

## POLICY 17 GRIEVANCES

### University Policy

It is the intent of the University to extend to each employee a right to a fair hearing on grievances arising in the course of his/her employment. A grievance is defined as an alleged violation of a specific section(s) of the Policy and Rules. Each supervisor and employee has an obligation to make every effort to resolve employment relations problems as they arise. In any case where this effort fails an appeal may be taken to higher authority pursuant to rules issued by the President of the University. Procedures for this appeal must meet the test of providing a decision that is both prompt and definitive.

The President is authorized to issue rules and procedures for the review and resolution of grievances of employees and to report thereon to the Board of Trustees of the University of Illinois from time to time. If the President decides it to be advisable and necessary, the President may provide for binding arbitration as the final step in this procedure. No decision may be made at any step of the grievance procedure, including arbitration, that conflicts with or modifies a policy approved by the Board of Trustees of the University of Illinois or with any applicable Statute or with any administrative regulation issued under appropriate statutory authority, e.g., the rules of the State Universities Civil Service System.

The grievance procedure contained in this section shall not apply to employees who are covered by a grievance procedure contained in a collective bargaining contract, unless and except to the extent that the collective bargaining contract specifically incorporates the grievance procedure of Policy and Rules.

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### Rule 17.01 – Complaint Step

Employees and supervisors are expected and encouraged to make every effort to resolve problems as they arise through informal discussion. If informal discussions do not resolve the issues, the employee may initiate a complaint as the first step in the grievance process.

#### Initiating the Complaint Step

The employee has a complaint when some situation or event related to employment is viewed as unsatisfactory by the employee. The employee must bring the complaint to the designated supervisor's attention within twenty-one (21) calendar days of an incident or knowledge of the occurrence giving rise to the complaint, and must inform the supervisor that the complaint step of the grievance process is being initiated. An employee may initiate a complaint personally or with the assistance of a representative of the employee's choice who may, but need not, be another employee of the University.

#### Complaints and Grievances Alleging Discrimination, Discriminatory Harassment or Sexual Harassment

Complaints and grievances alleging discrimination, discriminatory harassment or sexual harassment in violation of University policy do not follow the grievance procedures outlined in these Policy and Rules. Campus procedures for complaints and grievances alleging discrimination or harassment are the exclusive procedures for handling such grievances. These procedures can be obtained from the campus affirmative action/equity offices.

If an employee is disciplined for a violation of University nondiscrimination or sexual harassment policy, the procedures outlined in these Policy and Rules may be followed to grieve such discipline.

If a grievance contains an allegation of discrimination, discriminatory harassment or sexual harassment in addition to another violation of Policy and Rules, the grievance shall be filed both through the procedures for discrimination and through the grievance procedures contained in this rule. The campus procedures for discrimination allegations shall be completed before the grievance procedures contained in this rule proceed.

#### Discussion of Complaint

The employee and supervisor (and/or other appropriate official) will meet to discuss the complaint in an effort to resolve it. The employee's designated supervisor is responsible for identifying other unit officials who should be included in discussions with the employee to resolve the complaint. If the issues are not clear, the supervisor may require additional discussion or information; however, the complaint step shall be completed within fourteen (14) calendar days

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### Rule 17.01 – Complaint Step

from the time the complaint is made. This time limit may be extended if the employee and the supervisor mutually agree in writing to an extension.

#### Additional Assistance

If the designated supervisor and/or the employee, after full discussion, feel the need for assistance in arriving at a resolution, they may, by agreement, invite such other additional University or employee representatives as may be necessary and available to participate in further discussions within the time limits described above. Such additional participants shall act as resource personnel but shall not relieve the designated supervisor and the employee from the responsibility for resolving the complaint.

#### Recourse if Complaint not Resolved

The above procedure, if followed in good faith by both parties, should lead to a fair and prompt resolution of most problems between a unit official and the employee. If, at the end of the fourteen (14) calendar day complaint period, issues remain that can be considered grounds for a written grievance (defined in Policy 17 as an alleged violation of a specific section of these Policy and Rules), the employee may submit a written grievance to the unit head. If a written grievance is filed, the supervisor shall prepare a written summary of the issues discussed during the complaint step and provide it to the unit head and to the employee.

#### Time Requirements for Filing a Written \* Grievance

If within the fourteen (14) calendar day complaint period the supervisor and employee determine that the complaint will not be resolved, any written grievance must be filed within seven (7) calendar days from the date of that determination. If the complaint period expires and the supervisor and employee have not resolved the complaint, any written grievance must be filed within seven (7) calendar days from the end of the fourteen (14) calendar day complaint period.

A grievance may be filed under the steps indicated in Rules 17.02 – 17.05 by an employee or a group of employees. A representative of the employee(s) may assist with the preparation of the grievance. The time limit for filing the initial grievance may be extended in writing for good cause by the Chancellor or a designee named by the Chancellor.

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\* All grievances referred to in the following Rules 17.02 – 17.05 must be in written form.

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**Rule 17.01 – Complaint Step**

Omission of Complaint Step Following Disciplinary Action

An employee initiating the grievance process regarding disciplinary action imposed after a predisciplinary meeting may file a written grievance without initiating the complaint step. The grievance must be filed within twenty-one (21) calendar days from the date the employee receives written notice of the discipline imposed. In case of disciplinary suspension, the written grievance must be filed within twenty-one (21) calendar days from the date the employee receives a Notice of Disciplinary Suspension, or within seven (7) calendar days following the scheduled date of return from a disciplinary suspension, whichever provides the longer filing period.

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### Rule 17.02 - Grievance Procedure/Unit Head Step

A written grievance (defined in Policy 17 as an alleged violation of a specific section of these Policy and Rules) must be signed by the employee(s), and filed with the head of the employee's unit within the time requirement stated in Rule 17.01. If the grievant's designated supervisor is also the unit head, the grievance shall be filed with the individual to whom the unit head reports. The grievance need not follow any particular format, but shall include a statement of the issues, the specific section(s) of Policy and Rules allegedly violated, sufficient information to clarify the issue(s) of the grievance, and the resolution sought by the employee(s). The grievance also should include information about discussions with the supervisor and the unresolved issues. No issue may be raised in the written grievance that has not been discussed in the complaint step of the process, except as identified in Rule 17.01, when the grievance is filed following disciplinary action and the complaint step is omitted.

#### Unit Head Responsibility

Upon receipt of a written grievance, the unit head or a designee shall investigate the grievance and its causes. A minimum requirement is that the unit head or designee must discuss the grievance with both employee and supervisor. While these discussions may take place separately, a meeting may be held with both parties together when necessary to clarify the issue(s) when the unit head or designee determines that it would be beneficial to do so.

#### Time Limit for Response

The unit head or designee shall provide a written response within fourteen (14) calendar days following the date of the receipt of the grievance. This time limit may be extended if both the unit head or designee and the employee agree to an extension in writing.

#### Appeal of the Unit Head's Decision to the Chancellor Level

If the unit head's decision is unacceptable to the grievant, the grievant may appeal in writing within ten (10) calendar days from the date such decision is received. If the unit head or a designee fails to provide a response within the stipulated timeframe, the grievant may appeal within ten (10) calendar days from the date the decision is due. Appeals should be directed to the office designated by the Chancellor. If a timely appeal is not filed, the unit head's decision shall be considered final.

### Regulations

#### 17.021 Grievance Forms

The campus human resources office will provide a grievance form to the employee upon request. An employee who prefers to write a letter or use some other format to file a grievance may do so, unless the campus human resources office requires the use of a specific form.

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**Rule 17.02 - Grievance Procedure/Unit Head Step**

**Regulations (Continued)**

17.022 Participation of Resource Personnel

A representative may accompany the grievant at any discussion regarding the grievance. The unit head or designee may invite a member of the human resources staff, or other representatives for the University, to participate as resource personnel to assist in resolving the grievance.

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### Rule 17.03 - Grievance Procedure/Appeal to Chancellor Step

Upon receipt of an appeal, the Chancellor or a designee shall review the complete written record of the grievance, request additional information or conduct further investigation if necessary, and offer a fair hearing to the grievant.

#### Chancellor's Designee

The Chancellor's designee shall not serve in a position to receive direct benefit from the decision or be prejudiced by previous involvement in the investigation of the grievance issues at either the complaint step or unit head level of the grievance procedure.

#### Time Limit for Response

Should the grievant accept the offer of a hearing, the Chancellor or the Chancellor's designee will schedule and conduct the hearing within twenty-one (21) calendar days from the date the office designated by the Chancellor receives the appeal. A written response shall be issued to the grievant within fourteen (14) calendar days after the hearing. If a hearing is not held, a written response shall be issued to the grievant within thirty (30) calendar days from the date the appeal is received. Time limits may be extended by written agreement between the Chancellor or a designee and the grievant.

#### Appeal of the Chancellor Level Decision to the University Level

If the Chancellor-level decision is unacceptable to the grievant, the grievant may appeal in writing within ten (10) calendar days from the date such decision is received. If the Chancellor or a designee fails to schedule and conduct a hearing within the stipulated time frame or fails to provide a written response by the date when it is due, the grievant may appeal in writing within ten (10) calendar days from the date a time frame is not met. Appeals should be directed to the Director of Human Relations and University Equal Opportunity in the Office of the President. If a timely appeal is not filed, the last decision rendered shall be considered final.

If the employee elects to appeal to the University Level, the Chancellor or a designee shall provide to the Director of Human Relations and University Equal Opportunity the existing record of the case, including a copy of the written grievance, the resolution sought by the employee, and all written responses to the grievance, including the Chancellor-level decision.

### Regulation

#### 17.031 Conduct of the Hearing

Any hearing conducted by the Chancellor or a designee will follow informal procedures. Under informal procedures the parties involved are provided the opportunity to meet and respond to the grievance or to give an explanation of the grievance. Those present should

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**Rule 17.03 - Grievance Procedure/Appeal to Chancellor Step**

**Regulations (Continued)**

include the grievant and the supervisor(s) or designated unit official(s) in the line of supervision over the grievant with the most thorough knowledge of the circumstances surrounding the grievance. The grievant may be accompanied by a representative.



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### Rule 17.04 - Grievance Procedure/University Level Appeal

Upon receipt of an appeal, the Director of Human Relations and University Equal Opportunity in the Office of the President or a designee will thoroughly review the written record of the grievance and request additional information or conduct further investigation if necessary. At the Director's discretion, a hearing may be offered to the grievant in order to obtain additional information. The Director shall issue a written decision after the review of the grievance.

#### Time Limits for Response

If a hearing is offered and accepted, it shall be scheduled and conducted within twenty-one (21) calendar days from the date the Director or the designee receives the appeal. A written response shall be issued to the grievant within fourteen (14) calendar days after the hearing. If a hearing is not held, a written response shall be issued to the grievant within thirty (30) calendar days from the date the Director or the designee receives the appeal. Time limits may be extended by written agreement between the Director or the designee and the grievant.

#### Appeal of the University Level Decision

If the University Level decision is unacceptable to the grievant, the grievant may file a request for arbitration, unless specifically precluded elsewhere by Policy and Rules, provided it is filed within thirty (30) calendar days after the University Level decision is received (see Rule 17.07, Request for Arbitration); or the grievant may, in some cases, request that such decision or portions of the decision be reviewed by the State Universities Civil Service System (see Rule 17.08, Review by Civil Service System). Issues submitted and reviewed by the System cannot be submitted to arbitration.

### Regulations

#### 17.041 Evaluation of Grievance

Grievances appealed to the University level will be evaluated in their entirety. Evaluation will include all issues reviewed at the complaint step, unit head step and Chancellor step of the grievance procedure, including those issues where agreement was reached as well as those issues where agreement was not reached.

#### 17.042 Conduct of the Hearing

Any hearing conducted by the Director of Human Relations and University Equal Opportunity or a designee will follow informal procedures. Under informal procedures the parties involved are provided the opportunity to meet and respond to the grievance or to give an explanation of the grievance. Those present should include the grievant and the supervisor(s) or designated unit official(s) in the line of supervision over the grievant with

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**Rule 17.04 - Grievance Procedure/University Level Appeal**

**Regulations (Continued)**

the most thorough knowledge of the circumstances surrounding the grievance. The grievant may be accompanied by a representative.

## POLICY 17 GRIEVANCES

### Rule 17.05 - Employee and Employee Representative Participation

An employee may initiate the complaint step or file a grievance personally or with the assistance of a representative of the employee's choice who may, but need not, be another employee of the University.

#### Regulations

##### 17.051 Participation in a Grievance During Scheduled Work Hours

Time off with pay shall be authorized for employees who participate in grievance meetings and hearings during scheduled work hours. In addition to the grievant, time off with pay shall normally be authorized for one grievant's representative if employed by the University, and employees called to be witnesses at grievance meetings or hearings. In all cases time off with pay must be approved in advance by the designated supervisor or other appropriate unit official, and shall normally be authorized. Employees called as witnesses must receive approval either from their supervisors, other unit officials, or the campus director of human resources

##### 17.052 Pay for Time Spent Investigating and Seeking Resolution to Grievances

Time spent preparing written grievances or preparing for grievance presentations shall ordinarily be outside the employees' regular work hours. However, employees and their representatives who are employed by the University may be granted a reasonable amount of time off with pay during their regular work hours while directly involved in the investigation and/or resolution of a grievance.

In all cases, employees and their representative must receive permission from their immediate supervisors to leave assigned work areas to investigate or seek resolution to a grievance. When evaluating requests for approval, supervisors shall use discretion in determining what constitutes a reasonable amount of time for the employee to be absent from the work site and when the absence would be convenient.

##### 17.053 Participation of Representatives who are Not University Employees

Certain privileges and limitations apply to individuals involved in a grievance who are not University employees.

Upon prior request and approval by an appropriate labor or employee relations staff member individuals not employed by the University who will represent an employee(s) in a grievance may be permitted access to premises to investigate and prepare the grievance. Time and length of such visits will be determined by the University subject to operational requirements. During such visits, the employee representatives may view the area(s)

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**Rule 17.05 – Employee and Employee Representative Participation**

**Regulations (Continued)**

relevant to the grievance. A representative from the University may accompany the employee representatives.

Upon prior request and approval by an appropriate labor or employee relations staff member and provided prior permission is requested and obtained from the supervisor or authorized unit official, representatives who are not employed by the University may use University facilities during visits to interview employees, one at a time, about facts relevant to the grievance. The University will provide the place at which interviews are held and determine what constitutes a reasonable period of time for conducting such interviews. A representative from the University may accompany the employee representatives.

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### Rule 17.06 – Request for Arbitration

If the University Level decision of the Director of Human Relations and University Equal Opportunity does not acceptably resolve the grievance to the employee, the grievance may be moved to arbitration, unless arbitration is specifically precluded by other provisions of Policy and Rules or the State Universities Civil Service System Statute and Rules.

#### Time Limit for Filing

The request for arbitration must be filed within thirty (30) calendar days after receipt of the University Level decision.

#### Costs of Arbitration

Costs of the arbitration, including the fee of the chairperson, shall be equally divided between the employee requesting arbitration and the University, except that each party will be responsible for any expense (a) incurred in the preparation and presentation of its own case, (b) for the salary and expenses of its own member of the Arbitration Board, and (c) for any transcript it may order.

#### Filing a Request for Arbitration

An appeal of a grievance by an employee to arbitration may be instituted by filing with the Associate Vice President for Administration and Human Resources a request for arbitration stating the issue of the original written grievance to be arbitrated and designating one (1) member of the Arbitration Board. The employee who has filed the appeal cannot be the employee-designated member of the Arbitration Board.

#### Arbitration Board Selection

The Associate Vice President for Administration and Human Resources or a designee shall name a second member of the Arbitration Board, who shall be acceptable to the appropriate Chancellor. Within ten (10) workdays after their designation, these two (2) members shall endeavor to agree on a third member who shall act as chairperson of the Board.

In the event they cannot agree upon a chairperson the two (2) designated members of the Arbitration Board shall, within ten (10) workdays following disagreement on the selection of the third member, jointly request a list of five (5) arbitrators from the Director of the Federal Mediation and Conciliation Service or the Illinois Educational Labor Relations Board.

Within fifteen (15) workdays of receipt of such list, the two (2) designated members of the Arbitration Board shall select a chairperson for the Arbitration Board by alternately striking names from the list, with the University designee striking the first name. The last remaining name shall be the chairperson. If, for any reason, the person thus selected is unavailable, the procedure shall be repeated. If necessary a new list shall be requested.

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**Rule 17.06 – Request for Arbitration**

Dilatory tactics or actions will not be permitted, and the designated members of the Arbitration Board shall make all good faith efforts to select a chairperson within forty-five (45) calendar days but in no event later than sixty (60) calendar days after the appeal to arbitration by the employee. Failure of the employee's designated Arbitration Board member to select a chairperson within the prescribed time limits shall render the request for arbitration null and void, and the decision of the Director of Human Relations and University Equal Opportunity shall be final and binding upon the University and the employee.

**Final and Binding Decision**

The decision of the Arbitration Board shall be final and binding upon the University and the employee. The Arbitration Board shall have no power to add to, subtract from, modify, or amend any provision of Policy and Rules.

**Regulation**

17.061 Grievances that May Not be Appealed to Arbitration

Grievances that concern discrimination, an employee's position classification, or an employee's pay under the Open Range Pay Plan may not be appealed to arbitration.

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### Rule 17.07 – Review by Civil Service System

If the University Level decision of the Director of Human Relations and University Equal Opportunity is not acceptable to the employee, the employee may move the grievance to arbitration, unless arbitration is specifically precluded by other provisions of Policy and Rules or the State Universities Civil Service System Statute and Rules.

If any part of the University Level decision involves an action or omission of action under the jurisdiction of the State Universities Civil Service System Statute and Rules, the decision may be reviewed by the System Director under Civil Service System Rule 250.130 a and 250.130 b. A request for review by the System Director must be filed within fifteen (15) calendar days after the employee receives the University Level decision.

If the System Director's decision is not acceptable to the employee, the employee may request a review of the decision by the Merit Board under Rule 250.130 b, provided that the request is filed within thirty (30) calendar days from the date of the System Director's review decision.

Determination of whether issues of a grievance are reviewable shall be made only by the System Director. Issues that are reviewed by the System Director cannot be submitted to arbitration. Issues of a grievance that are deemed not reviewable by the System Director (those not under the jurisdiction of SUCSS) may be submitted to arbitration.

The time limit for appealing issues to arbitration will be extended to thirty (30) calendar days after receipt of a response that deems the issues of a grievance are not reviewable by the System Director.

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**Rule 17.08 – Appeal of Discharges, Dismissals, and Involuntary Separations**

The procedure governing appeal of discharge from a status position after completion of the probationary period is that established by the rules and regulations of the State Universities Civil Service System. Under these rules, an employee against whom charges for discharge have been filed is entitled, upon timely request, to a hearing by the State Universities Civil Service System Merit Board or by some designee of that Board.

Involuntary separation from a non-status position or dismissal during the probationary period is not subject to this grievance procedure. However, if there is an allegation of discrimination relative to these types of involuntary separations, the campus complaint and grievance procedures for such an allegation may be utilized. These procedures can be obtained from the campus affirmative action/equity offices.



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**Rule 17.09 – Special Procedures**

Any time limit established in Rules 17.02 – 17.04 may be extended by the Director of Human Relations and University Equal Opportunity for good cause.

The Associate Vice President for Administration and Human Resources is authorized to issue special procedures for particular situations (e.g., questions arising from the application of State Universities Civil Service System Rules or other rules) originating outside the normal grievance appeal channels.

If an issue other than discrimination raised in a grievance proceeding is also raised in another judicial or administrative forum, the University may defer the grievance proceeding until a final decision has been awarded on the issue, or when an agency vested by law directs that the University continue the grievance procedure. The Director of Human Relations and University Equal Opportunity is authorized to defer a grievance proceeding upon consultation with Legal Counsel.