

Volume E1: Employment/ Hiring	E1.05.1 Non-Negotiated Employee Discipline Appeal Effective Date: 07/12/2012 Last Revised: 02/10/2020 Date of Next Review: 02/01/2025	Responsible Office: Office of Human Resources
Chapter 05: Grievance Procedures		Responsible Officer: Director

POLICY STATEMENT

Northeastern Illinois University (NEIU) provides an appeal process for disciplinary action for non-negotiated Civil Service and Administrative and Professional employees.

PURPOSE OF THE POLICY

This policy provides the discipline appeal process, other than for terminations, for all non-negotiated Civil Service and Administrative and Professional (A & P) employees.

WHO IS AFFECTED BY THIS POLICY

Northeastern Illinois University employees who are not subject to the terms of a collective bargaining agreement.

DEFINITIONS

Appellant – an employee in a non-negotiated status position who has successfully completed the initial probationary period and files a discipline appeal.

Appeal – a petition to review a disciplinary action (oral, written, or suspension).

Authorized Representative – University employee chosen by appellant to attend meetings.

Day – established by the University as Monday through Friday, excluding holidays.

Time Extension – any of the time limits contained herein which may be extended, in writing, by mutual agreement of the parties, at any step and discussed with the Director of Human Resources.

Standing Discipline Review Committee - the Committee is composed of five (5) members who will serve a two (2) year term and are appointed by the University President. The appointments are as follows: the Director of Human Resources, two (2) Civil Service employees with one (1) alternate and two (2) Administrative and Professional (A&P) employees with one (1) alternate. The Chair will be elected from the committee members and will serve a two (2) year term.

REGULATIONS

[Board of Trustees Regulations, Section II. Employees, Subsection C. Civil Service, C. 5., 6.](#)

[Statute and Rules of the State Universities Civil Service System](#)



PROCEDURES

1. GENERAL PROCEDURES

To establish the Standing Discipline Review Committee, a request will be made by the Director of Human Resources to the Civil Service and A&P Councils to make at least five (5) recommendations to the President for selection. The individuals recommended do not need to be members of the Councils, but must be individuals represented by these Councils. These recommendations are given to the Vice President for Finance and Administration to discuss with the President.

The names selected, including the alternates, will be given to the Director of Human Resources who will notify the councils and their supervisor, and send memos to each employee announcing their appointment. An appellant has a right to be accompanied by a University employee of the appellant's choice. This employee may advise the appellant and may speak for the appellant during this process.

If, at any step, no answer is received within the specified time, the appellant may give notice and proceed to the next step unless the parties have mutually agreed in writing on a time extension. If the appellant fails to initiate a step in the appeal process within the specified time, the appeal is terminated, unless the parties have mutually agreed in writing on a time extension.

An appeal may be withdrawn at any step, but, if withdrawn, the appeal may not be reopened. No retaliation shall be taken against an employee for filing an appeal or participating in an appeal.

When an appellant, authorized representative, witness, or Standing Discipline Appeal Review Committee member attends a hearing required by this procedure during regularly scheduled work time, the person shall be released without loss of pay for the length of that meeting. Night shift employees appearing before a hearing panel during the day will receive an equal amount of time off during their regular shift, to be taken with the approval of their supervisor. However, no employee shall be compelled to attend any hearing; any such appearance is voluntary.

All participants in the appeal process will hold all information pertaining to the appeal in confidence, except to the extent required by law. The Committee hearing is closed to anyone other than those directly involved in the process.

Members of the Standing Discipline Review Committee may not hear a particular appeal if their participation on the Committee may constitute a conflict of interest or the appearance of a conflict of interest. Employees in the same department as the appellant, members of the family or household of the appellant, or participants in the discipline leading to the appeal will not serve on the Committee. Should neither the committee members nor the alternates be available to participate in a hearing, the President shall appoint an alternate (Civil Service or A&P) committee member for the appeal where a conflict of interest exists.

Note: In the event a disciplinary action involving a suspension without pay is requested by a supervisor, all appeal steps will be exhausted before the employee begins suspension. There are exceptions when it is necessary to suspend immediately. Any exemption must be approved by the appropriate Vice President.

2. APPEAL PROCEDURES

The appellant shall reduce to writing the nature of the appeal on the discipline appeal form (Appendix A) provided by the Office of Human Resources within five (5) workdays after the disciplinary action has been initiated. The appellant shall state in the appeal the resolution requested, provide all relevant information in support of the appeal, and list witness names (if applicable) who will support the appeal. This appeal must be submitted to the next level above the supervisor. This administrator, or designee, shall meet with the appellant within five (5) workdays after receipt of the appeal and investigate the appeal and submit a response.

If the appellant is not satisfied with the response given by the administrator, the appellant may advance the appeal to the Standing Discipline Appeal Review Committee within five (5) workdays after receipt of the response. This appeal is submitted in a sealed envelope to the Director of Human Resources.



The Director of Human Resources shall immediately forward this appeal to the Chair of the Standing Discipline Appeal Review Committee. The Committee shall convene within five (5) workdays to review the concerns related to the appeal and render a decision on the merits of the appeal: sustaining the discipline, reducing discipline, or overturning the discipline.

If the appellant is not satisfied with the response given, the appellant may contact the Director of Human Resources to advance the appeal to the appropriate Vice President within five (5) workdays. If the administrator is the Vice President; the Director of Human Resource will direct the appeal to another Vice President for final resolution. The Vice President shall investigate the appeal and submit a final answer within five (5) workdays of its receipt. Copies of the decision shall be sent to the appellant, the Chair of the Committee, the Director of Human Resources and the Department Head. This decision is final.

3. EXCLUSIONS

Employees who have a grievance regarding questions of interpretation or application of Regulations established by the University or State Universities Merit Board must use Administrative Memorandum #26.

Employees who want to file an allegation of discrimination on a legally prohibited basis (such as race, color, religion, sex, sexual harassment, national origin, age, disability, sexual orientation, marital status, veteran status) must utilize the Director of University Outreach and Employment.

Performance evaluations are not disciplinary actions. Employees have the right to provide a formal response to a performance evaluation to be included as part of their personnel file.

An appeal may not be filed by a Civil Service employee regarding any matter that would otherwise be subject to an appeal process through the State Universities Merit Board Rules (Section 250.110). Disciplinary action, except dismissal or demotion may be appealed through this process. Dismissal and demotion appeals continue to be administered by the State University Civil Service System (SUCSS).

If prior to filing an appeal hereunder, or while a formal appeal is in progress, an appellant seeks resolution of the matter in any external agency, whether administrative or judicial, any right to proceed through the procedure set forth herein will be waived.

AUTHOR REFERENCE

NEIU Board of Trustees Governing Policies

HISTORY

02/10/2020 – updated policy template. No other revisions recommended
 08/27/2013 – Revised; revised policy code number
 Formerly Administrative Memorandum No. 74 – Non-Negotiated Civil Service Employee Discipline Appeal Procedure, effective dated 06/12/2003

APPENDIX

Appendix A – Non-Negotiated Discipline Appeal Form

CONTACT INFORMATION

Please direct questions or concerns about this policy to:

Contact	Phone	Email
<i>Director of Human Resources</i>	<i>(773) 442-5200</i>	m-maso@neiu.edu



DISCLAIMER

The University reserves the right to modify or amend sections of this policy at any time at its sole discretion. This policy remains in effect until such time as the Responsible Officer calls for review. Requests for exception to any portion of this policy, but not to the policy statement, must be presented in writing to the Responsible Officer.



**NORTHEASTERN ILLINIOS UNIVERSITY
DISCIPLINE APPEAL FORM FOR NON-NEGOTIATED EMPLOYEES**

Date: _____ Department: _____

Name: _____

Supervisor's Name: _____

Title: _____

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Nature of appeal: (describe all facts of the situation). Use reverse side if necessary.
Attach any documentation.

Discipline: Provide relevant information in support of appeal. **Specify the corrective action desired:**

Witness Names:

Employee Signature: _____ Date: _____

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Received (i.e., date-stamped) by the Office of Human Resources

For step two: Received by Committee:

Signature Date