

## **Student Grievance Procedures**

Northern Illinois University (“NIU” or “the university”) established a grievance process for students in [Article 6](#) of the university’s Bylaws. These procedures shall govern the handling of such grievances. The university’s Executive Vice President and Provost (“EVPP”) oversees the Student Grievance Procedures. The EVPP reserves the right to designate another individual to handle the Student Grievance process (“designee”). Throughout this document, EVPP should be understood to mean EVPP or designee. The definitions set forth in Section VIII shall apply for purposes of these procedures. Students may contact the university Ombudsperson for assistance in understanding these procedures.

### **I. Grounds for Grievances**

Grievances under these procedures are limited to claims that a university employee has engaged in unprofessional or inappropriate acts or decisions which adversely affected the student in the academic or educational setting.

Whether an act or decision is unprofessional or inappropriate shall be reviewed in relation to factors that include, but are not limited to:

- University standards for conduct and professionalism
- Specific standards for conduct and professionalism applicable to the employee(s)
- Industry best practices and/or norms applicable to the employee(s)
- Community expectations for conduct and professionalism applicable to the situation
- How other individuals who are similarly situated to the student have been treated in similar situations

### **II. Exceptions**

These grievance procedures do not apply to the following matters, which are handled under other university policies:

1. Sexual misconduct (including sexual harassment and Title IX matters)
2. Discrimination or harassment based on a protected class (e.g., sex, gender, race, national origin, religion, disability, age, etc.) or retaliation
3. Grade complaints, grade appeals, or issues concerning academic misconduct
4. Incidents involving violence or threats of violence
5. Any other matters that are expressly covered under other university, Board of Trustees, state, or federal procedures

Additionally, a formal grievance cannot be filed for a matter that has been addressed by another university procedure. The Student Grievance Procedures is not a means to appeal a decision or outcome from a different university process or procedure.

### **III. Informal Resolution Procedures**

Prior to filing a formal student grievance, a student(s) must first attempt to informally resolve the matter directly with the employee involved. If the issue cannot be resolved with the employee involved in the matter, the student should contact the employee’s direct supervisor. In the case of a faculty member, the supervisor is the department chair/head.

The attempt to informally resolve the matter must be completed within 30 business days of the incident causing the grievance. If the matter is not resolved through the informal resolution procedures outlined above, a formal student grievance may then be filed using the procedures in Section IV.

Throughout the informal resolution procedures, the student(s) and employee(s) have the right to choose, and be accompanied by, a support person. A support person may act in an **advisory capacity only**. Students may ask for the university Ombudsperson to assist in the informal resolution procedures as a third-party neutral participant.

#### **IV. Formal Student Grievance Procedures**

A formal student grievance may only be filed after the informal resolution procedures in Section III have been completed. Formal student grievances are processed through the EVPP. Once a student(s) files a formal student grievance, they become the grievant(s) and the employee(s) becomes the respondent(s).

##### **a. Filing a Formal Student Grievance**

A formal student grievance must be filed with the EVPP within 10 business days after attempting to informally resolve the matter, as explained in Section III. Additionally, a formal student grievance must be filed no later than 60 business days from the date of the incident causing the grievance.

The formal grievance must be filed online using this [form](#).

##### **b. Review of a Formal Student Grievance**

After a formal student grievance is filed, the EVPP will review the grievance within five business days. An extension of the five-business day review period may be taken by the EVPP depending on extenuating circumstances but will occur without undue delay. If an extension is needed, the grievant(s) will be notified by the EVPP.

The review shall include ensuring the following:

1. The allegations meet the definition of a grievable act, as identified in Sections I and II of these procedures.
  - a. If multiple respondents are listed in the formal student grievance, but the allegations do not clearly state the grievable act each respondent engaged in, the EVPP has the discretion to dismiss a respondent from the formal student grievance.
2. The grievance was submitted by a student.
3. The grievable act occurred while the grievant was a student.
4. The grievance was timely filed and has not been heard under these procedures before.
5. The informal resolution procedures have been completed.

If the formal student grievance has been properly filed, the grievance shall proceed as set forth in subsection (e) below, entitled "Student Grievance Hearing."

If the grievant(s) has not completed the informal resolution procedures, the EVPP has the authority to decide if an exception will be made to the requirement that the informal resolution procedures be completed, based on information the grievant(s) provided in the formal student grievance. The EVPP will consider the following criteria in determining whether an exception will be made:

- Whether the grievant(s) made a good faith effort and reasonably attempted to resolve the grievance through the informal resolution procedures within the 30-business day window;
- The grievant was unable to resolve the grievance through the informal resolution procedures within the 30-business day window because they were unable to meet with the respondent's direct supervisor at no fault of their own (for example, the direct supervisor failed to respond to the grievant; the grievant was hospitalized; etc.);
- Whether there are extenuating circumstances that prevent the informal resolution procedures from proceeding (for example, the grievant has a conflict of interest with the respondent's supervisor);
- It has not been more than 60-business days since the incident causing the grievance.

The EVPP will decide whether the formal student grievance may proceed without completion of the informal resolution procedures, or if the grievant(s) shall be granted additional time to complete the informal resolution procedures. This decision must be made within the five-business day review period and conveyed to the grievant.

If the formal student grievance has been improperly filed, the EVPP will notify the grievant(s) within seven business days of filing of the grievance, in writing, and provide an explanation for why the grievance is being denied. If allegations within the formal student grievance do not meet the definition of a grievable act because they are covered by another university procedure, the EVPP will refer the grievance to the applicable university procedure and inform the grievant of such referral. In the event the EVPP is unable to refer the grievance due to specific actions the grievant must take under the applicable university procedure (e.g., grade appeal process), the EVPP will provide information to the grievant about the applicable procedure.

If the EVPP has a conflict of interest in processing a particular grievance, another designee will be chosen to coordinate the grievance process.

There is no right to appeal the EVPP's denial or referral of a formal student grievance. However, if the denial or referral was the decision of an EVPP designee, the decision may be reviewed by the EVPP.

#### **c. Right to Withdraw a Formal Student Grievance**

A formal student grievance may be withdrawn by the grievant(s) at any time. However, the university reserves the right to proceed with any other action it may deem necessary, as a result of the grievant(s) filing the formal student grievance and the information contained therein.

#### **d. Consolidation of Formal Student Grievances**

Multiple formal student grievances, submitted by one or more grievant, on the same or similar matters of the initial formal student grievance, may be consolidated on the recommendation of the EVPP after consultation with the grievant(s), and presented as a package to the respondent(s) at any stage of the grievance process.

#### **e. Student Grievance Hearing**

If the formal student grievance has been properly filed, the EVPP will provide a copy of the grievance and accompanying materials to the respondent(s) within seven business days of filing of the grievance. Each

respondent will have 10 business days to submit a written response to the EVPP. The written response may include supporting documentation.

The EVPP shall compose the Student Grievance Committee (“SGC”) using the process set forth in subsection (f) below.

### **1. Notice of Pre-Hearing Process**

After the respondent(s) have provided a written response, if any, to the formal student grievance, the EVPP will send a Notice of Pre-Hearing Process to the grievant(s) and respondent(s). The notice shall contain the following:

- An explanation that a hearing will be held related to the formal student grievance.
- A copy of the formal student grievance(s).
- A copy of each respondent’s written response, if any.
- Copies of supporting documentation provided by the grievant(s) and respondent(s), if any.
- A list of the SGC members and instructions on how a party may request exclusion of a SGC member.
  - A request to exclude a member of the SGC must be made in writing to the EVPP within five business days of the date on the Notice of Pre-Hearing Process. The written justification should include reasons for exclusion 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 EVPP will determine if exclusion is appropriate, taking into consideration the fairness to the parties, available institutional resources, the complexity of the matter, and other relevant factors.
- An instruction that the grievant(s) and respondent(s) must provide to the EVPP copies of any other documentation or evidence they want considered at the hearing, within five business days of the date on the Notice of Pre-Hearing Process.
  - Only documentation and evidence which has been submitted in advance of the hearing will be considered for admission at the hearing. Documentation or evidence not submitted in advance of the hearing will not be considered, unless it is deemed relevant by the SGC.
  - The SGC is also permitted to admit documentation or evidence that neither party submitted, but which is relevant to the allegations within the grievance.
- An instruction that the grievant(s) and respondent(s) must provide to the EVPP a list of witnesses they are requesting be present at the hearing, and a brief description of what the witness will speak to.
  - The witness list must be received by the EVPP within five business days of the date of the Notice of the Pre-Hearing Process.
  - If a list of witnesses is not received by the EVPP it will be assumed that the party is not requesting any witnesses.

After the parties have submitted information and requests to the EVPP, but no later than five business days after the Notice of the Pre-Hearing Process, the EVPP will inform the SGC that a formal student grievance has been filed and will be scheduled for hearing. The SGC will also be provided with copies of the following:

- Formal student grievance(s).
- Written response by respondent(s).

- Any supporting documentation from the parties.
- Witness lists provided by the parties.

## **2. Convening of the Student Grievance Committee (SGC)**

The SGC must convene within seven business days of receiving notice from the EVPP. This meeting may occur in person or virtually and will only include members of the SGC. During the meeting, the SGC must complete the following:

- Pick one of its members to serve as chair of the SGC.
- Review the formal student grievance(s), written response by respondent(s), additional documentation or evidence, and witness lists.
- Engage in preliminary discussions related to the relevancy of documentation or evidence that has been provided by the parties. (However, the SGC shall not determine which evidence will be admitted until the hearing.)
- Determine if there is additional documentary evidence needed for purposes of the hearing, such as university records, and if so, inform the EVPP so that it can be determined if the evidence is able to be obtained for the hearing.
- Compile a witness list for the hearing. In doing so, the SGC will consider the witness lists provided by the parties, as well as any other witnesses the SGC deems necessary for the hearing. The SGC has the discretion to exclude witnesses who will be providing repetitive or irrelevant evidence, although exclusions should be used sparingly and only to preserve the resources of the SGC. The final witness list must specify any witnesses who are being excluded from the hearing and a brief explanation for the exclusion.

## **3. Notice of Hearing**

After the SGC has convened, as outlined above, the EVPP will send a Notice of Hearing to all parties. This notice shall include the scheduled hearing date, the manner in which the hearing will be held (in person or virtual), the approved witness list, and any additional documents or evidence provided for consideration at the hearing. The EVPP will also send notices to all witnesses, including the date of the scheduled hearing, the manner in which the hearing will be held, and requested documents they must provide at the hearing.

The procedures specific to the hearing are contained in the Formal Student Grievance Hearing Guidelines.

The hearing must occur as soon as is practicable.

If the SGC learns through any of the parties' submitted evidence, or during the hearing, that the allegations contained within the formal student grievance have already been reviewed through another university process, the SGC may dismiss the grievance.

There is no right to appeal the outcome of the grievance hearing.

### **f. Student Grievance Panel and Committee**

A Student Grievance Panel ("SGP") shall be maintained by the university, consisting of members who are eligible to serve on the Student Grievance Committee ("SGC"). The SGP shall consist of 18 members who are appointed by the EVPP annually for a one-year term, to commence on July 1 and end on June 30. The 18 members must consist of the following:

- Three undergraduate students, to be recommended by the Student Government Association;
- Three graduate/law students, to be recommended by the Student Government Association;
- Three supportive professional staff, to be recommended by the Supportive Professional Staff Council;
- Three civil service staff, to be recommended by the Operating Staff Council; and
- Three faculty members, who are classified as tenured professors, to be recommended by the Faculty Senate.
- Three faculty members, who are classified as instructors, to be recommended by the Faculty Senate.

Recommendations must be submitted to the EVPP by April 1<sup>st</sup> every year. The EVPP shall appoint members to the SGP by June 1<sup>st</sup>. The SGP will receive training related to the Bylaw and procedures prior to the commencement of their term.

After a formal student grievance has been filed and the EVPP has determined the grievance shall proceed to hearing, the EVPP will compose the SGC. The SGC shall consist of three members from the SGP. The SGC will be composed as follows:

- One student who is of the same designation as the grievant (i.e., undergraduate or graduate/law), randomly selected by the EVPP;
- One employee from the same classification as the respondent (i.e., SPS, civil service, faculty-instructor, faculty-professor), randomly selected by the EVPP; and
- One employee outside of the respondent's classification, randomly selected by the EVPP.

If there is more than one respondent to a formal student grievance, the SGC shall be composed, at random by the EVPP as follows:

- Two students,
- One supportive professional staff,
- One civil service staff, and
- One faculty member.

In some situations, where there are multiple respondents to a formal student grievance, the EVPP or the SGC, may determine that the allegations against each respondent are unrelated and warrant a separation of the formal student grievance procedures for each respondent.

If a member of the SGC has an actual or perceived conflict of interest related to the allegations within the formal student grievance or any of the parties to the proceedings, they must immediately inform the EVPP in writing and explain the actual or perceived conflict. The EVPP will determine if exclusion of the member from the SGC is appropriate, or if any other actions are necessary to minimize or manage the conflict. Exclusion of a member will result in a replacement by an alternate from the SGP.

## **V. Privacy and Confidentiality**

Throughout these procedures and the hearing process, all persons involved are encouraged to maintain confidentiality in receiving and transmitting information pertaining to the formal student grievance, in order to help preserve the integrity of the process. With that said, members of the SGC (including employees and students who participate on the SGC as school officials) and employees of NIU are required to secure and safeguard all education records, and the information contained therein, pertaining to

students from unauthorized disclosure or access pursuant to the federal Family Education Rights and Privacy Act (FERPA) and its accompanying regulations. This applies to the records of the grievance and the hearing when the records are identifiable to specific students.

## **VI. Retaliation Statement**

The university does not condone or tolerate acts of retaliation against any individual who has, in good faith, asserted their rights protected by these procedures or associated Bylaw. Any individual, who in good faith, filed a grievance, testified, assisted, participated, or refused to participate in the procedures outlined herein is protected from retaliation. Retaliation may occur even if no responsibility is found for the underlying grievance. Retaliation should be reported immediately using the [Retaliation Complaint](#) or by contacting the university's [Ethics and Compliance Office](#).

## **VII. Record Keeping**

The Office of the Executive Vice President and Provost shall maintain all formally filed student grievances and records related to a grievance in accordance with university record retention schedules. If a grievance is sustained, a copy of the final determination will be provided to Human Resource Services and the head of the employee's college or department, to also maintain in the employee's personnel file.

## **VIII. Definitions**

**Business Day:** Days the university is open for business, excluding Saturday, Sunday, university-observed holidays, and administrative closures. Anytime the term "day" is used in these procedures, it is intended to mean business day. For employees on appointments of less than 12 months per year, "business days" do not include any days outside of the period of their appointment.

**Employee:** A person who receives compensation from NIU for services performed and/or provides volunteer work for the university. This includes, but is not limited to, administrators, faculty, instructors, civil service staff, supportive professional staff, extra help staff, student employees, graduate/teaching/research assistants, and volunteers.

**EVPP:** Executive Vice President and Provost, or designee.

**Grievance:** A formal, written allegation, not resolved by the informal resolution procedures, that a university employee has engaged in unprofessional or inappropriate acts or decisions which adversely affected the student in the academic or educational setting.

**Grievant:** A student presenting a grievance.

**Party:** The student/grievant or the employee/respondent to a grievance.

**Respondent:** An employee responding to a grievance.

**SGC:** Student Grievance Committee.

**SGP:** Student Grievance Panel.

**Student:** A person admitted to NIU or enrolled in any course at NIU for credit, including but not limited to, undergraduate students, graduate students (including law students), and students-at-large. This includes those students in continuing status for the next semester or summer session, and students from another university who are attending classes at NIU for course credit. This does not include students acting in their capacity as an employee of the university.

## Formal Student Grievance Hearing Guidelines

These guidelines outline the established procedures for a hearing of a formal student grievance filed pursuant to [Article 6](#) of Northern Illinois University's Bylaws. The university's Executive Vice President and Provost ("EVPP") oversees the Student Grievance Procedures. The EVPP reserves the right to designate another individual to handle the Student Grievance process ("designee"). Throughout this document, EVPP should be understood to mean EVPP or designee.

### I. Accommodations

Northern Illinois University ("NIU" or "the university") is committed to providing accessible grievance procedures. Any individual requiring an accommodation during the grievance process due to a disability should contact the EVPP as soon as possible. The EVPP shall consult with the Disability Resource Center for student requests or the ADA Coordinator for employee requests.

### II. Hearing

The purpose of the Student Grievance Hearing ("the hearing") is for the Student Grievance Committee ("SGC") to determine whether the respondent(s) engaged in the conduct as alleged in the formal student grievance and whether such conduct presents unprofessional or inappropriate acts or decisions which adversely affected the complainant in the academic or educational setting.

The hearing may be held in-person or virtually, at the discretion of the SGC. The hearing shall be closed to the public. The grievant(s) and respondent(s) are entitled to be present during the entirety of the hearing, along with their support person. Witnesses shall be present only if invited by the SGC and only when providing testimony or being otherwise involved as invited by the SGC. The SGC Chair shall preside over the hearing.

The SGC may request legal counsel support for itself from the Office of General Counsel concerning procedural and substantive matters.

#### **Burden of Proof**

The grievant(s) has the burden of proving that a grievable act was committed.

#### **Standard of Evidence**

The standard of evidence for the hearing shall be by preponderance of the evidence, meaning whether it is "more likely than not" that the respondent(s) engaged in the grievable act set forth in the formal student grievance. The alleged grievable act shall be evaluated from the perspective of a similarly situated reasonable person (i.e. objective viewpoint of someone under the same or similar circumstances as the grievant) when considering the totality of the circumstances involved in the matter.

#### **Support Persons, Union Representation, and Attorneys**

Each grievant and respondent may have one support person present at the hearing. Support persons may act in an advisory capacity only and may not speak on behalf of the party during the hearing. However, each grievant and respondent may consult with their support person during the hearing. The involvement of a support person cannot result in an undue delay of the hearing and the support person must comply with the rules contained herein. Failure to comply with the rules or engagement in behavior that is disruptive, harasses, intimidates, or abuses any individual involved in the hearing may result in the support

person's removal and being barred from further involvement. Any individual who is participating in a support person capacity is expected to maintain the same level of privacy that is expressed throughout these guidelines and the Student Grievance Procedures.

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

Neither party is entitled to legal representation as the student grievance hearing is an administrative proceeding. However, attorneys may serve in the capacity of a support person.

Notice of the identity of any support person, including the presence of a union representative or a licensed attorney, must be made in writing to the EVPP at least five business days prior to the hearing.

Individuals who may be a co-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.

### **Decorum**

All individuals who participate in the hearing are required to conduct themselves in a manner consistent with university policies and procedures. Individuals are not permitted to be disruptive or harass, intimidate, abuse, threaten, coerce, or discriminate against any individual involved in the hearing, including conduct against the SGC. Participants are also prohibited from providing a materially false statement in bad faith, knowingly submitting false information, persuading others not to participate in the formal grievance process (whether successful or not), and applying pressure to not fully cooperate.

### **Evidence**

Evidence at the hearing shall include both testimonial and non-testimonial evidence. Testimonial evidence refers to the verbal statements given by the grievant(s), respondent(s) and witnesses during the hearing. Non-testimonial evidence refers to tangible items such as documents, emails, photographs, videos, etc. Only non-testimonial evidence which was submitted in advance of the hearing will be considered for admission of evidence at the hearing. Non-testimonial evidence not submitted in advance will not be considered. Each party shall be given an opportunity to make an argument as to why evidence should or should not be admitted at the hearing. The SGC Chair has initial responsibility for determining admissibility of evidence but has the option to put any question about the admission of evidence to the SGC.

While formal rules of evidence that apply in a civil or criminal court of law need not be followed during the hearing, the SGC may determine that evidence which is irrelevant, immaterial, or cumulative may not be permitted.

Members of the SGC shall have the opportunity to question the grievant(s) and respondent(s). Grievants and respondents may not question each other without express permission of the SGC Chair. The grievant(s), the respondent(s), and members of the SGC shall have the opportunity to question each witness.

Generally, written statements from witnesses will not be permitted in lieu of testimony. However, if extenuating circumstances result in a witness being unable to appear personally at a hearing (in person or virtually), a signed written statement provided by the witness may be accepted at the SGC's discretion.

when the information provided by that witness is considered necessary to decide the outcome of the formal student grievance. The SGC shall make such written statements available to all parties.

Based on the information learned during the hearing, the SGC may solicit additional materials and information, and may summon additional witnesses, at any time during the hearing. The hearing may be continued to another date in order for the additional materials, information, or witnesses to be made available.

### **Recordings**

Recording the hearing is not permitted. However, the grievant(s), the respondent(s), their support persons, and the SGC may take written notes during the hearing.

### **Decisions of the Student Grievance Committee**

All formal actions of the SGC require an affirmative vote of at least a majority of the SGC members.

### **Administrative Provisions**

The EVPP shall ensure the participation of all respondents and employee witnesses summoned by the SGC, including the guarantee of work-release time as necessary for participation. Any employee who does not fully respond to a reasonable request from the SGC may be considered insubordinate. Employees will not be asked to disclose confidential and/or privileged communications.

### **Dismissal of Grievance**

If the SGC learns during the hearing that the allegations contained within the formal student grievance have already been reviewed through another university process, the SGC may dismiss the grievance.

If the grievant does not appear for the hearing, the grievance can be dismissed, except when the SGC finds that there are serious systemic issues that need to be addressed.

## **III. Post-Hearing Process**

At the conclusion of the hearing, the SGC must convene in a private session and decide whether the formal student grievance will be sustained or denied, as well as any recommendations. The decision must be a majority vote of the SGC. The final determination must be in a written report and provided to the EVPP within five business days of the conclusion of the hearing. An extension may be granted at the discretion of the EVPP. If an extension is granted, the parties will be notified by the EVPP.

During the development of its decision and recommendations, the SGC may, at its discretion, consult with any person not participating in the hearing, including university administrators and the Office of General Counsel. The SGC may not, however, accept additional evidence or witness testimony without formally reconvening and providing the grievant(s) and respondent(s) the opportunity to attend and to hear and respond to such evidence or testimony.

The written report shall include, at a minimum, the following:

- The names of the SGC members.
- Procedural history of formal student grievance (i.e., date grievance filed, date of hearing, any continuances granted, etc.).

- A list of all individuals who testified during the hearing (including the grievant(s) and respondent(s)).
- A list of all non-testimonial evidence admitted during the hearing.
- Findings of fact (i.e., those facts the SGC determines happened in order to determine whether the respondent(s) engaged in the conduct or behaviors alleged by the grievant).
- Decision as to whether the formal student grievance is sustained or denied, with an explanation (i.e., Did the respondent(s) engage in unprofessional or inappropriate acts or decisions which adversely affected the student-grievant in the academic or educational setting, and why?).
- Any recommendations.

Recommendations may include the following:

- Corrective action against the respondent(s), including, but not limited to, mandatory training.
- Systemic change, such as modification of procedures or working conditions.
- Institutional actions to rectify the grievance.

The EVPP shall provide a copy of the SGC's written report to the parties within three business days of the SGC's decision. Additionally, if the grievance is sustained or the SGC made any recommendations, the EVPP shall provide a copy of the report to Human Resource Services ("HRS") and the head of the employee's college or department. HRS and the employee's college or department will maintain a copy of the written report in the employee's personnel file. The college/department head is expected to work with HRS (and the applicable Labor Relations team, if the employee is represented by a union) to adopt and act on the recommendation(s) of the SGC, when practical. When not practical, the college/department head is expected to implement the intention of the SGC's recommendation(s), in consultation with HRS (and the applicable Labor Relations team, if the employee is represented by a union).