



GRIEVANCE PROCEDURE FOR FACULTY AND PRINCIPAL ADMINISTRATIVE STAFF

I. Policy

- A. The members of the SIU School of Medicine Faculty and Administrative/Professional Staff¹ – both Carbondale and Springfield campuses, and other geographical settings—shall have the right to seek redress of any School of Medicine grievance.
- B. The individual grievant shall have the right, as a condition of his or her employment, to seek, through informal and formal grievance procedures, a redress of those decisions made, or actions taken, which he or she considers intolerable to the effective execution of his or her responsibilities.
- C. The procedures set out herein are established with the intention of providing for and encouraging equitable settlement of grievances.

II. Issues Subject to Grievance Procedures

- A. For the purpose of this procedure, a grievance is defined as an injustice or harm arising from a specific situation or situations involving acts or omissions the alleged unfairness of which may be regarded by an individual as just cause for protest on his or her own behalf.
- B. Grievable issues shall include but not be limited to the following:
 - 1. Academic freedom
 - 2. Individual rights, benefits or privileges
 - 3. Work assignments or conditions
 - 4. Tenure and/or Promotion
 - 5. Unethical conduct
 - 6. Violations of contractual rights

¹ This procedure shall not apply to Civil Service employees who fall within the jurisdiction of the School of Medicine Civil Service Grievance Procedure. (See Personnel Policies Affecting Civil Service Employees, Code of Policy of the Board of Trustees, Appendix V(B) (1) Article XVI)

7. Violations of the laws or Constitution of the United States or the State of Illinois
8. Affirmative action and equal employment opportunity regulations

III. School of Medicine Grievance Committee

A. Membership

1. The School of Medicine Grievance Committee shall consist of ten (10) elected members, one of whom shall be designated as the Chairperson.
2. Committee members shall be elected by the following School constituencies: 1) Administrative/Professional Staff, 2) Clinical Affairs Faculty, 3) Academic Affairs/Springfield Faculty, and 4) Carbondale Faculty. Eligibility for voting constituency shall be according to contract, or majority percentage School of Medicine appointment tracks. The Administrative/Professional Staff constituency shall be represented by two (2) members on the Committee, Clinical Affairs Faculty by four (4) members, Academic Affairs/Springfield by two (2) members, and Carbondale Faculty by two (2) members.
3. The Chairperson shall be elected by Committee members at the first meeting following an election of a new class of members.
4. The Committee shall elect a Deputy Chairperson from a geographical setting not represented by the Chairperson.
5. Elections for the first Committee functioning under guidelines of this document shall occur one month after approval of this document by the Provost and shall be made on the following basis: four members for three-year terms, three members for two-year terms, and three members for one-year terms. Thereafter election of new members shall be for three-year terms except when election is to fill a vacancy of an unexpired term. Determination of which constituency will have what length of term on the first elected Committee will be decided by lottery.
6. Elections for a new class of members shall be conducted between the months of December and February each year. No one may serve two full terms in succession.
7. Administration of an election shall be the responsibility of the School of Medicine Faculty Council.
8. Nominations to fill vacancies of the retiring class shall be solicited from the constituency being vacated.
9. Within a given faculty constituency, nominees shall come only from academic ranks (i.e., Instructor, Assistant Professor, Associate Professor, and Professor) which do not have continuing representation on the Committee. For example, if a constituency is represented by a Professor and an Associate Professor whose term is expiring, nominees to fill the position vacated by the Associate Professor may come from any rank except Professor.
10. Vacancies due to resignation or other reasons which occur during the year may be filled by appointment by the School of Medicine Faculty Council. The appointee shall come from the constituency of the retiree, and tenure of appointment shall cease at the next scheduled election, at which time the vacancy will be filled by an elected person. Time as an

appointee will not count for the tenure rule of item III.A.6 above. Elections to fill a vacancy shall be limited to the time remaining in the unexpired term.

B. Committee Jurisdiction

1. The Grievance Committee shall conduct, in accordance with recognized formality, proceedings concerning matters and issues of faculty and staff grievance.
2. The Grievance Committee shall be responsible for governing the administration of Grievance Procedures within the School of Medicine (in all of its geographical settings), and may develop rules and regulations, as necessary, to effectuate and ensure compliance with these procedures (see Section V.D.).
3. The Grievance Committee shall, after appropriate investigation, make recommendations to the Dean and Provost of the School of Medicine on matters of faculty and staff grievance.
4. Regular meetings of the Grievance Committee shall not be required; however, the committee shall meet as promptly as possible whenever any business grievance, or other matter properly brought to the attention of the committee chairman is proposed for action.
5. The Grievance Committee shall assure that this document of grievance procedures be given to each member of the faculty and administrative/professional staff when hired new to the School; and that all amendments to this document be circulated to each member of the faculty and administrative/professional staff upon adoption.

IV. Informal Procedure

A. Considerations

1. In general, it is preferable that problems between personnel or between an individual and the University administration be solved at the level at which the problems arose, and that formal procedures not be used until informal resolution has been attempted. Accordingly, informal discussion between persons directly involved in a grievance is to be encouraged.
2. An equitable solution to the problem should be sought before the respective persons directly involved in the case have assumed official or public positions that might tend to polarize the dispute and render a solution more difficult.
3. At no time shall any of the persons directly involved in the case, or any other persons, use the fact of such informal discussions for any purpose other than the settlement of the grievance.

B. Procedures

1. In the event a grievance arises, the affected faculty or staff member is encouraged to make reasonable efforts to remedy the situation through informal and personal consultation with the appropriate administrative official or officials prior to filing a formal grievance. Such discussions must be initiated within thirty (30) days after the grievant became aware

of the grievable action or occurrence in question, and may be terminated at any point by either party.

2. Consistent with the informal nature of the discussions at this stage, neither a written statement nor a written answer thereto need be prepared.
3. Although informal discussions under this section must be initiated within the specified thirty (30) day period, there is a sixty (60) day time limit for termination of such discussions. It is incumbent upon the administrative officials involved to resolve the problem immediately or to notify the grievant that the matter cannot be settled and that resolution of the grievance shall be sought through formal grievance procedure (see Section V).
4. Once such final notification has been given to the grievant, or once the grievant initiates formal grievance procedures, informal proceedings shall be considered at an end. The faculty or staff member may then take steps to formalize the grievance in accordance with the procedures set out below.

V. Formal Grievance Procedures

A. Grievance and Appeal through Channels of Administrative Authority – School of Medicine

Grievance

1. Formal faculty/staff grievances shall be submitted in writing to the appropriate administrative official in charge of the administrative unit (for example, Division, Department, Office of the Associate Dean) within which the grievance occurred. If no such division exists below the Office of the Dean and Provost, the grievance shall be submitted in writing to the Dean.
2. The written grievance shall be submitted within twenty (20) days of the action or decision which resulted in the written grievance, or within twenty (20) days after the grievant became aware of the action or decision. In the event a grievant has first pursued informal procedures, the written grievance shall be submitted within thirty (30) days of the termination of such informal proceedings, but in no case later than sixty (60) calendar days after the aggrieved has become aware of the action which is being grieved.
3. The written complaint shall state the nature of the grievance and the facts upon which it is based in sufficient detail that a proper response can be made. The grievance shall contain a reference to pertinent rules, regulations, policies or other bases of relief and shall specify the remedy which is being sought by the aggrieved party.
4. A copy of the written grievance shall be sent by the grievant to the party or parties against whom the grievance is filed. A written reply to the grievance may be submitted to the appropriate administrative official by the party or parties against whom the grievance is filed within ten (10) working days of receipt of the grievance by said party or parties.

5. The administrative official shall consider the written grievance and reply thereto, and shall conduct such investigation as is reasonably necessary to decide the matter. The investigation shall include a conference with the grievant.
6. A decision shall be provided in writing as promptly as possible but no later than ten (10) working days following the receipt of the grievance. Specific reasons for the decision shall be set out therein and a copy of the decision shall be sent to all parties directly concerned.

Appeal

1. If the decision is unsatisfactory, it may be appealed to the next level of administrative authority within fifteen (15) working days after receipt of that decision by the principal parties.
2. Appeal shall be submitted in writing by the appellant and shall contain all information which appeared in the written grievance. The appeal shall state the nature of any formal decisions previously rendered in regard to the grievance and may contain any additional argument the appellant desires to include.
3. A copy of the appeal shall be sent by the appellant to all principal parties.
4. The appropriate administrative official shall conduct such investigation as is reasonably necessary to decide the matter. The investigation shall include a conference with the appellant and all principal parties.
5. A decision shall be provided, in writing, by the administrative official, as promptly as possible but no later than fifteen (15) working days following receipt of the appeal. Specific reasons for the decision shall be sent to the appellant and principal parties.
6. If the decision on appeal is unsatisfactory, it may be appealed to the next level of administrative authority in the same manner described above.
7. The final level of administrative authority within the School of Medicine shall be the Dean and Provost. Upon receipt of a written grievance or appeal, the Dean and Provost shall, upon request of aggrieved or appellant, within ten (10) working days, refer the matter to the School of Medicine Grievance Committee for recommendation. The Dean may, in the absence of a request, refer the matter to the School of Medicine Grievance Committee, or decide the matter in accordance with administrative procedures set out above.
 - a. If a final decision is rendered by the Dean and Provost without prior referral to the School of Medicine Grievance Committee, said decision may subsequently be appealed to the Judicial Review Board (JRB) or the President of Southern Illinois University at Carbondale in accordance with University grievance procedures.
 - b. If a grievance or appeal is referred to the School of Medicine Grievance Committee, the Grievance Committee shall investigate the cause and render a recommendation. The Dean and Provost shall consider the recommendation and may conduct such further investigation as is reasonably necessary to decide the matter.

Such investigation shall include a conference with the grievant or appellant.

- c. A final decision shall then be provided in writing by the Dean and Provost as promptly as possible, but no longer than fifteen (15) working days following receipt of the recommendation of the School of Medicine Grievance Committee. Notice of such decision shall be communicated to the principal parties as hereinbefore prescribed and appeal therefrom may be to the JRB or the President of Southern Illinois University at Carbondale, in accordance with University grievance procedures.

B. Referral to the School of Medicine Grievance Committee

1. The School of Medicine Grievance Committee shall investigate the recommended action on any written grievance or appeal, properly received by the Committee through Formal Grievance Procedures (see Section V). In the event that the School of Medicine Grievance Committee receives a written grievance or appeal which should not then properly be before the Committee, the Chairperson of the Committee shall immediately forward same to the appropriate administrative official and shall inform the grievant or appellant that such action has been taken.
2. Procedures
 - a. Upon receipt of a referral from the Dean and Provost, the Chairperson of the Grievance Committee shall notify all principal parties of the pending matter and shall promptly request from said parties a preliminary written response to the specific questions at issue. All responses shall be filed with the Chairperson of the Grievance Committee within ten (10) working days of the request therefore.
 - b. On the basis of the written information before the Committee and construing all allegations in the light most favorable to the grievant or appellant, the Committee may decide that the complaint is frivolous, or that it does not state a claim upon which relief may be granted. Six (6) members of the Committee may decide to dismiss the complaint.
 - c. In the event the Grievance Committee decides in favor of dismissal, a recommendation for dismissal specifying the reasons therefore, shall be transmitted in writing to the Dean and Provost. Copies of the recommendation shall be sent to all parties directly concerned.
 - d. If the Grievance Committee finds the grievance to be actionable, the Chairperson of the Committee shall nominate a panel of five (5) persons and four (4) alternates, to investigate the matter and conduct a formal hearing. In general, the majority of the panel will be made up of members from the Grievance Committee.
 - e. The Hearing Panel shall be nominated with the advice and consent of the Grievance Committee which shall take into consideration both the employment status of the principal parties and the nature of the issues in question. Nominations shall be made with the goal

of ensuring fairness and objectivity as well as adequate representation from the same campus, constituency, sex, race and ethnic group as that of the principal parties.

- f. Prior to the investigation and formal hearing, the Chairperson of the Grievance Committee shall notify each principal party of the proposed composition of the Hearing Panel, and shall set a date and time for review and challenge of individual Grievance Committee members or nominees for the Hearing Panel.
- g. On the appointed date, and subject to prior receipt by the Chairperson of written notice of intent to challenge, the Grievance Committee shall meet with the principal parties at which time each party shall have the right to challenge any member of the Grievance Committee and subsequently any member of the proposed Hearing Panel, for cause.
- h. Challenges shall be presented and decided one at a time with the grievant or appellant presenting the first challenge and the parties then alternating. Non-challenged members of the Grievance Committee shall decide by majority vote whether adequate cause exists for each challenge. If a member of the Grievance Committee is successfully challenged, a substitute may be appointed by the Chairperson with the advice and consent of the Grievance Committee. If the Chairperson is successfully challenged, the Committee shall then elect a substitute Chairperson who shall make the necessary appointments. If members of the Hearing Panel are successfully challenged, they shall be replaced by the named alternates. Further nominations to the Hearing Panel shall be made at that time as necessary until the Panel consists of five (5) members.
- i. Any member of the Grievance Committee or Hearing Panel shall have the right to disqualify himself or herself if he or she is unable to serve with fairness or objectivity. In the event of the disqualification, substitute appointments shall be made by the Chairperson of the Grievance Committee with the advice and consent of the Committee members.
- j. After withdrawals and challenges have been completed and appropriate substitutions have been made, the members of the Hearing Panel shall elect a Chairperson and set a date and time for hearing. The hearing shall be held at the earliest date convenient to all concerned parties. However, every effort will be made to convene the hearing within fifteen (15) working days from the date previously set for challenge and review. The parties must be given written notice of the hearing date at least seven (7) working days in advance.
- k. Conduct of Hearing
 - 1) The Panel shall conduct a hearing to determine the facts. All principal parties shall be permitted to provide to the Panel oral and documentary evidence in support of their respective positions; to question adverse witnesses on any oral evidence given; and to examine and reply to any documentary evidence.

- 2) General concepts of relevance and materiality shall prevail and the burden of proof shall be upon the grievant or appellant. The rules of evidence that obtain in a court of law shall not be strictly observed, but every reasonable effort shall be made to obtain the most reliable evidence available.
 - 3) At least five (5) working days before the hearing, each party shall notify the Chairperson of the Hearing Panel and the other principal parties of the identity of witnesses to be called and of the documents to be submitted in evidence. The parties shall have the right to confront and cross-examine all witnesses. The Panel shall have the right to permit other witnesses to testify or to call other witnesses if the Panel, in its discretion, deems such action to be advisable. The Panel may also question any witnesses.
 - 4) The Panel shall ensure that all parties are afforded a fair and just procedure. The Chairperson of the Hearing Panel shall make any necessary procedural rulings.
 - 5) The Panel may recess to enable either party to investigate evidence for which a claim of surprise is made. The Panel may also recess at other times on its own motion.
 - 6) A reasonable time limit, equal to all principal parties, shall be established for opening and closing statements and shall be announced prior to or at the outset of the hearing. The length of hearing sessions shall be established in advance and reasonable rest periods shall be assured to all participants throughout the duration of the hearing.
 - 7) Except for routine announcements, such as those relating to the time of hearing and similar matters, public statements about the grievance shall not be made by members of the Hearing Panel or members of the Grievance Committee.
 - 8) The hearing shall be recorded on tape or by certified court reporter at the expense of the School of Medicine and a transcript of the proceedings shall be made available to the principal parties upon request.
- I. Rights of Principal Parties
- 1) All principal parties appearing before the Hearing Panel shall have the right to be accompanied by an advisor of their choosing. The advisor shall be permitted to counsel his or her client at the hearing, and may be given reasonable opportunity to speak in the client's behalf by the Chairperson of the Hearing Panel. The advisor shall not be permitted to question or examine witnesses unless specifically requested to do so by the Chairperson.
 - 2) Each principal party shall have the right to testify and the grievant, who has the burden of proof, will have the opportunity and duty to open and close the presentation and argument of discussion, if any, to be made to the Panel.
 - 3) The hearing shall be closed unless the Panel, on request of any of the principal parties, decides the hearing shall be open. If

the hearing is closed, only the members of the Panel, and the principal parties and their advisors, shall be admitted to the hearing. Witnesses for either party shall be present only while they are giving testimony.

- m. After completion of the hearing, the Panel, by majority of its total membership, shall:
 - 1) Make findings of fact
 - 2) Determine whether the facts so found support or justify the remedy sought
 - 3) Make appropriate recommendations
- n. Minority reports may be filed.
- o. The majority and minority reports of the Panel shall be forwarded to the Chairperson of the School of Medicine Grievance Committee within five (5) working days of the conclusion of the hearing.
- p. The School of Medicine Grievance Committee through its Chairperson shall receive the reports of the Hearing Panel and forward them to the Dean and Provost. The Grievance Committee, by a majority of six (6) votes, may add recommendations to the reports of the Hearing Panel. Copies of such recommendations, as well as Hearing Panel reports, shall be sent to the Dean and Provost, appropriate administrative officials and the principal parties as promptly as possible. The Grievance Committee may request and review a transcription of the Hearing Proceedings before making recommendation.
- q. After completion of action by the School of Medicine Grievance Committee, all documents and records shall be deposited in the Office of the Dean and Provost. Access shall be made available to the principal parties or their designated representatives.

C. Appeal from Final Decisions of the Dean and Provost

- 1. Appeals from a final decision of the Dean and Provost shall be either to the JRB or to the President of Southern Illinois University at Carbondale in accordance with University grievance procedures.
- 2. The final decision of the President may be appealed to the Board of the Trustees of Southern Illinois University in accord with their Established Bylaws (Article IX, Section 2).

D. Amendment

- 1. The School of Medicine Grievance Committee shall review these procedures annually with notice of said review printed in Committee Minutes and deposited with the Office of the Dean and Provost.
- 2. Amendments to these procedures may be proposed in writing, as agenda items, by any faculty/staff member of the School of Medicine for consideration at a publicly announced meeting of the School of Medicine Grievance Committee.
- 3. Proposed amendments may be passed by vote of six (6) of the members of the School of Medicine Grievance Committee.
- 4. Any amendment which has been passed must be approved by the JRB Standing Committee on Procedure prior to implementation.

5. Upon implementation of the amendments(s), the Grievance Committee shall inform all members of the faculty and staff, in writing, of the changes.

The above Grievance Document for the School of Medicine was approved, with modification, by the Judicial Review Board on April 30, 1980, as transmitted in a letter dated May 8, 1980, from Elizabeth Slusser Kelly, Chairperson, Standing Committee on Procedure, Judicial Review Board. The Springfield Faculty Council accepted the Grievance Procedure, as modified on June 27, 1980; the Executive Committee of the School of Medicine approved it on July 7, 1980; and the Dean and Provost of the School of Medicine approved the Procedure on July 30, 1980. The Procedure was modified, at the request of the School of Medicine, by the Judicial Review Board on October 28, 1982.

October 28, 1982