

Grievance Procedure for Administrative/Professional Staff

[The following was approved by the president of Southern Illinois University on September 14, 1989, with amendments on June 22, 1998, and July 20, 2000, in accordance with provisions set forth in SIU Board of Trustees 2 *Policies* C.3.d.]

I. Introduction

- A. Each member of the SIUC administrative and professional staff shall have the right to appeal for redress of a grievance through established channels. If appeal through normal administrative channels fails to resolve the problem, a formal grievance may be filed. A grievance may be considered by the JRB whenever a grievant asserts that s/he has been seriously harmed, or grievant's work environment has been rendered unsafe or untenable due to, but not limited to, respondent's violation of state or federal law, violation of a University policy, dishonesty, inequitable treatment, unethical behavior, unprofessional conduct, unreasonable demands, verbal abuse, or punitive behavior. This document outlines the procedures for informal appeals and for formal grievances and establishes a Judicial Review Board (JRB).
- B. Access to these channels is available to administrative/professional staff members or those who were administrative/professional staff members when the action or inaction leading to the appeal or grievance occurred.
- C. If a unit has a grievance procedure separate from this and approved by the chancellor, a grievance may be processed under that unit's procedure. A staff member who elects to have a grievance panel hearing under his/her unit's grievance procedure may not have a second grievance panel hearing under this Grievance Procedure for A/P Staff. If the grievant elects to appeal to the chancellor, the administrator receiving the recommendation of the unit's grievance panel shall forward the recommendation to the chancellor.
- D. In general, a problem should be resolved within the university at the level at which it arose. Persons or agencies outside the university should not be asked to rule on such matters until university channels are exhausted.

II. Appeal Through Administrative Channels

- A. Procedure: Before any formal grievance is filed with the JRB or the chancellor, there must be a discussion between the staff person, hereafter referred to as the grievant, and the administrative officer whose action or inaction is being questioned, hereafter referred to as the respondent. The purpose of this discussion is to seek informal resolution of the matter. In case of doubt as to the administrator who should be identified as respondent, the grievant's immediate supervisor is the appropriate administrative officer with whom to begin this process. If the matter is not resolved through discussion, the grievant may proceed further by providing a written statement of the appeal and relief sought to the respondent. The grievant may appeal in writing at each administrative level up to and including the vice chancellor (or equivalent head) of a responsibility area.
- A. Time Limits: A maximum of 40 working days shall be allowed for the informal appeals process, calculated from the date the grievant becomes aware of an action or inaction which he/she chooses to appeal.

III. Formal Grievance

- A. Filing a Grievance with the JRB
 - 1. The grievant shall file the grievance upon determination of the inability to come to a settlement informally through administrative channels, but in no

case later than 40 working days after the grievant has become aware of the action which is being grieved.

2. Failure of the grievant to meet filing deadlines shall result in dismissal of the grievance except as provided in A.5 below.
3. The formal grievance shall include a written statement and supporting documentation describing
 - a. efforts made to resolve the dispute through administrative channels, including the date, time, and place of such informal discussion; and
 - b. the appeal and relief sought.
4. A copy of the grievance shall be provided to the respondent.
5. All proceedings and time limits of this grievance procedure are subject to suspension for the period of time of an approved university leave or of an incapacitating illness affecting any one who is party to the grievance. It shall be the responsibility of the JRB to determine the validity of such suspension and to certify when the conditions of the suspension have ceased, thus re-starting the time clock of the grievance procedure.
6. All time limits and suspensions for cause may be waived upon written agreement of all parties to a grievance, subject to certification by the JRB.
7. If the JRB fails to respond within specified time periods, the grievant may exercise his/her option to submit the appeal directly to the chancellor.
8. A grievance filed with the JRB shall be reviewed by that Board to ascertain the merit of the complaint to proceed with a hearing. The JRB may request a formal written response from the respondent. Within 10 working days, the JRB will determine if the grievance will be submitted for a hearing or will be rejected. The JRB may determine that the facts are not in dispute and render a recommendation to the chancellor without a formal hearing in accordance with Section III.A.9. below.
9. If the JRB determines that a grievance panel is not required for a formal hearing due to lack of merit of the grievance or the JRB is prepared to render a recommendation based on facts not in dispute,
 - a. the JRB shall submit a written recommendation to that effect, including supporting rationale, to the chancellor with copies to the grievant and the respondent.
 - b. Within 10 working days of receipt of the JRB recommendation, the chancellor shall notify the grievant if his/her decision supports or reverses the JRB recommendation, providing a copy of that decision to the JRB and to the respondent.
 - c. If the chancellor decides that the grievance has merit, he/she will either remand the case to the JRB for a formal hearing or accept the grievance for adjudication under Article III.B.
10. If the grievance is accepted by the JRB, the grievant and the respondent shall be notified in writing and the JRB will name a 3-member panel from its roster as provided in Article VIII.F.

B. Filing a Grievance with the Chancellor

If the aggrieved wishes to bypass the JRB, the grievance may be filed directly with the chancellor for resolution at that level, following the procedure described in III.A,1-4 above. The chancellor shall render a decision within 15 working days. Those grievances filed directly with the chancellor shall be resolved in a manner deemed appropriate by the chancellor. If the grievant bypasses the JRB, the chancellor may not refer the case to the JRB.

C. Time Limits

1. All formal grievances must be resolved within 50 working days.
2. This period shall begin with the date of receipt of the formal grievance filed with the JRB or with the chancellor and shall conclude with the date of receipt of the chancellor's decision.
3. A continuance beyond the 50-working-day period shall be allowed with the written concurrence of the grievant, respondent, and the JRB.
4. In the event that a grievance is not settled within the 50-working-day period, and a continuance is not accepted by all parties, either the grievant or respondent may petition the chancellor for a formal resolution.

IV. Cross-Constituency Grievances

A. In cross-constituency cases involving an administrative/professional grievant and a respondent from a different constituency, the grievance shall be heard by a panel of three members.

1. The grievant shall obtain from his/her constituency body a list of the members of that constituency's judicial review board. Similarly, the respondent shall obtain from his/her constituency body a list of the members of that constituency's judicial review board.
2. The grievant and respondent shall each select a member from his/her judicial review board.
3. The two persons so selected shall select the third member of the panel from one of the two judicial review boards.
4. In the event that the two panel members are unable to select a third member, the chairs of the respective judicial boards shall be consulted to assist in the selection process.
5. The panel of three shall decide under which constituency's grievance procedure the case shall be heard.

V. The Right to Counsel

At all stages of a grievance the grievant and the respondent shall have the right to have an adviser of his/her choice. An adviser may, subject to the consent of the JRB panel, make written and oral presentations.

VI. Withdrawal of Grievance

The grievant may withdraw a formal grievance at any stage of the proceedings but may not reinstate the grievance once it is withdrawn. The withdrawal shall be made in writing to the individual or body hearing the case.

VII. Formal Hearing before JRB Panel

A. Preliminary Requirements

1. The written appeal, supporting documentation, a list of witnesses, and the name of the grievant's adviser shall be made available to the panel.
2. A formal written statement from the respondent, supporting documentation, a list of witnesses, and the name of the respondent's adviser shall be provided to the panel.
3. The date, time, and place of the hearing shall be sent to the grievant, the respondent, and the A/P constituency office. Every effort shall be made to accommodate the schedules of those involved in the hearing.
4. The responsibility for the presence of witnesses rests with the grievant and

the respondent. If a witness cannot be present, an original notarized statement from the witness may be submitted to the panel, with copies for each panel member and for the second party.

5. All character witnesses shall be excluded.
 6. All documents and correspondence shall be made available to the panel and both parties prior to the hearing. Documents deemed necessary for adjudication of the grievance shall be made available to the panel and both parties. Normally, no document shall be entered after the hearing begins; however, any document which was unavailable prior to the hearing may be entered by petitioning the panel in writing. The panel shall make the final decision on admissibility of a document.
- B. Hearing Procedure
1. The chair of the panel shall preside at the hearing.
 2. The burden of proof rests with the grievant, hence the petitioner's argument shall be presented first. The respondent and the panel may question the grievant and the grievant's witness(es).
 3. The respondent's arguments shall then be presented. The grievant and the panel may question the respondent and the respondent's witness(es).
 4. A summary statement shall be allowed each party.
 5. A tape recording shall be made of the entire proceedings.
 6. The proceedings shall be open with the understanding that they may be closed if deemed appropriate by the panel. It is also understood that there may possibly be limited space for observers.
- C. Decision on the Grievance
1. The hearing panel shall conduct their deliberations in closed session and shall submit their findings and recommendations to the chair of the JRB within 5 working days following the conclusion of the hearing.
 2. The chair of the JRB shall review the report. If the findings of the panel are unclear and/or if the recommendations of the panel are not specific, the chair may submit the report to the full JRB for review. The full JRB or the JRB acting through its chair shall decide when the panel report contains sufficient clarity to be acted upon by the chancellor. This review shall be completed and the recommendation forwarded to the chancellor within 5 working days of the receipt of the hearing panel's findings.
 3. The decision of the panel shall be in the form of a written recommendation to the chancellor with copies to the grievant and the respondent.
 4. Within 10 working days of receipt of the recommendation of the hearing panel, the chancellor shall provide written notice to the grievant, the respondent, and the JRB of the decision.
- D. Records: All original copies and documents, including the tape recordings, shall be forwarded to the chancellor's office.

VIII. The Judicial Review Board

- A. Purpose: The JRB is established to administer the grievance policy of its constituency and to assume jurisdiction in some cross-constituency grievances. The Board shall be charged with resolving both substantive and procedural issues.
- B. Composition: The JRB shall be composed of 12 members. One member shall be appointed by the Administrative and Professional Staff Council from the Council's Staff Welfare Committee. The remaining members shall be appointed by the A/P Staff Council from the following areas:

Area	No. of Members
Academic Affairs	3
Student Affairs	3
School of Medicine	2
General	3

JRB members shall serve three year terms, except for the Staff Welfare Committee member, who shall serve for a one year, renewable term.

- C. Selection: The Council shall exercise great care to appoint Board members with maturity and extensive experience in a university community.
 - D. Organization: The JRB shall develop its own organization to include a chair, chair-elect, and recorder. The operation of the JRB shall be consistent with the requirements of this policy.
 - E. Meetings: At least once a year, a training session for JRB members shall be held to review policies and procedures.
 - F. Hearing Panels: Each grievance accepted by the JRB, including any grievance remanded by the chancellor, shall be heard by a panel of the Board, except as provided in Article IV, Cross-Constituency Grievances. The chair of the JRB shall not serve on hearing panels. If a JRB member is selected to serve on a grievance panel and he/she believes that there may be a conflict or appearance of conflict in such service, he/she should report this concern to the JRB chair for a ruling.
 - 1. Panels shall be composed of three persons, and the panel members shall elect their own chair.
 - 2. Both the grievant and the respondent shall be entitled to challenge panel members for cause. A challenge shall be ruled upon by the chair of the Board.
 - 3. In the event that sufficient challenges are made and granted that a panel of three cannot be formed from the JRB, the Executive Committee of the Administrative/Professional Staff Council shall appoint a new member to the grievance panel.
 - 4. Questions about procedures shall be made to the chair of the JRB in writing and ruled upon by the chair or referred to the full Board for resolution. There shall be no further appeal of rulings on procedural questions.
- IX. Appeals to the Board of Trustees
The aggrieved may appeal the chancellor's decision in compliance with the Southern Illinois University Board of Trustees *Bylaws*, VI.2 (Appeals of Administrative Actions).
- X. Annual Report
The JRB shall present an annual report to the Administrative and Professional Staff Council, showing the number of cases filed with the JRB, the number resolved, the method of resolution, and the number withdrawn. The report shall contain a statement of the effectiveness of the Board and this policy as well as any recommendations for review or revision of the policy.
- XI. Amendment
- A. Amendments or revisions to the grievance procedure may be recommended to the Staff Welfare Committee by the Judicial Review Board. Such changes must be

communicated in writing. These changes shall not be voted on until at least one regular meeting of the A/P Staff Council, after the meeting at which the amendment was submitted.

- B. Amendments or revisions to the grievance procedure shall be subject to approval by the A/P Staff Council. The Staff Welfare Committee shall be responsible for bringing all such amendments to the A/P Staff Council for consideration.
- C. Amendments or revisions to the Grievance Procedure shall be routed through the appropriate University administrative channels for final approval.