

Effective March 1, 2007, these procedures apply ONLY to Academic Professional Employees.

Executive Notice 89-2

Office of the Chancellor
The University of Illinois at Chicago
March 22, 1989
(revised 2/17/03)

The University of Illinois at Chicago Grievance Procedures currently in use became effective on July 1, 1983. In November of 1985, a committee chaired by Judson Mitchell, Assistant Chancellor and Director, Affirmative Action programs, began an extensive and intensive review of the Procedures to determine where improvements might be made. As part of that process, the committee sought the advice of the UIC Senate Executive Committee, Student Government, Executive Student Council, Faculty Advisory Committee, Professional Advisory Committee, Deans, Directors, Department Heads/Chairs, and the Chancellor's Cabinet. All recommendations submitted were thoroughly reviewed and incorporated into the draft revision wherever appropriate. Following a lengthy examination by University Counsel, the revised UIC Academic Grievance Procedures were approved by President Ikenberry on March 9, 1989.

The text of the Grievance Procedures has been edited to improve readability and many minor changes have been incorporated. One major change should be noted. In the past, the Primary Administrator was defined as the individual whose decision is being grieved. Now, however, the Primary Administrator is the person to whom the person making the decision in question reports. This change is designed to increase the involvement of those responsible for units in which a grievance has been filed, whether Deans, Vice Chancellors, or other designated administrators.

The revised UIC Academic Grievance Procedures will become effective on July 1, 1989. Any grievance initially filed before that date will be governed by the present University of Illinois at Chicago Grievance Procedures.

I share the committee's hope that the revised UIC Academic Grievance Procedures will facilitate the challenging task of handling academic grievances in a thorough and equitable manner. Any questions about the revised Procedures should be directed to the Office of the Chancellor (413-3375).

Enclosure

cc: Stanley Ikenberry
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ATTENTION COPIERS! THIS DOCUMENT IS DOUBLE-SIDED

UNIVERSITY OF ILLINOIS AT CHICAGO
ACADEMIC GRIEVANCE PROCEDURES

These Procedures apply for Grievance initially filed on or after July 1, 1989. They supersede all previous UIC academic grievance procedures.

Inquiries concerning interpretation or use of these Procedures may be made to the Office of the Chancellor, Telephone No. 413-3375.

INTRODUCTION

These Academic Grievance Procedures define an administrative process through which faculty, academic professional employees, and students may seek resolution of complaints or grievances arising from a decision made about them by an agent of the University of Illinois at Chicago (UIC) in the course of their employment or enrollment at UIC. Section I defines eligibility to use these Procedures by listing exclusions from eligibility. Section II presents definitions of terms used in these Procedures. Section III describes informal processes which must be pursued prior to initiating a formal grievance under these Procedures. Sections IV through VI outline the formal grievance procedure itself. Section VII contains information which is essential to the proper interpretation and use of these Procedures. It should be read carefully by any person involved in the handling of a grievance.

SECTION I. ELIGIBILITY

These Procedures may not be used:

- A. by department heads/chairs, academic deans, equivalent directors, or vice chancellors;
- B. in deciding non-procedural issues relating to faculty promotion and tenure;
- C. in deciding issues relating to student discipline under the purview of the Senate Student Judiciary Committee;
- D. in review of any decision by any university administrator or properly constituted board or committee relating to allocation or resources to support any unit's projects or programs;
- E. in resolving any complaint, request, or question involving student records, including issues which may be resolved using campus procedures established under the Family Educational Rights and Privacy Act (FERPA);
- F. by applicants for employment or admission;
- G. by nonacademic employees, for whom analogous procedures are established by University of Illinois Policy and Rules Nonacademic;
- H. by a student to appeal a decision made by his/her Grievance Officer in grievances involving a question of an academic determination (e.g., a grade assignment), unless it is alleged that there has been discrimination in the academic determination based on race, color, religion, sex, sexual orientation, national origin, ancestry, age, marital status, handicap, unfavorable discharge from the military, or status as a disabled veteran or veteran of the Vietnam era.

SECTION II. DEFINITIONS

- A. Grievance: a written statement by a Grievant setting forth a complaint which has not been resolved by other methods or processes.
- B. Grievant: the author of a Grievance.

- C. Complaint: an unwritten Grievance.
- D. Primary Administrator: generally, the head of the unit to which belongs the person whose decision is being grieved. (See Appendix A for typical examples.)
- E. Grievance Officer: the person to whom the Primary Administrator normally reports.
- F. Hearing Officer: an individual designated by a Grievance Officer to conduct a hearing to investigate a Grievance. The Grievance Officer may serve as his/her own Hearing Officer. The Primary Administrator is not permitted to serve as Hearing Officer.
- G. University Administrator: a generic term that includes the Primary Administrator, the Grievance Officer, the Hearing Officer, and/or any other University official functioning in the capacity of a reviewer of a Grievance.
- H. Close of Hearing: the end of a hearing, after the last witness is heard, when and as determined by the Hearing Officer.

SECTION III. INFORMAL PROCEDURES

- A. Whenever an individual entitled to utilize these procedures has a complaint, that individual is expected to attempt to resolve the matter informally. This attempt must include discussion of the complaint with his/her Primary Administrator. Informal procedures may also take other forms appropriate to the complaint(s), the unit(s), and the individual(s) involved. If the complaint involves a charge of discrimination, the Office of Affirmative Action must be informed.
- B. Informal procedures may include, at the option and initiative of the complainant, referral of the complaint to the Faculty Advisory Committee (FAC), the Professional Advisory Committee (PAC), or the appropriate student government body. A complaint may be referred to the FAC, the PAC, or a student government body independently of its consideration under these Procedures. However, review by these bodies will not stay or delay the operation of these Procedures, nor will it postpone the running of any formal time limitation of these Procedures.

SECTION IV. FORMAL GRIEVANCE -- FIRST STEP

- A. If all reasonable informal efforts to resolve a complaint fail, the complainant may formalize the complaint as a Grievance. The Grievance is a written statement containing a description of the grounds for the complaint and a specification of the remedy sought.
- B. A Grievance must be filed with the Primary Administrator within forty-five (45) days from the time of the occurrence leading to the Grievance, or from the time when the Grievant should reasonably have been able to determine that the occurrence leading to the Grievance might have affected his/her status. Informal efforts to resolve the complaint must occur within this forty-five (45) day period.

- C. The Primary Administrator, upon receipt of a Grievance, must conduct an appropriate investigation. The Primary Administrator may either grant or deny this remedy sought, or may provide other remedies. The Primary Administrator's decision must be issued, in writing, within fourteen (14) days following his/her receipt of the Grievance.

SECTION V. FORMAL GRIEVANCE B SECOND STEP

- A. If the Primary Administrator does not grant a remedy acceptable to the Grievant, the Grievant may appeal the Primary Administrator's decision to the Grievance Officer.
- B. This appeal must be submitted, in writing, to the Grievance Officer within fourteen (14) days following the Grievant's receipt of the Primary Administrator's decision.
- C. The Grievance Officer, upon receipt of an appeal, will review the existing grievance record and may conduct further inquiry. Within fourteen (14) days of receipt of the appeal, the Grievance Officer must either grant a remedy acceptable to the Grievant or notify the Grievant that a hearing will be held.
- D. If a hearing is held, it will be conducted by the Hearing Officer in an expeditious manner, under the following rules.
 - 1. The Hearing Officer is empowered to rule on all procedural matters and on the relevance of witnesses and/or evidence.
 - 2. The Hearing Officer will be provided with all prior relevant documents and may request any additional information which is relevant to the issues of the Grievance.
 - 3. Formal rules of evidence need not be followed, but evidence presented must be relevant to the Grievance.
 - 4. The Grievant has the right to be heard at the hearing and to present witnesses. Witnesses may also be presented by the Primary Administrator, by the Grievance Officer, or by the Hearing Officer.
 - 5. The Grievant and the Primary Administrator may question witnesses only through the Hearing Officer, when and as determined to be appropriate by the Hearing Officer.
 - 6. An appropriate record of the hearing, e.g., a tape recording or written minutes, will be made and preserved as a part of the complete record of the Grievance.
 - 7. The hearing must begin within twenty-eight (28) days from the time notice of hearing is received by the Grievant.
 - 8. The hearing will be closed to all but those individuals entitled by these Procedures to participate.
- E. In cases where the Grievance Officer and the Hearing Officer are different persons, the Hearing Officer will report to the Grievance Officer his/her findings and recommendations within fourteen (14) days after the close of the hearing. Within fourteen (14) days after receiving the findings and recommendations of the Hearing Officer, the Grievance Officer will either grant or deny the remedy sought, or provide other remedies.
- F. In cases where the Grievance Officer and the Hearing Officer are the same person, the Grievance Officer will either grant or deny the remedy sought, or provide other remedies, within

fourteen (14) days after the close of the hearing. Failure of the Grievance Officer to respond within the time allotted in either case entitles the Grievant to proceed to an appeal to the Chancellor under Section VI.

SECTION VI. APPEAL TO THE CHANCELLOR OR PRESIDENT

- A. If the decision rendered by the Grievance Officer is not acceptable to the Grievant, the Grievant may, within fourteen (14) days, appeal the decision to the Chancellor. (However, note exception I.H.) Upon receipt of the appeal, the Chancellor or his/her designee will review the record and issue a decision within thirty (30) days. In doing so, the Chancellor or his/her designee may seek such advice and information as he/she deems necessary. The decision of the Chancellor or designee is final, subject only to appeal to the President under the University Guidelines on Grievance Procedures for Complaints of Discrimination at the University of Illinois. (see Appendix B).
- B. An appeal by the Grievant to the President must be made within seven (7) days of receipt by the Grievant of the Chancellor's decision. An appeal to the President is permitted only on procedural grounds and then only when the Grievance alleges discrimination on the basis of one or more factors cited in the Guidelines (see Appendix B).

SECTION VII. AMPLIFICATION AND ELABORATION

- A. The University Guidelines on Grievance Procedures for Complaints of Discrimination at the University of Illinois (see Appendix B) are considered to be part of these Academic Grievance Procedures. In the event of conflict between the Guidelines and these Procedures, the Guidelines will govern.
- B. A distinction must be made between a complaint and a Grievance. An individual dissatisfied with a situation(s) or event (s) should make his/her best effort to resolve the matter informally, calling upon whatever third parties might be helpful. Only if the issue cannot be resolved satisfactorily between the complainant and the faculty member(s) or administrator(s) involved should the complainant formally file a Grievance in the manner described in Section IV.
- C. A demonstrated lack of good faith by any party to an attempt to resolve a complaint informally may be considered together with all other factors in reaching a decision on the merits of any Grievance stemming from the complaint.
- D. All Grievances must be filed in writing and signed by the Grievant, must outline the Grievant's allegations, including the nature(s), the date(s), and the time(s) of the alleged event(s), must name the individuals believed responsible, and must make a specific request for a remedy.

All decisions issued pursuant to a Grievance must be in writing, shall list relevant findings of fact, shall outline the reasons for the conclusions reached, and shall state the remedy which is granted or denied.

All appeals or requests for review filed in the course of a grievance process must be in writing, must enumerate any previously made findings of fact which are challenged by the Grievant, and

must state whether and, if so, how the Grievant wishes to have modified the remedy granted or denied at the previous stage.

- E. No Grievance or appeal will be considered to be filed until the written Grievance or appeal is actually received by the appropriate University Administrator.
- F. Any University Administrator or faculty member serving in any review capacity at any stage in a grievance process will consider all available relevant facts relating to the Grievance, will make his/her own independent investigation if necessary, and will base his/her decision on all evidence available. Further, in reviewing the facts and the circumstances of the Grievance, the University Administrator will not be limited to the scope of prior decisions, but may review the entire Grievance and all facts relating to it as if no prior decision had been made.
- G. In unusual circumstances, the Chancellor, and only the Chancellor at his/her sole discretion, may direct a deviation from these Procedures. Examples of such a deviation include postponement of a time limit or elimination or addition of a step in the process.
- H. The record of each Grievance will be held at each stage of the process by the person responsible for the conduct of the grievance process at that stage. A record of any hearing given a Grievant will be made and kept by the Hearing Officer.

The complete record of a Grievance will consist of the original Grievance, the record of each formal decision made at each step of the process, and all findings of fact, recommendations, and conclusions of any University Administrator. Other materials kept as part of the record may include transcripts, memoranda, summaries of hearings held, all evidence submitted by any party to the grievance proceeding, including books, records, graphs, charts, diagrams, documents, and articles, and all briefs, motions and memoranda submitted for the record by any party.

The complete record of a Grievance will be preserved for at least five (5) years following the final resolution of the Grievance. Copies of the complete record of all Grievances, including the record of any hearing, will be preserved by the Office of the Vice Chancellor for Academic Affairs, except for the record of Grievances filed by students concerning student issues, which will be preserved by the Office of the Vice Chancellor for Student Affairs.

All documents which are made a part of the complete record of the Grievance will be accessible to the Grievant.

- I. A Grievant has the right to be accompanied by a representative of his/her choice at any meeting or formal proceeding in the grievance process. If the Grievant chooses an attorney for this purpose, a representative from the Office of Campus Legal Counsel must be invited to be present to advise the University Administrator. If the Grievant chooses to be represented by an attorney, the Grievant or the Grievant's attorney must so notify the appropriate University Administrator, in writing, at least seven (7) days prior to the date of any meeting or formal proceeding where the Grievant's attorney will be present.
- J. In cases where a Hearing Officer is appointed by a Grievance Officer to act in his/her stead, the Hearing Officer's function is to find the facts and to advise the Grievance Officer. The Grievance Officer shall not be bound by the findings or advice of the Hearing Officer.

The Grievance Officer's charge to the Hearing Officer must contain the following words:

You are designated Hearing Officer for the sole purpose of rendering advice to me. Your advice

should include both findings of fact and recommendations as to what remedy or remedies, if any, should be afforded the Grievant.@

The charge should specifically indicate issues which the Hearing Officer must address in the course of the hearing and in making findings of fact and recommendations.

- K. If, after a formal Grievance is filed, the University Administrator charged with review of the Grievance fails to meet any deadline, the Grievant may proceed directly to appeal to the next higher University Administrator in the manner prescribed by these Procedures, subject to the relevant time limitation calculated from the date of the missed deadline. The failure of any University Administrator to meet any deadline shall not entitle the Grievant to any relief requested, nor shall such a failure be construed as tantamount to a decision in the Grievant's favor.

Any Grievant or complainant who fails to observe time limitations imposed by these Procedures will be bound by the findings, recommendations, and decisions previously made.

- L. A Grievance may be settled and resolved by agreement between the Grievant and a University Administrator serving in a review capacity under these Procedures at any time, provided that the University Administrator has the authority to implement the decision(s) contained in the agreement.
- M. All references in these Procedures to time periods are to calendar days, not working or business days. Limitations imposed upon the Grievant for filing appeals of decisions will be calculated from the date any decision is received by the Grievant, or is due, whichever date is earlier.

Appendix A

The following table is intended to help the reader identify the University Administrators involved in the first two steps of the most common examples of a grievance process. Any questions concerning their identities in a particular process should be directed to the Office of the Chancellor, telephone number (312) 413-3350.

<u>Grievant</u>	<u>Person Grieved Against</u>	<u>Primary Administrator</u>	<u>Grievance Officer</u>
Faculty Member	Department Head/Chair	Dean	Vice Chancellor for Academic Affairs
Academic Professional	Department Head/Chair or Director	Person to whom Head/Chair or Director reports	Person to whom Primary Administrators reports
Undergraduate Student	Faculty Member	Department Head/Chair	Dean
Graduate Student	Faculty Member	Department Head/Chair	Dean of the Graduate College (exception: Master and Doctor of Public Health candidates)
Professional Student	Faculty Member	Department Head/Chair	Dean

Appendix B
Guidelines on Grievance Procedures for Complaints of Discrimination
Approved by The Board of Trustees (November 14, 1996)

These Guidelines are designed to cover grievance procedures for complaints by employees and concerning alleged discrimination by the University in violation of the University's nondiscrimination policy.

Each campus is responsible for developing and implementing its own grievance procedures in such matters within these Guidelines. A separate procedure will be established for University-level staff students, also within these Guidelines. When developed all campus and University grievance procedures are to be presented to the President of the University for approval prior to implementation.

A distinction is recognized between a complaint and a grievance. An employee or student may be said to have a complaint when some situation or event is viewed as unsatisfactory. Employees, supervisors and students are expected and encouraged to make every effort to resolve complaints informally as they arise. If a complaint cannot be satisfactorily resolved through an informal process, the complainant may reduce the matter to writing and file it promptly as a formal grievance.

To be effective, a grievance procedure must provide for a prompt fair and definitive resolution of the matter. The following Guidelines are applicable to formal grievance procedures relating to complaints that allege discrimination:

1. Final decisional authority on substantive and procedural issues related to a grievance initiated by a campus employee or student shall reside with either the Chancellor or a Vice Chancellor. Final decisional authority on substantive and procedural issues shall reside with either the President or a Vice President with respect to a grievance filed by a University-level employee or student. Procedures shall provide for an alternate procedure when a grievance is filed against one of these administrators.
2. Separate grievance procedures may be established, within these Guidelines, for different groups of employees, students and applicants (students and employees).
3. A time limit for filing a formal grievance shall be established, related to a specified number of days after the occurrence leading to the grievance or after the grievant was reasonably able to determine that the occurrence might affect the grievant's status; but this time limit shall not exceed one year for students and 180 days for employees. This time limit shall not preclude investigation of prior incidents tending to corroborate or refute a timely-filed grievance.
4. Grievance procedures shall require formal grievances to be in writing. Decisions at all levels, shall also be reduced to writing, and the basis for a decision shall be set forth.
5. Grievance procedures shall provide for consideration, decision and appellate review, with a maximum of three separate tiers.
6. The grievant shall have at least one opportunity to present the grievance.
7. At each level of decision or appeal, the individual or panel 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 grievant and the written disposition at all preceding levels. The individual or panel 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.

8. Grievance procedures shall provide that a grievant may have a personal advisor present at each tier of the grievance procedures to advise the grievant. The advisor shall not actively participate in the proceedings unless given prior approval.

9. 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.

10. The record keeping aspects of the grievance procedures should be adequate to insure proper monitoring and reporting.

11. Grievance procedures shall provide that claims of discrimination asserted by employees represented by a union may be brought only in accordance with the applicable union contract.