

# UIC HR POLICIES AND PROCEDURES

NUMBER  
1104

MANUAL Human Resources	SECTION Complaint Resolution	PAGE 1 of 3
SUBJECT UIC Academic Professional Resolution Procedure for Complaints of Discrimination	EFFECTIVE 12/5/08	REVISED 12/5/08
ISSUED BY Vice Chancellor for Human Resources	APPROVED BY President, Chancellor	

## PURPOSE

This policy and procedure is to clarify the process for academic professional employees to report and resolve grievances raising claims of discrimination under the University of Illinois Chicago Nondiscrimination Statement and to establish responsibility and authority for administration review and grievance resolution.

## SOURCES AND BACKGROUND

University of Illinois Statutes  
University Academic Grievance Process, Executive Notice 89-2, March 1989, as amended  
Board of Trustees Guidelines on Grievance Procedures for Complaints of Discrimination, November 14, 1996  
University of Illinois Chicago Nondiscrimination Statement, May 31, 2005

## APPLICABILITY

All academic professional (“AP”) employee grievances raising claims of discrimination under the University of Illinois Chicago Nondiscrimination statement, except those situations exempted at Appendix A below.

## POLICY

This policy and procedure is to ensure effective process for APs to grieve a decision made about their employment by an agent of the University in the course of employment when APs believe they have been treated in a manner inconsistent with the University nondiscrimination statement in connection with professional matters (other than sexual harassment, which is handled separately by the Office of Access and Equity). This policy and procedure is intended to encourage informal means of resolving a complaint and to provide a process for prompt, fair and definitive resolution of workplace complaints of discrimination. APs who participate in the grievance process and who use the procedure as a legitimate dispute resolution mechanism may not be subject to discipline or reprisal solely because of such participation or use. Nothing contained in this policy and procedure shall be construed to prevent APs from discussing a complaint or issue directly with their supervisor.

## PROCEDURES

A distinction is recognized between a “complaint” and a “grievance.” A “complaint” is a written or unwritten claim alleging a violation of the nondiscrimination statement that has not been formally filed as a grievance under this procedure. When APs cannot resolve complaints with a supervisor or through other informal methods such as UIC Dispute Resolution Services, APs may pursue a formal grievance following the timelines and process outlined below. The UIC Office of Access and Equity shall be notified by the administration at the earliest level of any complaint or grievance alleging discrimination.

**Grievance Definition.** A grievance is a written statement filed by an AP at the University of Illinois at Chicago, or one of its sites which administratively report to the Chicago campus, seeking resolution of a claim by the individual AP regarding a specific management decision which is alleged to have adversely affected the AP’s existing terms or conditions of employment in violation of the University nondiscrimination statement, as long as such claims are not excluded in Appendix A.

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SUBJECT <p style="text-align: center;"><b>UIC Academic Professional Resolution Procedure for Complaints of Discrimination</b></p>		EFFECTIVE <p style="text-align: center;">12/5/08</p>
ISSUED BY <p style="text-align: center;">Vice Chancellor for Human Resources</p>		APPROVED BY <p style="text-align: center;">President, Chancellor</p>

**Time Limits.** Failure to file a grievance within forty-five (45) calendar days from the date of the occurrence on which the grievance is based, or from when the occurrence should reasonably have been discovered, shall constitute a waiver of the grievance. Failure to appeal a grievance from one level to another within the time periods hereafter provided shall constitute a waiver of the grievance.

## Adjustment of Grievances

**Level 1.** If an AP's complaint is not resolved through informal methods, the AP shall have forty-five (45) calendar days from the date of the occurrence on which the grievance is based, or from when the occurrence should reasonably have been discovered, to file a written grievance with the AP's immediate supervisor. The written grievance shall contain the following information: a specific description of the dispute, the facts giving rise to the dispute, a listing of the policies or conduct alleged to have been violated, a statement as to how the policy or conduct was violated, the date(s) of the alleged violation, and requested remedy. The supervisor shall meet with the AP within fourteen (14) calendar days to discuss the grievance, and give the AP a written decision on the grievance, setting forth the basis of the decision, within fourteen (14) calendar days of the meeting.

**Level 2.** In the event the grievance is not resolved in Level 1, the decision rendered may be appealed to the Dean of the College in which the AP is appointed or equivalent administrator or executive officer to whom the AP's supervisor reports provided such appeal is made in writing within fourteen (14) calendar days after receipt of the decision in Level 1. If a grievance has been appealed, the Dean or equivalent, or designee, shall meet with the AP within fourteen (14) calendar days to discuss the grievance, and give the AP a written decision on the grievance, setting forth the basis of the decision, within fourteen (14) calendar days of the meeting.

**Level 3.** In the event the grievance is not resolved in Level 2, the decision may be appealed to the Vice Chancellor for Human Resources, provided such appeal is made in writing within fourteen (14) calendar days after receipt of the decision in Level 2. If a grievance has been appealed to Level 3, as described above, the Vice Chancellor for Human Resources or designee shall meet with the AP within twenty-one (21) calendar days after receipt of the appeal and allow the AP an opportunity to present the grievance, giving the grievant a reasonable opportunity to present witnesses and documents. Within twenty-one (21) calendar days after the meeting, the Vice Chancellor for Human Resources or designee shall issue a decision in writing, setting forth the basis of the decision, to the parties involved. The Level 3 decision is final and not appealable.

The final decisional authority on substantive and procedural issues related to the grievance shall reside with the Vice Chancellor for Human Resources. APs working for University Administration on the UIC campus may grieve under this procedure and follow Levels 1 and 2 above, however appeals to Level 3 will be reviewed and have final decisional authority reside with an appropriate Vice President, or designee, rather than the Vice Chancellor for Human Resources. Additionally, if a grievance is filed against the Vice Chancellor for Human Resources or a Vice President, the final decisional authority shall reside with an alternate Vice Chancellor or Vice President, or designee.

**Timing for disposition.** Final disposition of a grievance must occur within a maximum of 180 days from the time of filing, but final resolution within a much shorter period is strongly encouraged. However, for good cause, this deadline may be extended by the Chancellor, President or a designee.

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**Recordkeeping.** Recordkeeping under this policy and procedure should be adequate to insure proper monitoring and reporting. At each level of decision or appeal, the individual charged with responsibility for the decision shall be provided the existing record of the matter, including a copy of the written grievance, the resolution sought by the AP and the written disposition at all preceding levels. The individual responsible for a decision may make such further investigation as is deemed appropriate and, for that purpose, may seek assistance or information from other personnel.

**Representation and Expenses.** APs may be accompanied by a personal advisor at each tier of the grievance procedure to advise the AP. The AP's representative may be present to offer advice to the grievant but may not otherwise actively participate in hearings or meetings under this policy, unless given prior approval. If an AP is represented by an attorney under this procedure, the administrative unit and the individual acting as the hearing officer may seek advice and representation from the Office of the University Counsel. The Office of Access and Equity may participate in any formal meetings under this procedure. Any expenses incurred, including costs of a representative, shall be paid by the party incurring the same.

## APPENDIX A

This Policy and Procedure 1104, UIC Academic Professional Grievance Procedure for Complaints of Discrimination is to be used only for grievances alleging a violation of the University nondiscrimination statement, but is not to be used: by applicants for employment; by UIC employees who are not APs (claims of discrimination asserted by employees represented by a union may be brought only in accordance with the applicable union contract); to grieve issues that are raised in another campus-level or University-level process; or to raise claims of sexual harassment, which are handled separately by the Office of Access and Equity.