources (CANR) for final decision. Prior to the final decision, the CANR Dean consults with the MSU Assistant Provost/Assistant Vice President for Human Resources regarding the recommendation/documentation/final decision. The CANR Dean notifies all parties of his/her final decision within 10 working days of receiving the MSUE Director's recommendation.

The Director's decision for performance appraisal (PDS)/dispute resolution (GPDRP) matters is final and may not be appealed further within MSU. The CANR Dean's decision for Continuing Employment matters is final and may not be appealed further within MSU.

March 2009