

## **PUBLIC NOTICE AND AGENDA**

**University Council  
Wednesday, March 2, 2022, 3 p.m.  
Altgeld Hall 315  
Northern Illinois University  
DeKalb, Illinois**

### **I. CALL TO ORDER**

### **II. VERIFICATION OF QUORUM**

### **III. ADOPTION OF THE AGENDA**

### **IV. APPROVAL OF THE DECEMBER 1, 2021 MINUTES – Pages 3-5**

### **V. PUBLIC COMMENT**

### **VI. NIU PRESIDENT LISA FREEMAN’S ANNOUNCEMENTS**

### **VII. ITEMS FOR UNIVERSITY COUNCIL CONSIDERATION**

- A. What is the future of University Council?  
Peter Chomentowski, University Council Chair  
Simón Weffer, Department of Sociology

### **VIII. CONSENT AGENDA**

### **IX. UNFINISHED BUSINESS**

### **X. NEW BUSINESS**

- A. Proposed amendment to NIU Bylaws, Article 6, Grievance Procedures for Students –  
Pages 6-24  
FIRST READING  
Peter Chomentowski, University Council Chair  
Beth Ingram, Executive Vice President and Provost  
Gregory Brady, Deputy General Counsel  
Lindsay Hatzis, Director of Investigations, Office of Ethics and Compliance

### **XI. REPORTS FROM COUNCILS, BOARDS AND STANDING COMMITTEES**

- A. Faculty Advisory Council to the IBHE – report  
Linda Saborío, NIU representative
- B. University Advisory Committee to the Board of Trustees – report  
Felicia Bohanon, Holly Nicholson, Peter Chomentowski  
Katy Jaekel, Karen Whedbee, Greg Beyer

- C. Rules, Governance and Elections Committee – report  
Holly Nicholson, Chair
- D. Student Government Association – report  
Devlin Collins, President  
Dallas Douglass, Speaker of the Senate
- E. Operating Staff Council – report  
Holly Nicholson, President
- F. Supportive Professional Staff Council – report  
Felicia Bohanon, President

## **XII. INFORMATION ITEMS**

- A. [Policy Library](#) – Comment on Proposed Policies (right-hand column on web page)
- B. [Minutes](#), Academic Planning Council
- C. [Minutes](#), Athletic Board
- D. [Minutes](#), Baccalaureate Council
- E. [Minutes](#), Board of Trustees
- F. [Minutes](#), Campus Security and Environmental Quality Committee
- G. [Minutes](#), Comm. on the Improvement of the Undergraduate Academic Experience
- H. [Minutes](#), General Education Committee
- I. [Minutes](#), Graduate Council
- J. [Minutes](#), Honors Committee
- K. [Minutes](#), Operating Staff Council
- L. [Minutes](#), Supportive Professional Staff Council
- M. [Minutes](#), University Assessment Panel
- N. [Minutes](#), University Benefits Committee
- O. [Minutes](#), Univ. Comm. on Advanced and Nonteaching Educator License Programs
- P. [Minutes](#), University Committee on Initial Educator Licensure
- Q. Approved 2031-32 academic calendar – Page 25
- R. UC meets monthly at 3 p.m.  
Spring 2022 meeting dates: Feb 2, Mar 2, Apr 6, May 4

## **XIII. ADJOURNMENT**

## MINUTES

University Council  
Wednesday, December 1, 2021, 3 p.m.  
Altgeld Hall 315  
Northern Illinois University  
DeKalb, Illinois

[Full transcript](#)

**VOTING MEMBERS PRESENT:** Beyer, Borg, Burg, Chomentowski (for Freeman), Collins, Conderman, Costello, Cripe, Douglass, Garcia, Hulseberg, Ingram, Monteiro, Nicholson, O’Grady (for Boughton), Olson, Poyser, Scheibe, Stange, Teso-Warner, Timko, Vaughn, Walker (for Elish-Piper), Weffer, Yates

**VOTING MEMBERS ABSENT:** Bohanon, Boughton, Chinniah, Elish-Piper, Freeman, Holmes, Martin

**OTHERS PRESENT:** Blazey, Bryan, Saborío

### **I. CALL TO ORDER**

NIU Executive Vice President and Provost **B. Ingram** called the meeting to order at 3 p.m.

### **II. VERIFICATION OF QUORUM**

A quorum was verified.

### **III. ADOPTION OF THE AGENDA**

**D. Douglass** moved to adopt the agenda, seconded by **D. Collins**. Motion passed.

### **IV. APPROVAL OF THE NOVEMBER 3, 2021 MINUTES – Pages 3-5**

It was moved and seconded to approve the minutes. Motion passed.

### **V. PUBLIC COMMENT**

### **VI. NIU PRESIDENT LISA FREEMAN’S ANNOUNCEMENTS**

### **VII. ITEMS FOR UNIVERSITY COUNCIL CONSIDERATION**

### **VIII. CONSENT AGENDA**

### **IX. UNFINISHED BUSINESS**

## **X. NEW BUSINESS**

- A. Motion to reduce the number of spring 2022 semester UC meetings:  
UC meetings will be held March 2 and May 4 as scheduled;  
UC meetings dates, February 2 and April 6, will be held on an if-needed basis.

February 2, 2022 – meeting held only if needed

March 2, 2022 – meeting will take place

April 6, 2022 – meeting held only if needed

May 4, 2022 – meeting will take place

**P. Chomentowski** moved to reduce the number of spring 2022 semester University Council meetings per the provided proposed schedule, seconded by **S. Weffer**.  
Motion failed.

Yes – 6

No – 18

Abstain - 0

## **XI. REPORTS FROM COUNCILS, BOARDS AND STANDING COMMITTEES**

- A. Faculty Advisory Council to the IBHE – Linda Saborío – report
- B. University Advisory Committee to the Board of Trustees – report  
Felicia Bohanon, Holly Nicholson, Peter Chomentowski  
Katy Jaekel, Karen Whedbee, Greg Beyer
- C. Rules, Governance and Elections Committee – no report  
Holly Nicholson, Chair
- D. Student Government Association – report  
Devlin Collins, President  
Dallas Douglass, Speaker of the Senate
- E. Operating Staff Council – Holly Nicholson, President – report
- F. Supportive Professional Staff Council – Felicia Bohanon, President – report

## **XII. INFORMATION ITEMS**

- A. [Policy Library](#) – Comment on Proposed Policies (right-hand column on web page)
- B. [Minutes](#), Academic Planning Council
- C. [Minutes](#), Athletic Board
- D. [Minutes](#), Baccalaureate Council
- E. [Minutes](#), Board of Trustees
- F. [Minutes](#), Campus Security and Environmental Quality Committee
- G. [Minutes](#), Comm. on the Improvement of the Undergraduate Academic Experience
- H. [Minutes](#), General Education Committee
- I. [Minutes](#), Graduate Council

- J. [Minutes](#), Honors Committee
- K. [Minutes](#), Operating Staff Council
- L. [Minutes](#), Supportive Professional Staff Council
- M. [Minutes](#), University Assessment Panel
- N. [Minutes](#), University Benefits Committee
- O. [Minutes](#), Univ. Comm. on Advanced and Nonteaching Educator License Programs
- P. [Minutes](#), University Committee on Initial Educator Licensure
- Q. UC 2021-22 dates: Sep 8, Oct 6, Nov 3, Dec 1, Feb 2, Mar 2, Apr 6, May 4

### **XIII. ADJOURNMENT**

**H. Nicholson** moved to adjourn. The motion was seconded and passed.

Meeting adjourned at 3:40 p.m.

## Proposed amendment to NIU Bylaws, Article 6, Grievance Procedures for Students

NIU Bylaws, Article 6, has been reviewed by a working group representing Faculty Senate, Student Government Association, Office of the Ombudsperson, Office of the Provost, Office of the General Counsel and Office of Ethics and Compliance. The proposal is to move procedure out of the bylaws (similar to the decision made by University Council in spring 2020 in regard to the grievance process for non-union faculty and staff) and into procedural documents to be maintained at the Provost's Office website.

Revised Article 6 establishes the student grievance process. The substance of current Article 6 has been maintained in two procedural documents: 1) Student Grievance Procedures, and 2) Formal Student Grievance Hearing Guidelines. These procedures will be linked to from the revised Article 6.

The modifications were prepared with a focus on providing a process that is understandable and accessible to all parties.

### **ARTICLE 6: GRIEVANCE PROCEDURES FOR STUDENTS**

#### **6.1 Preamble**

As a student-centered institution of higher learning, Northern Illinois University strives to create a professional environment that is free from incivility, misuse of authority, intimidation, or retaliation. This grievance policy is intended to be consistent with the [preamble of the Northern Illinois University Constitution](#) which declares that "Respect for the intrinsic dignity of each member of the university community, both by the university itself and by each member of that community, is the basic cornerstone governing all community activities."

Enactment of the grievance procedures shall promote the values inherent in the American Association of University Professors' "[Statement of Principles on Academic Freedom and Tenure](#)." That is to say, faculty and staff have an obligation to (a) promote the common good, (b) pursue a free search for truth, and (c) protect students' freedom in learning. The pursuit of these values shall not be cause for grievance, especially if conducted within the individual's discipline or as a member of a learned profession. Students do, however, have a right to expect that these values be demonstrated throughout the university.

Throughout these procedures, all persons involved should exercise discretion in receiving and transmitting information pertaining to the complaint.

#### **6.2 Summary of Timelines for the Grievance Process**

Initiating the formal grievance process is possible once an attempt at informal resolution has been completed. A written complaint must be filed with the University Council chair within the next ten (10) workday period (see Article 6.5 Formal Procedures).

Within five (5) workdays of receipt of the formal grievance, the University Council chair will forward a copy of the formal grievance and accompanying materials to the respondent(s). Each respondent will have ten (10) workdays to submit a response to the University Council chair.

Also within five (5) workdays of receipt of the formal grievance, the University Council chair will forward to the grievant and respondent(s) the names of Grievance Panel (GP) members eligible to serve on the Student Grievance Committee (SGC) to oversee the complaint. The grievant and respondent(s) will have ten (10) workdays from receipt of the GP members' names to request the University Council chair to exclude people from consideration as members of the SGC.

Within ten (10) workdays of the establishment of a pool of acceptable candidates, the University Council chair will select by random drawing the SGC members, provide them with copies of the grievance and response(s), and convene the SGC. The SGC will elect one of its members to serve as chair of the committee at this first meeting.

The SGC will have fifteen (15) workdays from the first meeting to review the facts, gather additional information as necessary, and come to a decision regarding the complaint. The SGC may remand the matter to Affirmative Action Diversity Resources if the nature of the complaint should be addressed by another procedure; it may also remand to other personnel who may have been bypassed during the required informal process; it may deny the grievance if there is not sufficient grounds, or it may initiate an informal hearing.

If the SGC determines that a hearing is necessary, it must call for the hearing no later than the end of its 15 workday review period and the hearing must then be executed within 15 workdays of being called for.

The SGC will meet immediately after the hearing in a private session to reach a conclusion pertaining to the grievance.

The SGC must issue its final report no later than fifteen (15) workdays following the decision.

### **6.3 Grounds for Grievances**

These procedures provide opportunity for a student to seek resolution of allegations of unfair treatment by faculty or staff in the university setting. Grievances may include good faith claims of incivility, misuse of authority, intimidation, retaliation or professionally inappropriate acts or decisions by a member of the faculty or staff of the university that adversely affects the status, rights, or privileges of a student in a substantive way.

**6.3.1 Exceptions.** These grievance procedures apply only to those claims that are not expressly covered under other university, Board of Trustees, or state procedures. Other procedures exist for the following matters, which will not be subject to this grievance procedure: discrimination, sexual harassment, Title IX, appeals of disciplinary decisions, claims pertaining to student employment, graduate assistantships, and grade complaints. In some situations, (e.g., situations involving violence, or the threat of violence), informal conciliation may not be appropriate. In such cases, response should follow procedures

established in accordance with Illinois state law, including workplace violence protocols, and established threat assessment procedures. A formal grievance cannot be filed for complaints that have been addressed by another procedure (e.g., discrimination).

**6.3.2 Academic Rigor and Performance.** These procedures do not pertain to the level of academic rigor and performance expected by faculty of students in the classroom. Moreover, these procedures are not applicable to issues pertaining to the enforcement of academic policies, or those related to curricular change.

## **6.4 Informal Procedures**

**STEP 1.** The university encourages the maintenance of positive student-faculty/staff relations that includes effective communication and feedback and attempts to informally resolve complaints. The university strongly encourages attempts to resolve issues through informal procedures, beginning, if possible, with the faculty or staff member against whom the student has a complaint, and, prior to invoking formal grievance procedures, must include his/her immediate supervisor (e.g., department chair, unit supervisor). Initial attempts will normally include discussions with those alleged to have committed the action or conduct described above. Where confidential mediation or alternative resolution option is agreed to by the parties, such processes may be used as a substitute for these grievance procedures to conclusively resolve grievable issues. The complainant must be notified of the right to end the informal process at any time and initiate a formal grievance.

**6.4.1 Facilitation.** In an effort to resolve complaints informally, those involved in the discussion are urged to invite the assistance of other university employees or offices, such as, but not limited to, the university ombudsperson, Human Resource Services, and/or the faculty and SPS personnel advisor, to facilitate communication and strive toward resolution of disputes. In all discussions the complainant and respondent(s) will have the right to choose, and be accompanied by, a representative (including student, faculty, or staff member) as a non-participating advisor, other than a person acting in the capacity of legal counsel. This is an administrative process, not a legal process, and legal representation is not appropriate at this time. As these discussions look toward conciliation, no transcripts or recordings shall be made.

## **6.5 Formal Procedures**

**STEP 2.** Should the problem not be satisfactorily resolved on an informal basis, the complainant becomes a grievant and may initiate the formal grievance procedures. The grievant must complete and submit a formal grievance form to the chair of the University Council. The University Council chair will forward a copy of the grievance form and accompanying materials to the respondent(s). Each respondent will have ten (10) workdays to submit a response to the University Council chair. The University Council chair will provide both the grievant and the respondent(s) with GP names and both parties can provide a written request to exclude any individual from consideration for inclusion on the SGC. The University Council chair will then select, by random drawing, a five-member SGC to screen and review the complaint. The SGC will examine the complaint, any response received, and obtain further information as necessary from either party, and determine whether an investigation, in collaboration with Human Resource Services, is necessary to collect more information to make an informed decision. If the



SGC determines that it would be appropriate to elicit more facts, assess credibility, or develop a record for potential serious disciplinary action, it may call for a hearing. If a hearing is necessary, it must be called for within seventy (70) workdays of the formal grievance submission.

In the event a hearing is conducted, all parties may have a representative present at the hearing for support, but not to speak for them. Following the hearing, the SGC will prepare and submit a report with written findings of fact and identify an appropriate course of action.

In instances when the SGC calls for a hearing, the SGC may request legal counsel support for itself concerning procedural and substantive matters. The grievant and respondent(s) are entitled to consult with any person(s) they choose, prior to, or outside of, the hearing. In addition, each party is allowed to have present during the hearing one non-participating advisor. The hearing shall be closed to all other non-participants. Witnesses shall be present only if invited by the SGC and only when providing testimony or being otherwise involved as invited by the SGC. Prior to the hearing, the grievant and the respondent(s) shall each deliver to the SGC all relevant written information and other material as evidence supporting their respective positions, including a description of the original grievable act. This information will be shared with both the grievant and respondent(s).

The specific hearing proceedings will be conducted consistent with these stipulations and in a manner determined by the SGC. The grievant and respondent(s) are entitled to be present during any presentation by another party. The SGC may admit any evidence it feels may be important in addressing the issues under consideration, including written or oral testimony from any persons who might provide evidence or information relevant to the grievance. If a witness is unable to appear personally at the hearing, a signed written statement may be accepted by the SGC. These statements will be made available to all parties.

The grievant, the respondent(s), and each member of the SGC shall have the opportunity to question each witness. Grievants and respondents may not question each other without express permission of the SGC chair. The senior administrator responsible for Human Resource Services or his/her designee will facilitate the participation of all respondents and witnesses summoned by the SGC including the guarantee of work release time as necessary for participation.

The SGC will meet immediately after the hearing in a private session to reach a conclusion pertaining to the grievance. The SGC will then create a report to be disseminated as identified in the post-hearing process.

## **6.6 Post-Hearing Process**

Appropriate courses of action can include: 1) Denial of the grievance (grievance not sustained), 2) Referral of the matter to Affirmative Action Diversity Resources, 3) Referral of the matter to alternative dispute resolution (e.g., mediation), or 4) Referral to administrative authority (e.g., unit director and supervisor(s) to whom the director reports) with a SGC recommendation for action. Recommended actions may include, but not be limited to, a letter of apology or an educational intervention. Within fifteen (15) workdays of the SGC decision, the chair of the SGC will forward a written report of the findings and recommendations to the University Council chair, who will then distribute it to all parties involved. This report need not contain negative

judgment of the actions of any party and it may include recommendations for systemic change, such as modification of procedures or working conditions.

In instances where an action is recommended by the SGC, the SGC will send a report to the division director and unit director with a recommended action. The unit and division director is expected to work with Human Resource Services to act on the recommendation.

The University Council chair is to maintain records pertaining to each grievance including the outcome. The University Council chair will provide a summary report of the number of grievances filed and the disposition to the University Council at the April meeting each year.

### **6.7 Composition of the Grievance Panel (GP)**

The GP is to be composed of 60 members with 15 representatives from each of the following constituencies: faculty, operating staff, supportive professional staff, and students. The GP will also include the senior administrator responsible for human resource services or his/her designee who must be included in any SGC constructed to oversee a complaint. The GP members are selected as follows:

- a) — The faculty, operating staff, and supportive professional staff members of the GP are those selected as per Article 5.5.3.1 (b) for faculty and staff grievances.
- b) — The student representatives are to be selected by the Student Government Association in conjunction with the student advisory committees in each college, including the College of Law, and must include both undergraduate and graduate students with at least one representative coming from each college.

These names will be forwarded to the University Council chair at the beginning of the academic year.

### **6.8 Composition of the Student Grievance Committee (SGC)**

The SGC will be selected by the University Council chair by random drawing from the GP. The SGC is to be composed of five members with representation from at least one faculty and one student, and the senior administrator responsible for human resource services or his/her designee. At least two members must be from the same employment classification as the respondent(s). The SGC will elect one of its members to serve as chair of the committee.

### **6.9 Conflicts of Interest**

In instances where a grievance involves a member of the GP or relates to a GP member's organizational unit (e.g., department), that member is prohibited from serving on the SGC that will screen the grievance. In the event that a member of the SGC has a conflict of interest related to the alleged act, he/she must recuse himself/herself and is to be replaced by an alternate. The grievant and the respondent(s) each have the right to present written justification to request exclusion from SGC membership any grievance panelist(s) as described in Article 6.8. Also, any SGC member can request to be excluded on the basis of a real or potential conflict of interest or personal relationship.

## **6.10 Retaliation**

Retaliation is strictly prohibited against any individual(s) who participate(s) in the process in the following manner(s): utilizing the grievance procedures, providing information under these procedures, cooperating in an investigation under these procedures, serving as a witness in a grievance hearing, or otherwise participating in grievance proceedings. Claims of retaliation should be reported to the senior administrator responsible for human resource services and the University Council chair, and proven claims will subject the offender(s) to corrective measures, including disciplinary action.

## **6.11 Appendix**

### **5.11.1 Definitions**

**Complainant.** A student presenting a complaint.

**Complaint.** An allegation that there has been an adverse situation as described in Article 6.3.

**University Council chair.** The chair of the University Council. Please visit [http://www.niu.edu/u\\_council](http://www.niu.edu/u_council) to identify the University Council chair.

**Grievance.** A formal, written allegation, not resolved by the informal steps of Article 6.4, that there has been an adverse situation as described in Article 6.3.

**Grievance Panel (GP).** The pool from which student grievance committees are drawn.

**Grievant.** A student who is presenting a grievance.

**Respondent.** A person whose action is identified as possibly contributing to the adverse situation described in the grievance.

**Student Grievance Committee (SGC).** The five member committee selected from the Grievance Panel to hear a specific complaint.

**Workdays(s).** All days during which the university is normally scheduled for operations, excluding weekends, official holidays, and closure periods. For employees on appointments of less than 12 months per year, “workdays” do not include any days outside of the period of their appointment.

## **Article 6: Establishment of Grievance Process for Students**

**6.1** As a student-centered institution of higher learning, Northern Illinois University strives to create a professional environment that is free from unprofessional or inappropriate acts or decisions by a university employee which adversely affect students in the academic or educational setting. This is consistent with the preamble of the Northern Illinois University Constitution which declares that “Respect for the intrinsic dignity of each member of the university community, both by the university itself and by each member of that community, is the basic cornerstone governing all community activities.”

**6.2** Enactment of the Student Grievance Process shall promote the values inherent in the American Association of University Professors’ “Statement of Principles on Academic Freedom and Tenure.” That is to say, employees have an obligation to (a) promote the common good, (b) pursue a free search for truth, and (c) protect students’ freedom in learning. Students have a right to expect that these values be demonstrated throughout the university. In order to provide recourse for allegations of unprofessional or inappropriate acts or decisions by a university employee which adversely affect students in the academic or educational setting, the university has established procedures through the Office of the Executive Vice President and Provost for students to file a grievance, as set forth in the Student Grievance Procedures.

*Grievance Procedures for Students established by University Council 04/02/2014.*

*Proposed amendment approved by University Council 04/29/2020.*

## **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 SGC 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).



## ACADEMIC CALENDAR 2031-2032

<b>FALL SEMESTER 2031</b>		
August 18-22	Monday - Friday	Faculty meetings
August 25	Monday	Classes begin
September 1	Monday	Labor Day (university closed)
November 26	Wednesday	Thanksgiving break begins (no classes on Wednesday)
December 1	Monday	Classes resume
December 6	Saturday	Classes end
December 8-13	Monday - Saturday	Final examinations
December 13	Saturday	Fall graduate commencement
December 14	Sunday	Fall undergraduate commencement
<b>SPRING SEMESTER 2032</b>		
January 5-9	Monday - Friday	Faculty meetings
January 12	Monday	Classes begin
January 19	Monday	Martin Luther King, Jr. Birthday (university closed)
March 7-14	Sunday - Sunday	Spring recess
March 15	Monday	Classes resume
April 18	Sunday	Honors Day
April 29	Thursday	Classes end
April 30	Friday	Reading Day
May 1, 3-7	Saturday, Monday - Friday	Final examinations
May 7	Friday	Spring graduate commencement
May 8	Saturday	Spring undergraduate commencement
<b>SUMMER SEMESTER 2032</b>		
June 14	Monday	Classes begin
June 18	Friday	Juneteenth observed (university closed)
July 5	Monday	Independence Day observed (university closed)
August 8	Sunday	Summer session ends