

Non-Union Faculty and Staff Grievance Procedures

These procedures provide opportunity for eligible faculty or staff member(s) to seek resolution of allegations of unfair treatment in the workplace by other members of the university faculty or staff. These grievance procedures are not applicable to faculty and staff governed by collective-bargaining agreements, or student employees, including graduate assistants. Persons in employment categories covered under collective-bargaining agreements shall be limited to filing grievances in accordance with the provisions of those agreements.

Grounds for Grievances

Grievances under these procedures are limited to any of the following instances:

1. An appeal of a disciplinary action;
2. Arbitrary, capricious or egregious treatment pertaining to the application of benefits, terms and conditions of employment, including appeals of decisions regarding salary;
3. Dismissal for cause related to positions not covered by a collective bargaining agreement.
4. Personnel and performance reviews.
5. Salary appeals.

Exceptions

These grievance procedures apply only to claims that are not expressly covered under other university, Board of Trustees, or state procedures. Alternative procedures exist for the following matters:

1. Claims regarding faculty personnel matters involving promotion, tenure, sabbatical leave, merit salary increases, sanctions, or dismissal for cause shall be administered in accordance with academic procedures in college bylaws and policies and the NIU Constitution and Faculty Senate Bylaws.
2. A separate procedure applicable for allegations of inappropriate treatment in considerations of faculty promotion or tenure is provided in Faculty Senate Bylaws Article 11;
3. A separate procedure for allegation of violation of a faculty member's academic freedom is provided in Faculty Senate Bylaws, Article 15;
4. Disciplinary proceedings involving suspension, demotion, or discharge for Operating Staff employees must follow provisions established by Human Resource Services pursuant to the State Universities Civil Service System Statute and Rules;

5. Grievances involving allegations of research misconduct shall proceed as prescribed in “Research Integrity at Northern Illinois University” (University Policy Library) except that, in addition, these grievance procedures may be followed in the case of an allegation that an instance of research misconduct caused personal harm to the complainant.
6. Salary increase appeals based on an allegation of discrimination or harassment based on a protected category (i.e. race, gender, disability, etc.), or retaliation, shall follow the procedures outlined in the University’s “Nondiscrimination, Harassment and Retaliation Policy and Procedures for Students, Faculty and Staff.”
7. Grievances involving discrimination should be directed to the [Ethics and Compliance Office](#).
8. Grievances involving sexual harassment should be directed to the [Title IX Office](#).

In employing these procedures, the definitions in the Appendix of this document will apply.

Throughout these procedures, all persons involved are required to exercise discretion in receiving and transmitting information pertaining to the grievance.

Informal Procedures

Individuals are strongly encouraged to attempt to resolve issues through informal procedures. Initial attempts may include discussions between the grievant(s) and respondent(s).

A grievant(s) shall attempt to informally resolve the matter at issue with those alleged to have committed the action or conduct prior to filing a formal grievance. The grievant(s) shall attempt to resolve the matter informally within 20 workdays of the incident causing the grievance.

1. If you feel comfortable, address the issue with the person engaging in the grievance related conduct. Human Resource Services may also provide a mediator upon request to aid in the facilitation of the conversation;
2. If you are not comfortable addressing the person engaging in the conduct or if you have done so and the issue has not been resolved, report the behavior to your supervisor; or
3. If your supervisor is the person engaging in the conduct, go to their supervisor to report the behavior.

Informal resolution options may include mediation or alternative resolution, with the assistance of the office of the Senior Administrator Responsible for Human Resource Services (SARHRS). Where confidential mediation or alternative resolution option is agreed to by the parties, such process shall be used as a substitute for this grievance procedure to conclusively resolve grievable issues. The grievant(s) must be notified of the right to end the informal process, at any time prior to a final determination, and initiate a formal grievance.

Resources Available to Assist in the Informal Resolution of Grievance:

1. University Ombudsperson
2. Human Resource Services
 - Respondents needing information regarding salaries should contact the SARHRS.
3. Employee Assistance Program
4. Faculty Personnel Advisor
5. SPS Personnel Advisor
6. Operating Staff Personnel Advisor

If the issue(s) is not resolved through informal attempts a formal grievance may be filed. See the Formal Grievance Procedure for the next steps.

Support Persons, Union Representation, and Attorneys

Any individual found to be disruptive to the proceeding will be removed from the proceeding.

The grievant and respondent may each have one support person present at any meeting. Support persons may act in an advisory capacity only and may not speak on behalf of the party in any proceeding. The involvement of a support person cannot result in an undue delay of the proceeding and the support person must comply with rules contained herein. Failure to comply with the rules or engagement in behavior that is disruptive, harasses, intimidates, or abuses any party or witness may result in their removal and being barred from further involvement. Any individual who is participating in this capacity is expected to maintain the same level of privacy that is expressed throughout these procedures.

If the respondent is a member of a union, they have the right to have union representation present during their meeting. Union representation may be considered a support person.

Notice of the presence of a support person, including the presence of a union representative or a licensed attorney, must be made in writing to the SARHS.

Individuals who may be a grievant, co-respondent, witness, hold a supervisory position over the grievant or respondent, or be in a position that may suggest a conflict of interest may not serve as a support person.

Formal Grievance Procedure

Filing a Grievance

I. Step 1:

- A. A formal grievance shall be filed within 30 workdays of the determination by the grievant of the inability to come to a resolution informally, but in no case later than 60 workdays after the grievant has become aware of the action which is being grieved. If it is shown that a good faith effort has been made to resolve the grievance, but the 60-day window has not provided sufficient time, an exception may be made by the SARHRS. Exceptions will be determined after a review of the documents submitted identifying the good faith effort.
- B. It shall be filed online using the [form](#) maintained by Human Resource Services. The SARHRS (or designee) shall, whenever possible, review the grievance within five workdays. The SARHRS will ensure that it is timely, that the allegations meet the definition of a grievable act, as identified in the Grounds for Grievances section of this document, and that it has been submitted by a faculty or staff member who is eligible to file a grievance.
 1. In cases that originate with a grievant or respondent in Human Resource Services or other units supervised by the SARHRS, all duties and roles assigned to the office of the SARHRS shall be assigned to the University General Counsel (or designee) who will coordinate the grievance process.
 2. Multiple grievances, submitted by one or more grievants, on the same or similar topics and within 30 work days of the initial grievance, may be consolidated on the recommendation of the SARHRS and approval of the grievant(s), and presented as a package to the respondent(s) at any stage of the grievance process.
- C. If the grievance is determined to be a grievable act, the SARHRS (or designee) shall immediately refer it to the named respondent(s).
- D. The designated respondent(s) may attempt to resolve the matter and/or provide a response to the allegation(s), and will report the result/decisions in writing, within 10 workdays of receiving the form, to the grievant and to the SARHRS, who will immediately provide the grievant with notification of the next action and its time frame.

II. Step 2:

- A. If, after step 1, the grievance is not resolved to the grievant's satisfaction the grievant may submit a notice of appeal to the next person upward in the organizational chain from a named respondent, within 10 workdays of the receipt of the response in step 1. If the respondent is the university president, Step 2 does not apply and the grievant shall institute a formal grievance under Step 3.
- B. The person receiving the appeal shall attempt to resolve the matter by meeting with both parties individually or together to seek a resolution. If a mutually agreed upon resolution is not possible, that person will provide a response and recommendation regarding the allegation(s), will provide a written response to all parties, and to the vice president (or other appropriate chief administrator) of the division of the university in which the grievant is employed, within 10 workdays of receiving the appeal.

III. Step 3:

If the grievance is not resolved to the grievant's satisfaction at Step 2, the grievant may initiate a formal grievance at the university level, by appealing the matter to Step 3.

The Grievance Committee

- A. A Grievance Committee will be empaneled by the SARHRS and review all formal grievances.
- B. The Grievance Committee will be made up of a three people selected from a pool of nine individuals, three designees from each shared governance group; Operating Staff Council, Supportive Professional Staff Council, and Faculty Senate. The Grievance Committee will consist of:
 - One selected by the respondent(s)
 - One selected by the grievant(s)
 - The third member selected by the first two members. In the event the first two members cannot agree on a third member within five days, they shall notify the SARHRS who shall within five days select a third member.
 - Within five workdays of receipt of the panelists names, both parties will have the opportunity to exclude individuals from the pool of nine. Reasons for exclusion from the list shall be given and may include personal or professional conflicts of interest, past interpersonal disputes, and other indicators of possible inability to serve in an objective manner. The SARHRS will determine if removal for cause is appropriate.

- C. The SARHRS shall provide notification to the first two members of the need to select a third member within the five-day timeframe.
- D. All formal actions of the Grievance Committee require an affirmative vote of at least a majority of the committee members. See [Step 3 Guidelines for Grievance Committee Members, Grievants, and Respondents](#) for the complete hearing process.

IV. Administrative provisions relating to the grievance procedure

- A. The Board of Trustees has delegated authority to the president of the university with respect to certain matters regarding university operations. Under this delegation of authority, specific university administrators and offices are assigned responsibilities with respect to the conduct of university operations and personnel procedures. Should a grievance proceed through the process and result in a recommendation by the Grievance Committee, this recommendation shall be forwarded to the president (or their designee), who will make the final determination with respect to implementing or amending the recommendation, or returning it to the Grievance Committee for additional consideration. All final dispositions of formal grievances are subject to applicable laws; university rules, policies, and regulations; and approval of the president.
- B. Grievances citing an employee's action unrelated to supervisory actions shall be referred to the appropriate supervisor of that employee.
- C. Failure of a grievant to comply with the time limits set forth in these grievance procedures shall result in nullification of the grievance. However, the grievant or a respondent may request an extension of the time limits stated in these procedures through the SARHRS. The SARHRS will so inform the grievant and each respondent of any request; will consider that request expeditiously and, if they believe that unusual circumstances warrant the extension, will approve it on behalf of the university and so inform all parties. After consultation with the grievant the SARHRS may approve an extension request made by the university. A grievance involving the same matter or set of issues may not be resubmitted. All university administrators and supervisors are responsible for making timely responses to grievants. Failure of a respondent at a given step in these grievance procedures to comply with the response time frames shall allow the grievant to advance to the next step of the procedures within five workdays of the time limitation set forth in the previous step, and based upon the responses provided at prior steps.

- D. Grievants alleging violation of university policies shall identify the alleged violator(s) and shall identify or describe one or more grievable acts as defined in the Grounds for Grievances section of these procedures. The grievant may include a requested remedy to resolve the grievance at Step I. If requested by the grievant, supervisors and university representatives giving responses at steps 1 and 2 shall provide additional information as necessary to further clarify or define the issues.
- E. In each case where a faculty or staff member alleges grounds for a grievance, that person shall have the responsibility for proving a case by preponderance of the evidence, in accordance with the stipulated procedures. In the hearing proceedings, the burden of proof that a grievable act was committed shall lie with the grievant, except in cases of dismissal for cause, when the burden of proof shall lie with the university.
- F. Grievance responses provided under these procedures shall be consistent with applicable legal standards and with official university rules and regulations.
- G. At any step in the process, the grievant and/or the respondent may consult with or otherwise enlist the assistance of appropriate individuals as identified in the “Resources Available to Assist in the Informal Resolution of Grievance” section of these procedures in the filing of a grievance or in seeking resolution of the grievance.
- H. During the grievance process, any party to a grievance may request official interpretations of university rules, policies, procedures and regulations from the SARHRS. The SARHRS will refer the request to other university authorities, as appropriate, in order to obtain an expeditious official interpretation.
- I. All participants will be held responsible for maintaining appropriate standards of professional conduct, in accord with university policies and procedures, at all times. Employees are required to participate in conciliation efforts or grievance dispositions during periods outside their appointments. Days on full leave of absence shall be considered as time outside of the period of the appointment for purposes of these grievance procedures.
- J. A grievance may be withdrawn by the grievant at any stage during the process.
- K. Throughout the grievance process, the grievant shall fulfill their assigned professional responsibilities with the university.

Appendix -Definitions

Dismissal for cause. Termination of employment prior to the expiration of an employee's contract period. Documentation sufficient to establish just cause for dismissal is required. Dismissal will not be used to restrain employees in the exercise of their constitutional and legal rights.

Grievance. A formal, written allegation, not resolved by the informal efforts, that there has been an adverse situation as described in the Grounds for Grievances section of this procedure.

Grievant. A university employee presenting a grievance.

Party. The grievant(s) or the respondent(s) are defined as parties to this process.

Preponderance of the Evidence. A determination as to whether it is “more likely than not” that a violation did or did not occur. The conduct alleged shall be evaluated from the perspective of a similarly situated reasonable person when considering the totality of the circumstances involved in the matter.

Respondent. A person whose action or inaction is identified as primarily contributing to the adverse situation described in the grievance.

Workdays. All days during which the university is normally scheduled for operations, excluding weekends, official holidays, and closure periods.

Workplace. A location in which employment duties are performed for Northern Illinois University and are subject to the direction, terms, and conditions of employment of the university.