

## *Council of Academic Professional Grievance Procedures and Guidelines for Potential Academic Professional Grievants*

CAP actively advocates for APs. However, we have been given the specific charge by the Chancellor and the University of Illinois to investigate AP grievances with total impartiality, and make recommendations based on the facts. This prevents CAP from being an advocate for any grievant.

### **Attached:**

- **Flowchart - CAP Grievance Procedure**
- **Grievance Checklist for Possible Conflict of Interest**
- **Example Grievance**

### **I. Introduction**

The Council of Academic Professionals (CAP) strongly encourages attempts to resolve problems through informal discussions at the lowest possible administrative level, typically with the academic professional's immediate supervisor. Such discussions may progress to higher-level administrators when resolution cannot be accomplished. The CAP believes amicable mutual settlement of issues is preferable to formal grievance procedures, because such settlement is more conducive to a satisfactory continuing employment relationship.

Any academic professional may approach any member of the CAP for informal advice, consultation, and/or mediation. Academic Human Resources (<http://webster.uihr.uiuc.edu/ahr/default.asp>) and the Faculty/Staff Assistance Program (<http://www.admin.uiuc.edu/fsap/>) are other valuable resources when seeking advice and/or help in resolving a problem informally.

Formal grievance procedures should be invoked only after good-faith informal efforts have left part or all of the problem unresolved.

NOTE: The CAP makes every effort to expedite the grievance but a variety of factors influence the length of the procedure. Generally the grievance process requires a number of months to complete.

### **II. Grievable Matters**

The Council of Academic Professionals (CAP) subscribes to the tenets of the Rothbaum Committee Report<sup>1</sup> as they relate to the evaluation of individual behavior and/or circumstances of employment. Grievances are evaluated based upon:

- the behavior of individuals and/or the circumstances of employment in the context of the **contract of employment;**<sup>2</sup>

- **generalized concepts of good management practice**, such as those which require that employees be adequately informed of their duties and of the quality of their performance via written performance reviews; and
- **generalized concepts of appropriate and traditional reciprocal courtesies** which attend professional employment. Affirmatively, such courtesies dictate a spirit of mutual respect and cooperation, while negatively, they proscribe conduct that interferes with the effective performance of the duties and responsibilities of others.

These tenets form the cornerstone of the CAP approach to conflict resolution and also define those issues which are within CAP's purview when evaluating a grievance.

Current law and/or University policy prohibits discrimination or harassment by reason of race, color, religion, sex, sexual orientation, national origin, ancestry, age, marital status, disability, unfavorable discharge from the military, or status as a disabled veteran or a veteran of the Vietnam era. The procedures for complaints and grievances based on these reasons are outlined in the *Policy and Procedures for Addressing Discrimination and Harassment*. Grievances or complaints alleging discrimination should be referred to the Office of Equal Opportunity and Access (<http://www.eoa.uiuc.edu/>).

### **III. Filing Procedures**

A grievance shall be presented within six months after the circumstances prompting the grievance have taken place or after the academic professional becomes aware of the grounds for the grievance. Only in unusual cases will grievances be considered if filing is delayed more than six months.

- The grievance must be presented in writing to a member of the CAP.
- The main body of the grievance should not exceed five pages in length; supporting data and documents should be placed in an appendix.
- The grievance shall be organized in the following way:
  1. Brief opening statement: Summarize the issue(s) at hand and the remedy (remedies) sought.
  2. Complete Description: State the the grievance with explanatory or descriptive material. Convey facts in chronological order with names, dates, and places where appropriate.
  3. List all informal efforts undertaken to resolve the grievance and the results.
  4. If different from 1), above, state precisely the remedy (remedies) sought.

### **IV. Processing Procedures**

- Typically, the CAP will consider a newly submitted grievance at its next regularly scheduled meeting which generally occurs on the first Thursday of each month. In closed session the CAP will determine whether the grievance is within its purview and merits investigation. If so, the CAP will instruct its Chair to attempt to resolve the matter with appropriate University authorities or appoint another CAP member to do so, or

- to appoint a committee to review the grievance and make recommendations to the CAP based on the committee's findings and conclusions. If a grievance is accepted, a grievance committee may be appointed. The grievance committee is appointed by CAP and consists of a chair and two other CAP members (although one of the committee members may be an academic professional who is not a member of the CAP). Grievance committee members may not have any personal connection with parties involved in the grievance and may not be from the grievant's district.
- The grievant will receive notification from CAP as to whether or not his/her grievance has been accepted. If accepted, the notification letter will indicate the names of the chair and other committee members appointed to investigate the grievance. The Chancellor or the President and the appropriate unit executive officer will be copied on this letter.
- If accepted, a separate letter will be sent to the appropriate unit executive officer advising him/her that a grievance has been filed. This letter will include the name of the grievant and bullet points summarizing the allegations. No details of the allegations will be offered in this letter. The grievant will be copied on this letter.

## **V. Investigative Procedures**

Any grievance material and statements coming before the committee and the CAP will be held fully confidential by all members to the extent allowed by law and University policy. Any public statement by the CAP concerning a grievance shall be made only by the Chair or the Chair's designee and shall have prior approval by a majority of the Council.

The grievance committee investigates the grievance, typically by:

1. requesting permission of the grievant to review the appropriate personnel files and
2. interviewing the grievant and any others who may be expected to inform the committee about the grievant's employment situation;

NOTE: The committee's investigation is impartial and non-legalistic in approach, with the goal of collecting information rather than providing a forum for confrontation and rebuttal. In this spirit, the committee normally conducts interviews with individuals in a closed-door setting. Any witness who chooses to attend with someone else in support needs to inform the committee chair of that intent and receive approval from the committee chair.

The University strictly prohibits and will not tolerate reprisals or retaliation against any person due to participation in a grievance investigation<sup>3</sup>.

## **VI. Reporting Procedures**

- **Preliminary Report:** Following appropriate investigation, the committee will report, in closed session, to the CAP. The CAP will then propose an appropriate remedy or remedies. Among its possible actions, the CAP may:
  1. dismiss the matter,
  2. direct the Chair or the committee to conduct further investigations,
  3. direct the Chair or the committee to attempt to resolve the matter,
  4. communicate its conclusions and recommendations to the grievant, and as appropriate, to others involved in the case or officially concerned with its outcome.

The CAP recommendations are not restricted to the grievant's requested remedy. CAP recommendations may include but are not limited to specific suggestions related to the grievant's requested remedy, suggestions for changes or review of University policies and procedures related to the grievance, or a suggestion that no further action be taken.

Upon the recommendation of the CAP, affected parties **shall be provided a copy of the written report and shall have 14 working days from the date notification is received to inform the grievance committee**, in writing, of additional relevant information or of errors of fact that may have influenced the committee's recommendations. The committee will consider such additional information before making its final recommendation to the full Council.

- **Final Report:** Upon formal acceptance of the committee's report, the CAP will communicate its conclusions and recommendations, in writing, to the grievant, the Chancellor or President and, as appropriate, to others officially involved in the case or concerned with its outcome.
- **Decision Process:** The Chancellor or the President makes all final decisions in grievance cases. The grievant may appeal the decision to the Chancellor or the President directly. There is no formal appeal process.

The Chancellor or the President shall inform the CAP Chair and grievant in writing of the final disposition of the case when the decision has been reached. If the Chancellor or President chooses not to endorse a CAP recommendation, CAP may request a meeting.

### **FOOTNOTES:**

1. Report of the Special Committee on Professional Personnel (Rothbaum Committee), March, 1973. This committee produced the report which first recommended establishment of the Professional Advisory Committee. In that report, it is stated that:

*There are five basic sources against which the behavior of individuals or the circumstances of employment can be evaluated:*

*The contract of employment;*

*Overriding legal requirements, such as those prohibiting discrimination on the basis of race, religion, or sex;\**

*Generalized concepts of good management practice, such as those which would dictate that employees be adequately informed of their duties and of the quality of their performance;*

*Generalized concepts of the traditional responsibilities of employment, such as those which would dictate that employees perform their assigned tasks in a conscientious and competent manner,*

*Generalized concepts of appropriate and traditional reciprocal courtesies which would attend professional employment, such as those which, affirmatively, would dictate a spirit of mutual respect and cooperation, and negatively, would proscribe conduct that would interfere with the effective performance of the duties and responsibilities of others.*

\* Current law and/or University policy prohibits discrimination or harassment by reason of race, color, religion, sex, sexual orientation, national origin, ancestry, age, marital status, disability, unfavorable discharge from the military, or status as a disabled veteran or a veteran of the Vietnam era. The procedures for complaints and grievances based on these reasons are outlined in the *Policy and Procedures for Addressing Discrimination and Harassment*. Grievances or complaints alleging discrimination should be referred to the Office of Equal Opportunity and Access (<http://www.eoa.uiuc.edu/>).

2. For information concerning your contract of employment, go to the NESSIE login (<https://nessie2.uihr.uillinois.edu/cgi/bluestem/doc.pl/sec-nessie/benefits/tsa/login.html>). Login, then go to the FILE tab, and then Notification of Employment.

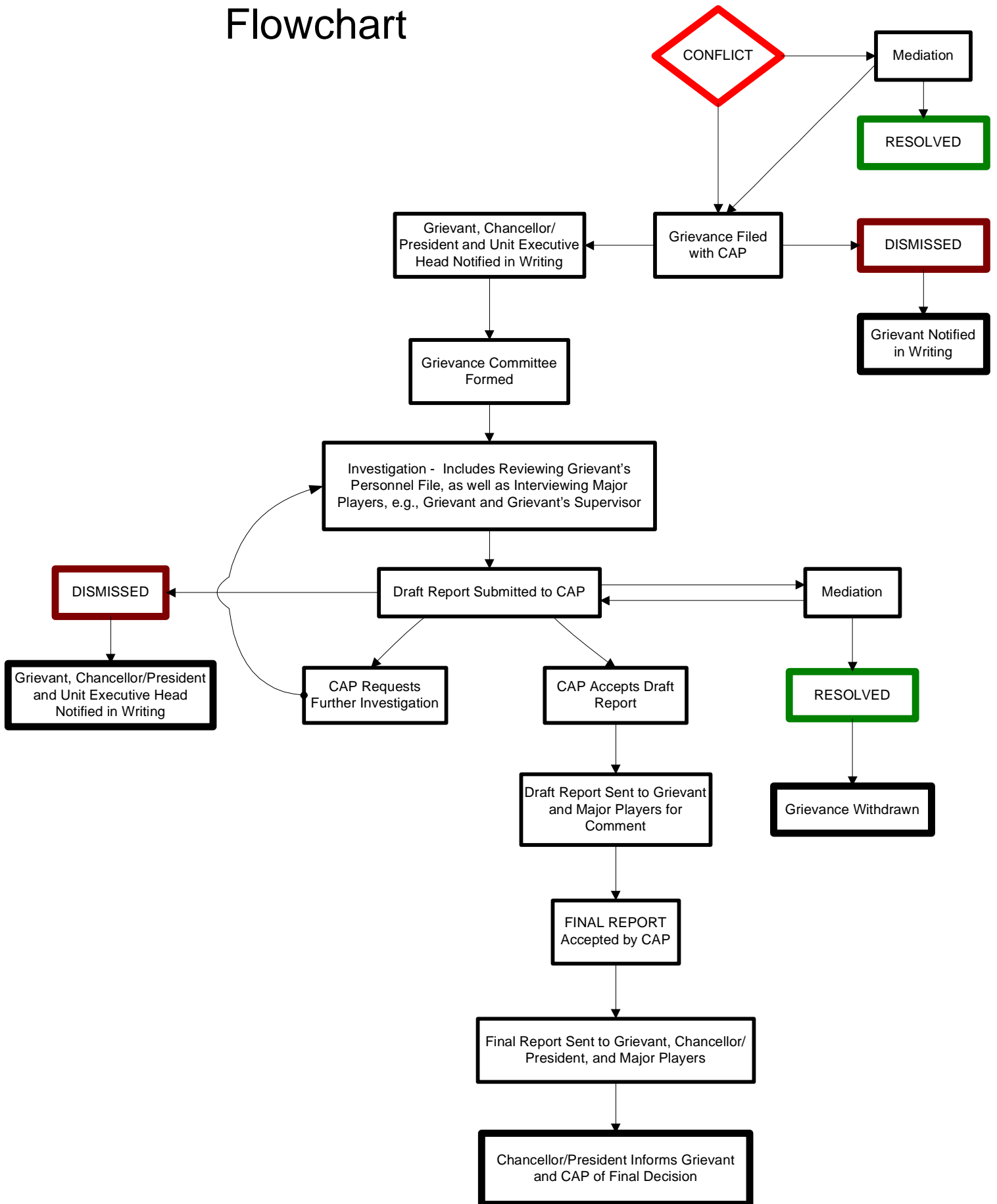
3. The Campus Conduct Information (<http://www.provost.uiuc.edu/campusconduct/>) includes a retaliation clause found via the policies and procedures link (<http://www.admin.uiuc.edu/cam/CAM/ix/ix-b/ix-b-3.html>) at the bottom of each Campus Conduct webpage. That clause states: “**Retaliation.** The university strictly prohibits and will not tolerate reprisals or retaliation against any person due to their participation in these procedures.”

A retaliation policy is also stated under the Unfavorable Discharge from the Military, Status as a Disabled Veteran or a Veteran of the Vietnam Era webpage (<http://www.provost.uiuc.edu/campusconduct/military.html>): “Retaliation: The University strictly prohibits and will not tolerate reprisals or retaliation against any person due to their assertion of their protected civil rights, including the filing of internal complaints of discrimination or complaints filed with Federal or State civil rights enforcement agencies”.

If an employee believes they have been retaliated against, they should contact AHR.

4. For grievances arising from and involving Urbana-Champaign campus employees, final decisions rest with the Chancellor. For those arising within Central Administration units, final decisions rest with the President of the University.

# CAP Grievance Procedure Flowchart



Approved May, 6, 2004

CAP Grievance  
Checklist for Possible Conflict of Interest

This checklist is a method by which to determine if anyone has any information \*at all\* about the grievance or the participants.

If so, it must be disclosed (if not the information, then the type of information). This disclosure will help the CAP members decide whether they should recuse themselves from the grievance deliberations and votes. CAP's bylaws give the Council the right to remove members from grievance deliberations and votes.

1. Do you have a professional relationship with the grievant or people mentioned in the grievance that would make it inappropriate for you to consider this grievance (supervisor/employee, frequent collaborator, frequent user of services)?
2. Can you be impartial and objective regarding discussion of the grievance?
3. Do you have a personal relationship with the grievant, people mentioned in the grievance, or a member of the grievant's family that would preclude you being able to consider the grievance objectively?
4. Could the grievant or grievance have an impact on the operations your unit?
5. Do you have any knowledge of the grievant or the situation leading to the grievance that would help the committee in its deliberations?

## CAP EXAMPLE GRIEVANCE

NOTE: This example contains the elements required from Council of Academic Professional Grievance Procedures and Guidelines for Potential Academic Professional Grievants

<http://www.cap.uiuc.edu/pages/griev.html>

The grievance shall be organized in the following way:

1. Brief opening statement: Summarize the issue(s) at hand and the remedy (remedies) sought.
2. Complete Description: State the grievance with explanatory or descriptive material. Convey facts in chronological order with names, dates, and places where appropriate.
3. List all informal efforts undertaken to resolve the grievance and the results.
4. If different from 1), above, state precisely the remedy (remedies) sought.

DATE: December 4, 2001

TO: Council of Academic Professionals

FROM: John Doe

REGARDING: Request to hear a Grievance against Jane Smith

I allege that my supervisor, Jane Smith, terminated my appointment without sufficient documented justification. She did not inform me of any problems with my work or attitude. The notice of nonreappointment letter (attached, dated November 20, 2001) states that the reasons for the termination were:

*“Your performance has been problematic since my appointment as Director of Handling. There have been numerous complaints about your attitude from both our customers and other staff. A discussion of these problems two months ago failed to result in any positive changes in your job performance and attitude. Your performance and attitude show no sign of improvement and continue to impact our ability to satisfy our customers in a friendly and supportive fashion.”*

If there were problems, I was not presented with the opportunity to correct them. The last (and only) performance evaluation I received from Ms. Smith was six months ago (attached) and was uniformly positive -- note the overall rating of satisfactory. Nor did Ms. Smith discuss any problems with me at that review.

After receiving the notice of nonreappointment, I met with Ms. Smith on Nov. 26, 2001, and asked her to explain why the reasons given for the termination in the notice of nonreappointment were never brought up in my performance evaluation. She stated that the complaints had occurred after the performance evaluation. I asked why she had stated that a discussion of these problems had taken place two months ago. My remembrance of that meeting was that we discussed some issues that could improve my performance, but not that there had been any complaints or any problems with my performance. She stated that we obviously had completely different impressions of what took place at that meeting. She then refused to answer any of my

other questions, or continue the discussion. I attempted to meet with her about this again, but she refused to schedule a meeting.

I have been employed at the University for fifteen years, and for the last seven have been the Assistant Director of Handling. I am very good at what I do, as my history of performance evaluations will show.

My requested remedies are:

- 1) Reinstatement in my position and withdrawal of the terminal contract.
- 2) An apology from my supervisor, Ms. Smith, for the hardship in my personal and professional life the termination has caused.

I am asking the Council of Academic Professionals to hear my grievance and investigate my termination. I know that a fair and equitable response from CAP will allow me to get my life back on track as soon as possible. Thank you in advance for your advice and help.

Sincerely,

John Doe  
Assistant Director of Handling