

Northern Illinois University
Special Hearing Board
February 19, 2024
8:00 a.m.
Altgeld Hall Suite 203

MINUTES

Present: Brianno Coller, Melissa Fickling, Jinsook Kim, Heidi Kuehl, Amanda Littauer, Eric Mogren, Paul Wright, Lei Zhou, Don Zinger

Absent: Rob Peterson, David Taylor, Kim Martens

Staff/Guests: Joan Parrish, Abdoulaye Diallo, Alan Clay, Sarah Garner, Paul Priester, Kelly Fiala

Call to Order

Wright called the meeting to order at 8:03 a.m.

Adoption of Agenda

Wright requested a motion to approve the agenda. Fickling moved. Littauer seconded. The agenda was approved with no changes.

Approval of Minutes

Wright requested a motion to approve the February 6, 2024 meeting minutes. Coller moved. Kuehl seconded. The minutes were approved.

Public Comments

Wright inquired if there are any requests for public comment. There were no requests for public comment.

Promotion Appeal

Wright gave the committee guidance for handling the appeal and suggested taking the Open Meeting Act training. Wright asked the committee if they felt there are grounds for a hearing. It was asked, what does having grounds mean? Wright advised, does the evidence raise a concern? Is it possible that discrimination could have occurred? It was stated that there could be evidence that discrimination could have occurred. To determine if that is valid, a substantial amount of additional information is needed. The committee has questions about the definition of leadership through service. There doesn't seem to be a problem with scholarship or teaching. There was an allegation that Diallo was not allowed to sit as chair on a committee. There was an allegation that some members of the committee might have used inappropriate language. Diallo advised that the language was not about him. It was stated in the bylaws that faculty members are not

expected be outstanding in teaching, research and service. Diallo stated there have been individuals previously promoted were not outstanding in all of three areas. Some were outstanding in only one area. Fiala stated that the concern was university level leadership. Fiala is not sure that department level leadership is in question. Even if Diallo was the leader of the department level committee, Fiala is not sure that it rises to what would be considered university level leadership. Wright reminded the committee to focus on discrimination. It was asked, has Diallo been treated the same as everyone else? This committee needs to understand what the baseline is and understand leadership, based on other cases. There were some questions about when information was requested. Fiala stated that the information was received late and there was some confusion about where documents were placed. Diallo stated that he did not get anything other than information about where the documents were placed and that he was not notified of a problem until the college had made a decision. He was not given an opportunity to respond. Fiala asked that the committee look at what happen at the college level, not what happened at the department level. Fiala advised there was integrity in the process, they made the best decision with the information that was available. Some of the decisions made at the school level were not available to the college. Priester advised that "someone" on the college council kept asking "how do we know he did what was submitted". Professor Boutin was named by Diallo for discrimination. Diallo stated that the department chair asked him to provide proof about his achievements and he felt they were looking to see if they exist. A committee member stated that if the committee is going to be looking at the conduct of the department personnel committee, we need to have more than one person present to represent the department personnel committee. It was asked if the college council saw how many votes were for or against at the department level. Diallo advised that Personnel Committee leadership stated that the only people that seek leadership are white. Diallo advised that it was written in a letter sent to the college. When the letter from the personnel committee was sent to the college, Diallo was not given an opportunity to see the letter. He requested the letter and it was eventually sent to him. Fiala advised that the letter from the school did mention a concern about leadership. Wright asked Diallo to specify which protected classes to which the discrimination had occurred. Diallo said his department Chair had previously asked "how did you get to America?" Diallo identified national origin, race and handicapped status. A committee member asked if there are overlapping protected classes? It was stated that they should look at the evidence to see which protected classes were affected. There could be intersections. They might find if one type of discrimination had happened, it could also be considered part of the one of the other types. It was also stated that they would not be comfortable with trying to find discrimination on all protective classes and that only one would need to be proven. Diallo advised that discrimination was also extended to a student. When Diallo asked to work with this student, he was told there was not funding. Wright asked for a straw poll from the committee, asking if were comfortable voting on the existence of grounds for a hearing. Wright asked for a straw poll about waiting for the ruling of the FSPC. Wright asked for motion that the committee not wait for the FSPC to finish

hearing their appeal. It was discussed these are two separate types of appeals. It was also discussed that it might be helpful to determine if the FSPC found procedural issues. It was asked if the Special Hearing Board would have access to that information compiled by the FSPC. Wright advised that he could ask how evidence could be shared from the FSPC. Fickling moved. Kim seconded. Six were in favor, two were opposed. The motion was approved. Wright asked for a motion that there are grounds for a hearing. Kuehl moved. Kim seconded.

Parrish conducted a roll call vote.

Mogren: Yes

Fickling: Yes

Zinger: Yes

Kim: Yes

Zhou: Yes

Kuehl: Yes

Littauer: Yes

Wright: Yes

Coller: Absent, this committee member had left the meeting.

The motion was approved.

Wright advised the committee members to prepare questions, requests for witnesses and evidence for the next meeting. Fiala requested the evidence submitted to this committee to ensure that the proper parties attend this hearing.

Meeting and Adjournment

Wright advised the next meeting would be held February 26th at 3:00 p.m. Wright asked for a motion to adjourn. Zhou moved. Littauer seconded. The motion to adjourn was approved. Committee adjourned at 9:57 am.