

Merit Appeal Process for Instructional Staff Members

A. The exclusive avenue for the review of individual awards shall be through appeals filed pursuant to the following provisions. Individual awards shall not be subject to the grievance/arbitration provisions of the Agreement, unless otherwise noted.

B. For all covered Instructional Staff Members other than Academic Administrators there shall be a three-step appeals process. Appeals must be filed with the Provost's office within thirty (30) days of the Instructional Staff Member receiving written notification of their merit award. An appealing party shall be granted reasonable access to data, not already in their possession, used to determine their own initial award.

C.

1. The administration shall designate a Dean and the PSA shall designate a member of its Governing Board to form a 1+1 Committee to hear appeals. Each party shall designate an alternate to serve in this capacity to hear appeals arising from their own department/school/college. The process at the first step is intended to be informal. The administration's and the PSA's designees shall have the authority to resolve appeals on behalf of the respective parties.
2. A meeting will be held with the 1+1 Committee within twenty days (20) days of the filing of the appeal. At this meeting the instructional staff member will set forth the bases for their appeal. The 1+1 Committee shall render a decision within ten (10) days of the meeting. If the 1+1 Committee accepts the instructional staff member's position, or another mutually agreed upon resolution is reached which is acceptable to all parties, any award shall come from the salary pool from the subsequent year, and the appeal shall be considered resolved. Said deductible amount shall be calculated by the Department of Human Resources and transmitted to the PSA for the year in question. No resolution shall result in a total award greater than the maximum award allowable under the instructional staff merit program.

D.

1. If the appeal is not resolved at the level of the 1+1 Committee the instructional staff member may refer it to the APRC for resolution, in writing to the Provost's office, within ten (10) days of receiving a written determination from the 1+1 Committee. Once constituted, the APRC will convene to hear the appeal as soon as reasonably practicable, but within the semester in which the appeal is filed and shall render its decision within ten (10) days after the Hearing. Any award shall come from the salary pool in the subsequent year. No resolution shall result in a total award greater than the maximum award allowable under the instructional staff merit program.
2. The APRC may hear appeals in person or by video conference and may consider more than one appeal in a single day. An expedited procedure shall be used that allows the

party appealing to present for up to 30 minutes, with the option for the time to be extended at the option of the committee.

E. If the APRC is deadlocked the appealing party may file an appeal of the matter to the University Provost for final resolution, which shall not be subject to further appeal. Appeals to the Provost shall be in writing and determined on the record.

F. Grounds for a merit appeal shall be:

1. A material violation of the Merit Procedure which impacts the award, and/or;
2. A material factual inconsistency with the record which impacts the award, and/or;
3. A merit award that is not in accord with the established criteria.

G. The discretionary portion of the Pool shall be used to address anomalies, inequities and to reward performance not sufficiently recognized. A list of the individuals receiving monies from the pool, the amounts received, and the basis for such distributions shall be provided to the PSA prior to distribution. Such awards are not subject to the appeals process.

H. Academic Administrators denied an award or given a merit award which is below the pool average, will be notified of this award (or the denial of an award) in writing, and the reason for such award (or denial of an award). Any such Academic Administrator may file an appeal with the Provost within sixty (60) days following receipt of such notification. The sole basis for such an appeal shall be that the award (or denial of an award) was without a rational basis given the demonstrated record of performance. The Provost shall consider the appeal and make a determination within thirty (30) days of the receipt of the appeal. This shall be the sole basis for appealing a merit award and the decision of the Provost will be final and binding. If the Provost accepts the instructional staff member's position, or another mutually agreed upon resolution is reached which is agreed to by all parties including the PSA, any award shall come from the Academic Administrator's pool from the subsequent year. The amount deducted from the next available pool shall not exceed the annual value of any increase resulting from a successful appeal or settlement. Said deductible amount shall be calculated by the Department of Human Resources and transmitted to the PSA for the year in question.

I. For the purposes of the Merit Appeals Process "days" shall be defined in accordance with Article VI.D.5 of the Agreement.