

P&S PROCEDURES FOR APPEALING A SUMMARY DISMISSAL DECISION

The [Summary Dismissal Policy](#) describes the former employee's (hereinafter referred to as appellant) right to appeal the decision asserting that the decision was not supported by substantial evidence, that the sanction was arbitrary and capricious, or that a violation of the Summary Dismissal Policy or procedures occurred.

Filing an Appeal

Within ten (10) working days of the notice of summary dismissal, the appellant shall submit a written Notice of Appeal to the respective Senior Vice President or the President (or their designee), with a copy to the initiator of the summary dismissal action (hereinafter referred to as respondent). The notice must include the decision from which appeal is taken, identification of the basis or bases of appeal, and the specific remedy requested.

Upon receipt of the notice of appeal, the Senior Vice President or President (or their designee) shall notify the Vice President, Human Resources (VP-HR), who shall convene an appeals committee to review the evidence and make a recommendation on the appeal.

Submission of Written Appeal Details

Upon request, the P&S Council president shall provide the VP-HR the names of five possible P&S employees to serve on the three-member appeals committee. No member of the committee shall have a real or apparent conflict of interest with the appeal, nor shall any member be an employee of the same department or unit as the appellant. One member of the committee must have current supervisory responsibility as part of their current position and be an individual contributor 3 or higher.

The appellant and respondent have the right to challenge the VP-HR selection of the committee members. Challenges must be made in writing to the VP-HR no more than two working days after the VP-HR announces the committee members. The P&S Council president and the VP-HR will determine the standing of the challenges. If the nominees are successfully challenged, then the VP-HR will assign a new committee member. The VP-HR will name the chair of the appeal committee.

The appellant shall have ten (10) working days from the date of submission of their written Notice of Appeal to submit a written document with appeal details to the VP-HR (or designee), who shall provide it to the committee, once the committee is finalized. The details should contain detailed information regarding the basis or bases of appeal and the specific remedy requested. A copy of the written appeal details must also be provided to the respondent by the VP-HR (or designee).

The respondent shall have ten (10) working days from the date of receipt of the appellant's written appeal details to submit a response, with a copy provided to the VP-UHR (or designee). A copy of the response must also be provided to the appellant by the VP-HR (or designee).

The written appeal and response documents shall be limited to twenty (20) double-spaced pages (exclusive of attachments).

Appeal Committee Review and Recommendation

The appeal committee convened by the VP-HR shall review the briefs and information submitted by appellant and respondent. Following their review of the information, the committee shall make a written recommendation to the respective Senior Vice President or President (or their designee), with a copy to the VP-HR. The committee shall provide this recommendation to the respective Senior Vice President or President (or their designee), within ten (10) working days of receiving the appeal response document from the respondent.

Standard of Review

With respect to the basis for termination, the committee's duty is to determine whether there is substantial evidence supporting termination, whether the decision to terminate was arbitrary and capricious, and/or whether a procedural violation resulted in substantial unfairness to the appellant. The appellant has the burden of proof on appeal. "Substantial evidence" means, after considering all the evidence presented, that the respondent had a reasonable basis to conclude that the appellant's conduct amounted to unacceptable performance or conduct (on or off the job). If the committee finds that there is substantial evidence, the committee's duty is to recommend that the basis for termination has been established even if the committee personally disagrees with the conclusion.

With respect to the decision to terminate as opposed to imposition of another sanction, the committee's duty is to recommend that the dismissal be upheld unless the committee determines that the decision to terminate is so disproportionate as to be arbitrary and capricious.

With respect to an allegation of violation of procedure, the committee may recommend the decision be overturned if the procedural violation resulted in substantial unfairness to the appellant. In the case of violation of procedure resulting in substantial unfairness, the committee's duty is to recommend reinstatement until the respondent (or unit) has complied with the policy and procedures of the university, unless the committee finds that the respondent (or unit) engaged in abusive disregard for university procedures, in which case the committee may make a different recommendation that is fair under the circumstances.

Decision on Appeal

The respective Senior Vice President or the President (or their designee) shall render a written decision within ten (10) working days of receipt of receiving the recommendation from the committee. The decision will be sent to the appellant with a copy to the VP-UHR and the initiator. The decision of the respective Senior Vice President or the President (or their designee) is the final decision of the University.

If the decision is to reverse the summary dismissal action, the appellant shall be returned to work with full pay, benefits, and back pay.

Further Appeals

Further appeal of a final decision may be made to the Iowa Board of Regents under the [Board Policy Manual \(Chapter 1.7\)](#).

No Retaliation

The University prohibits retaliation against an employee who uses or participates in the appeal process. <http://policy.iastate.edu/policy/nonretaliation/>